

APPROVED

**Joint Sewer IMA Review Committee
September 18, 2013**

10:15AM

Present: Mark Jamieson, IMA Review Committee
John Stone, IMA Review Committee
Andy Burbine, IMA Review Committee

David Norton, City of Brockton, DPW
Michael Thoreson, City of Brockton, DPW
Larry Rowley, City of Brockton, DPW

Also Present:

Caitlin Leach, Assistant City Solicitor, City of Brockton
John Condon, CFO, City of Brockton
Jeanne White, Executive Assistant, Abington
Chris Petrini, Special Counsel, Abington
Phil Nesserella, City Solicitor, City of Brockton

The meeting convened at approximately 10:15 AM.

Caitlin Leach introduces Phil Nessralla the City Solicitor for Brockton to everyone and explains he will be sitting in on the meeting.

The members review the minutes from the July 23 Joint Sewer IMA Review Committee meeting. Andy Burbine moves to approve the minutes. Mike Thoreson seconds. All in favor 6-0 Unanimous.

The members reschedule the next meeting from 10/16 until 10/17 at the Brockton Water Department at 10:00 am all approve by consensus.

John Stone states that the FY 2012 Brockton invoice provided by Brockton has been received and acceptable to Abinton.

Chris Petrini explains that the Abington committee reviewed Brockton's response and says if we cannot settle we will have to go to litigation. He states three things:

1. He explains that Abington is paying over two times the cost of anyone else.
2. He states that Abington's share of Brockton's cost is inflated. He says that Brockton's rate is based on Abington using the entire system but we only use a portion of the system.
3. He asks if there is a number between the 7.5 million and the 1.5 million exit fee payment to Brockton would work.

At 10:35 – Brockton and Abington go into caucus.

The committee returns to open session at 11:00

Phil Nesserella thinks that Brockton's number of 7.5 million for an exit fee was a very good number. He states that they should move beyond that because if they go lower then Brockton will be at a disadvantage.

Caitlin Leach addresses the three points that Chris Petrini made.

1. Ms. Leach Disagreed that Abington was paying two times more than it should pay. The double cost – She wishes we had documentation to support that because she cannot see how that is possible.
2. Brockton's share of I&I is not inflated – Ms. Leach explains that when Abington's Flow is metered it is done so at the plant. She explains how Brockton has tightened up their system with I&I.
3. Abington only uses a small portion of pipe – Caitlin explains that Brockton doesn't charge any user by how many miles anyone lives away from the actual plant.

Mr. Condon wants to talk about the I&I comment. When Brockton prepares the bill it is based on metered flow at the plant. Flow at the plant went down so that Abington's flow went up. He recommends we spend time on I&I so we can reduce our flow and explains that it is metered at the plant not at the individual house.

Mr. Condon further notes that Abington should look at this in a practical matter. Abington wants to reduce its cost increase the flow at the plant. If court says yes to Abington's case then what will happen to the other ½ million gallons Brockton gave Abington in 1998. If the court rules to remove the transport fee then you would have to remove the additional gallons. With the City's offer we get to the 1.5 MGD and if we direct connect we could still be charged the same flow.

Ms. Leach explains that they are here in good faith and they honestly could not support something that is a disadvantage to the City. Mr. Petrini explains that Abington supports a settlement, but that it will take time for Abington to get the return on their investment.

Phil Nesserella says if we pursue this what is the best and worst that could happen. He states that no court will force a direct connect. Mark Jamieson asks if the 7.5 is now back on the table and Brockton agrees that it is back on the table.

Mike Thoreson explains the difference between the water meter numbers and the flow numbers at the plant. He says he will bring those numbers to the next meeting what amount is for billing and what amount gets treated.

Mark Jamieson asks when Whitman's IMA expires and Brockton replies July 2014.

Mark Jamieson makes a motion to adjourn John Stone seconds. Unanimous in favor 6-0.