

1/12/10

**CITY OF BROCKTON
WATER COMMISSION
Minutes
January 12, 2010**

Present: Stephen T. Pike, Chairman/Commissioner
Bruce Malcolm, Commissioner
Craig Pina, Commissioner
Larry Rowley, Superintendent of Utilities
Michael L. Thoreson, DPW Commissioner
Brian Creedon, Water Systems Manager
Alisa Hambly, Secretary

Absent: William Work III, Commissioner

Mr. Pike called the meeting to order at 8:07 A.M., noting that a quorum is present and the meeting is being recorded. Mr. Pike thanked the Commission for their participation and commitment; and stated the reason the Commission has not heard from him regarding the letter received from the City Council is because the communiqué was directed to the members of the Water Commission and there were items that were included that should only be discussed in an open meeting, as such he has no intent in responding to anybody by phone, email or otherwise. Suggested that perhaps the Commission acknowledge receipt of the letter; however, he has not decided whether to respond to the letter, does not believe it was an official communiqué of the City Council as it was not discussed in an open meeting. It is Mr. Pike's interpretation of the open meeting law that you cannot write this type of letter and would not ask that any commissioner ever write a letter and ask everyone sign it outside a meeting; however independent individual letters can be signed and sent. The public has a right to transparency.

Mr. Pina moved to waive the reading of the December 15, 2009 meeting minutes. This motion was seconded by Mr. Malcolm and so voted unanimously by the Commission.

Mr. Malcolm moved to approve the December 15, 2009 meeting minutes, subject to any clerical corrections. This motion was seconded by Mr. Pina and so voted unanimously by the Commission.

Mr. Pike called for a report from the **DPW Commissioner. Mr. Thoreson reported** that the first cut (salaries, services etc. contractual obligations) of the FY11 Budget been distributed and is due on the 21st; the capital portion is due later. Informed the Commission that he has heard that the City is high enough on the list that we will be authorized funding for the meter program; if we are on the green list there is a principal reduction for a portion of it; the Intended Use Plan is due out and CDM is going to be instructed to move forward and prepare the bid packages. Mr. Pike stated that he is concerned about the future of the meter readers once the new system is installed. Mr. Thoreson stated that these positions will be redefined. Mr. Rowley stated that the meter readers are reading approximately 15,000-18,000 meters a quarter.

Mr. Pike called for a report from the **Superintendent of Utilities. Mr. Rowley reported** that December's monthly and the yearly report have been provided. Mr. Pike questioned if the revenues are included in the operational budget. Mr. Rowley stated that the monies go into retained earnings. Mr. Pike suggested that we budget for the replacing the items that we're expensing. Mr. Rowley also reported that they have discovered two 1¼" mains on Greenbrier Rd and Litchfield Terrace that need to be replaced. Regarding staffing, currently down 1 position, a mechanic transferred back to the Highway Department, we are discussing how this will be filled.

Mr. Pike called for a report from the **Water Systems Manager. Mr. Creedon reported** on the flows stating that the flows are high and there are a lot of flooding basements due to vacant houses. The average total finish for the month is approximately 10.5, which is traditionally higher due to breaks. Furnace and Monponsett Pond are not being diverted; however flow is still occurring through the sluice gate. Aquaria has been steady with no problems other than a telecommunication problem. Mr. Rowley noted that Aquaria has been given permission to run all night due to the cold temperatures to keep the water moving.

1/12/10

Mr. Pike opened the meeting for **New Business** and discussion of Posting of Meetings, and stated that the new open meeting law goes into effect on July 1st; noted that the staff needs to keep the Commission informed relative to anything to do with conduct of meetings and conflict of interest laws, etc., would assume that the City Clerks Office would inform the Departments on any changes that are relative to these changes. Mr. Pike requested that the staff ensure that the Commission is in compliance. Regarding the posting of meeting, the new law requires that agendas be posted in advance; there has been ongoing discussion on when to have meetings as there is no convenient time for either staff or the Commissioners, however the Commission is open to have meetings at a time that would be convenient for the public, a copy of the open meeting law has been included in the meeting information and will remain in the books. The Commission will continue to be accommodative and add to the agenda until such time as we are told we cannot. Regarding the process of water system connection applications we are empowered by the City Council by Ordinance and serve on behalf of the public and there is no problem with having the public aware of the agenda. Ms Hambly has a requirement that according to the rules and regulations a permit application must be submitted 7 days prior to a meeting, and in an emergency the staff has accommodated. Effective immediately, water connections, except in emergencies (so described in the minutes of the meeting) would need to be posted on the agenda 48 hours in advance. Mr. Creedon stated that a preliminary agenda is now being posted in the City Clerks office as well as on the website; would like permission to post the minutes on the website. Mr. Creedon noted that the City Council agenda was not posted until the day of the meeting and that the council president did not have access to the agenda. Mr. Pike stated that this did not stop the members of the City Council from disparaging our lack of a publicly available agenda. Mr. Pike requested a motion that water connections except in emergency cases need to be on the preliminary agenda and any emergency connection that is voted will be temporary and will be finalized at an upcoming posted meeting. Also, any rate hearings need to be listed on the agenda. Also one of the things requested in the letter from the City Council, being an unofficial communiqué, was that they receive individual notices on what is going to be on the agenda, he has instructed Ms Hambly that the only way to fairly do this is to post at the point it has to be posted by law and to have it put on our website, this is the only notice that will be done, individual communiqués are not going to be sent as it is easy to say it was not received.

Mr. Pike stated that the Commission will be working with the general agreement that water connection hearings by mandate of the Chair will be posted on the preliminary agenda; requested that Mr. Creedon have in writing what is being changed in our Rules & Regulations.

Mr. Pike opened the meeting for discussion of a **bill dispute**, Mr. Creedon stated that a letter was received from Massasoit Community College requesting that a bill be adjusted as the meter was previously removed and the account should have been inactivated in 1997. Mr. Pike questioned when the meter was removed, and stated that it needs to be verified that there isn't any water for this area and that if the city made a mistake, it be rectified, also a letter needs to be sent stating that there this will be discussed at a future meeting. This item is **Tabled**.

Mr. Pike opened the meeting for **Old Business** and discussion of the following:

- **Current Year Budget Report.** Mr. Creedon stated that we have raised approximately \$8,000,000 in revenues; presently preparing the preliminary FY11 budget, which will be provided, capitals will be discussed. We are at approximately 50% of the projected revenues and are expected to reach our projection of \$16,000,000.
- **Aquaria** – Mr. Piqueres has left and Mr. Andres will be taking over for him. Currently receiving between 300,000-400,000 gpd. Mr. Pike reminded Mr. Creedon to be aware that the fixed costs for desal will be going up and this needs to be included in the budget.
- **Shut off Policy** – discussion, the Commission agreed that any policy be an ordinance and not just added to our rules.

Mr. Malcolm moved to approve the shut off and abatement procedures and recommend that these be submitted to the City Council to add to the City Ordinances. This motion was seconded by Mr. Pina, and so voted unanimously by the Commission.

- **Irrigation Meters/system** – Mr. Rowley informed the Commission that the Solicitor's Office is reviewing the information sent to them and we are awaiting a decision.
- **Meter Replacement** – previously discussed, Mr. Thoreson will inform the Commission as soon as the list is received.

1/12/10

Mr. Pike opened the meeting for **Other Business**. Ms. Hambly questioned increasing the rates for the Gables; according to their contract their rates can be increased based upon the most recent consumer price index with 30 days notice. Mr. Pike suggested that the Gables be included in any future rate hearings.

Mr. Rowley informed the Commission that he wrote a letter to the **Abington Fire Chief** informing them that the meter located at the Gables is not rated for fire protection and could fail during a fire; this is in accordance to Regan Supply. We received a letter in response stating that the City is responsible for replacing the meter. Mr. Pike stated that the City is not responsible for changing commercial meters and they have been notified that the meter is not compliant. Mr. Rowley requested that the information be sent to the Solicitor's Office.

Ms Hambly stated that the **Housing Authority** has requested that all committed interest be removed on certain bills, a letter was previously written to remove any/all interest on bill issued prior to June 2009. Mr. Pike requested that a letter be written informing the Housing Authority that as they were previously informed the Water Commission agreement only pertained to water interest and any other issue has to be addressed to the Tax Office.

Mr. Pina questioned the status of the Ellis Street bill dispute; Ms Hambly stated that a draft letter has been done stating that there no justification for any adjustment for the period in question.

The Commission decided that the next meeting would be on February 2, 2010 at 8:00 AM.

Mr. Pina moved to adjourn. This motion was seconded by Mr. Malcolm, meeting adjourned at 9:28 A.M.

Respectfully submitted:

Alisa Hambly
Secretary
Water Commission

Certified by:

Brian M. Creedon
Water Systems Manager
Clerk of the Commission