

5/20/10

**CITY OF BROCKTON
WATER COMMISSION
Minutes
May 20, 2010**

Present: Bruce Malcolm, Chairman/Commissioner
Peggy McGrath, Commissioner
Patrick Quinn, Commissioner
Larry Rowley, Superintendent of Utilities
Michael L. Thoreson, DPW Commissioner
Brian Creedon, Water Systems Manager
Alisa Hambly, Secretary

Absent: Ossie Jordan, Commissioner

Attending: Carolyn LaMarre, TRWA
Michelle DuBois, City Council
Albert Murray
Loretta Murray
Jeff Hanson
Geraldine Creedon
Kathy Monsini
Sylvia L. Costello
Chris MacMillan
William S. Zoino
Kate Archard
Thomas D. Monahan
Rep Mike Brady

Mr. Malcolm called the meeting to order at 9:04 A.M., noting that a quorum is present and the meeting is being recorded.

Mr. Malcolm requested a motion to move to New Business.

Ms McGrath moved to waive the agenda and move to the reapplication for Brockton Power. This motion was seconded by Mr. Quinn and so voted unanimously by the Commission.

Mr. Creedon noted that when a permit is issued it is given a six month window to complete the project; if not complete the applicant must file an extension with the Water Commission. The permit for Brockton Power ran out on May 15, 2010 and a letter requesting an extension was received on May 14, 2010; it has been explained to the applicant by email that the project by going before the citing board showed a change in methodologies and as such must reapply to the Commission. There is no action necessary by the Water Commission, however to respond to the request for an extension, a letter will be written that the Water Commission will require a reapplication by the petitioner. It was asked if what just happened voided the first application. Mr. Malcolm stated that the regulations voided the first application, when the six months expired.

Mr. Zoino questioned how much was previously approved. It was stated that 257,600 was approved. Mr. Zoino questioned if they were planning on applying for less. Mr. Thoreson stated that we do not know what they are going to do. Mr. Malcolm noted receipt of a letter from City Councilor Bob Sullivan who is in opposition of granting an extension.

Mr. Malcolm requested a motion to waive the minutes of April 29, 2010.

Mr. Quinn moved to waive the reading of the April 29, 2010 minutes, This motion was seconded by Ms McGrath, and so voted unanimously by the Commission.

5/20/10

Mr. Malcolm made a motion to accept the April 29, 2010 minutes subject to any clerical corrections. This motion was seconded by Ms McGrath, and so voted unanimously by the Commission.

Mr. Malcolm called for a report from the **DPW Commissioner**. **Mr. Thoreson reported** that the budget has been submitted. Also there was an article in the Enterprise which started with a billing question, then the water meter program. An ordinance is being prepared to access properties to replace the meters. The new program will replace the failing system, eliminating estimated readings, show increases and decreases in usage, etc. A bi-weekly meeting is held to discuss the various problems. Mr. Rowley stated that the meters that are currently being replaced are able to be retrofitted with whatever new system is selected. Mr. Quinn requested a list of addresses that have outstanding water bills. Mr. Thoreson, Mr. Rowley and Mr. Creedon stated that this information has to be obtained from the Tax Office as the Water Department does not know what is outstanding.

Mr. Quinn moved that the Water Systems Manager send a communication to the Treasurer to obtain a list of all outstanding water bills. No second. Ms McGrath requested a list of estimated bills. Mr. Quinn stated that he will contact Mr. Martelli for this information. Mr. Rowley stated that the current software does not have the capability to produce the reports that are being requested, this will be included in the new software. Mr. Monahan stated that the Gas company is using this type of system and they are 99% accurate, which means more cash flow.

Mr. Malcolm called for a report from the **Superintendent of Utilities**. **Mr. Rowley reported** that the report requested showing consumption and monies by block rate will be sent to the Utilities Division later today. A 2 inch water main on Manet Ave is being replaced with an 8 inch; connections are being made on Woodbine, the 2 inch main on Litchfield Terrace is going to be replaced. Hydrant flushing is complete which caused an increase of the flows; Whitman is currently flushing which will also cause an increase of our flows. Also the monthly report was included in the meeting information. Staffing is down one position, which is only funded for 6 months in the new budget.

Ms Dubois questioned what to tell constituents who have high water bills which are negotiated down, could this be due to a bad reading. Ms Hambly stated that bills are not negotiated down, but are adjusted by block. Mr. Creedon stated that most bills are due to the inability to obtain readings. Ms McGrath stated that the bottom line is that the readings need to be called in. Mr. Thoreson stated that the issue with the misprinted bills did not affect the actual readings the printer used old stock showing the wrong block rates on the back of the bills.

Mr. Malcolm called for a report from the **Water Systems Manager**. **Mr. Creedon reported** on the flows stating that the flushing program used approximately 3-4 MGD. Taking between 300,000 -400,000 GPD from Aquaria, Silver Lake has been about full and is beginning to come down; the running average is at 10.112MGD. Whitman takes about 9-10% of Brockton's water.

Mr. Quinn questioned how the torrential rainstorms affected the lakes and water flows? Mr. Creedon stated that flooding occurs in the Hanson area of Monponsett and dam management becomes an issue; also noted that a board was taken out of the Forge Pond dam. Weekly inspections of the dams are part of the weekly operations of Veolia. Mr. Quinn requested a copy of the written procedures. Mr. Creedon stated that he will request that Mr. Sessine attend an upcoming meeting to discuss various issues. Mr. Quinn questioned if there was any water management done to prepare the City for the storms. Mr. Creedon stated that the sluice dams were opened at Stump Brook and Forge Ponds allowing for greater flow; also began diverting and worked with Halifax.

Mr. Malcolm opened the meeting for **New Business and discussion on Aquaria**. Mr. Malcolm noted that the City has been taking 300,000 – 400,000 GPD from Aquaria to prove the operational ability of the plant and to promote sales to other areas, the City pays the contractual fixed rate obligation of \$349,000 and is also paying approximately \$13,500 per month for the water we're purchasing. Mr. Quinn questioned if there was a purging system if the water is not used to ensure quality. Mr. Hanson stated that it is 20 inch pipe, 16 miles long, with 1.5 million gallons in the pipe; this would have to be purged for 3 volumes, however it is a regulatory problem to get rid of the water when purging the system. It would take at least a week to purge the system and then provide water. Mr. Hanson stated that the permitting process for the Town of Norton to take water began in 2003, DEP/DEM granted the permit in 2008; now Mass Highway will not grant the permits for Norton to connect because it is not in the public interest. Brockton could be shut off if Norton was receiving water as the water would not be stagnant. Mr. Hanson stated that Aquaria is losing money on every gallon sent to Brockton. Mr. Creedon questioned who is in charge of active sales. Mr. Hanson stated that the original person was not successful currently they do not have anyone on staff doing sales; however Aquaria is paying him to sell water. Mr. MacMillan requested a copy of the contract; and stated that there is a contractual

5/20/10

requirement to sell water to other communities, as Mr. Hanson is a consultant and not an employees, he believes this may be a breach of contract. Mr. Hanson stated that the contract states that within the first three years from delivery date, Aquaria has to spend \$250,000 to sell water and the three years are not up yet. Mr. Hanson stated that he has had numerous conversations with the Tri-town water board; they are trying to sell water and have tried to sell water to the power plant, spoke with West Bridgewater, on the agenda in Bridgewater, met with Norton, meeting with Easton, meeting with the Taunton municipal power plant, due to the cost it isn't an easy sell. Mr. Quinn questioned how water could be sold directly to the Brockton power plant. Mr. Hanson stated that the water would be sold to West Bridgewater and they would sell water to the power plant or it could be sold through a direct pipeline as Advanced Power has an easement through W Bridgewater – the pipe would be direct from Aquaria's pipe to their plant. Mr. Malcolm stated that if we were paying Aquaria a rate equivalent to what it costs to purchase water from Silver Lake it would be more equitable and keep the line flushed, meeting the contractual obligation of providing water upon 12 hours notice. Mr. Hanson stated that they may not be interested as this would increase their loss. Rep. Brady asked if any state officials representing Norton or Brockton have been notified of the problem with Mass Highway relative to Norton obtaining permitting. Mr. Hanson stated that the letter from Mass Highway was received on Monday; the Norton Water Commission met and decided to contact Barney Frank. Rep. Brady offered help at the state level on this issue. Mr. Hanson stated that he would like to report back to the Commission after their meeting with Mass Highway.

Mr. Hanson noted that he has created a new water company called Mass Water, which is a regulated water company that would purchase water from Aquaria and market it to the Towns, this would purge the gap between the Spanish and Americans, Mass Water would take the responsibility of supplying customers. Mr. Creedon stated that there is an issue of a wheeling charge when supplying water to Holbrook; if water is sold by Aquaria this would reduce the fixed charge and brings in additional money with the wheeling charge; therefore financially it is better for Aquaria to sell the water. Mr. Hanson explained the different scenarios: if Aquaria wanted to sell the water to Holbrook, Aquaria would pay Brockton .15/1000 gallons, plus Brockton would receive 10% additional water for free for leakage, then Aquaria would sell water to Holbrook at delivery point water \$7.90, therefore the total cost for Holbrook would be \$8.40/1000 gallons; currently their rate base is around \$3.00. If there were an intermunicipal agreement with Brockton, Brockton could sell the water at whatever rate Brockton chose, it is more feasible for Brockton to sell the water. Ms LaMarre stated that the City is under a consent decree, there has been a water shortage for decades and Brockton has been abusing the Silver Lake system by taking water, part of the licensing hearing when Aquaria was being developed was to rectify some of the problems we created by using Silver Lake, thereby decreasing our dependence on Silver Lake; we have an obligation to take water from Aquaria. Mr. Creedon stated that the City has improved its infrastructure but also improved both the Silver Lake and Brockton Reservoir areas; the average daily basis is 9.1 MG; some of the issues spoken about were real issues that no longer exist. Mr. Rowley stated that he would like to stress the desal plant as the plant has never been stressed and contractually we have the right to take 2.1 MG; concerned that we do not know if Aquaria can provide the 2.1 MG on a steady basis if we ever had to shut down Silver Lake; the Commissioners approval is necessary to stress the plant.. Mr. Quinn questioned how much water and how long would the test be? Mr. Rowley stated that he would like to stress the system for 2 weeks ramping up the usage slowly; this would reduce the amount taken from Silver Lake. The fixed costs would stay the same and the variable costs would increase, there is money in the budget to cover the costs. Mr. Hanson stated that two weeks at 2.5 MGD is \$43,000.

Mr. Quinn moved that the Water Commission directs the Executive Committee to instruct Aquaria to do a stress test. This motion was seconded by Ms McGrath, and so voted unanimously by the Commission.

Mr. Quinn requested a report on how the money is being used relative to sales and also questioned who from Aquaria could attend a meeting to answer questions. Mr. Hanson stated that Alfredo Andres is the point person and can be available.

Mr. Quinn moved to invite a representative from Aquaria to a future meeting to answer questions. This motion was seconded by Ms McGrath, and so voted unanimously by the Commission.

Mr. Creedon provided a block rate consumption report broken down by meter size, the report from IT will follow.

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

- **Current Year Budget Report.** The revenues are currently over \$12,000,000; \$300,000 will be received from Whitman for their water bills. The budget hearing will be on June 2nd beginning at 6:30 P.M.
- **Shut off Policy** – no discussion

5/20/10

- **Irrigation Meters** – Mr. Quinn’s recommendation that this be submitted as a rule first and then an ordinance is being reviewed by the Asst. City Solicitor.
- **Meter Replacement** – the documents are being prepared. Mr. Creedon noted that eventually the bills may be issued on a monthly basis.

Mr. Lamarre speaking on behalf of Councilor DuBois and the TRWA are concerned over the irrigation system proposal and believe it is irresponsible to encourage the residents to use additional water while trying to conserve water. This would also contribute to the stress on the storm water system throughout the city. Also concerned who would be allowed to install this additional irrigation meter if it becomes an ordinance.

Mr. Creedon stated that the property located at 1260 Main Street was mistakenly issued a building permit and now is in need of a water permit; suggested that a temporary water permit be issued pending submittal of a water application and a hearing in front of the Commission.

Mr. Quinn questioned what the by-laws state about meetings. Ms Hambly stated that the by-laws state that regular meeting will be held on the first and third Tuesday of each month. Mr. Quinn stated if the meetings are going to continue on Thursdays then the by-laws need to be changed. Ms Hambly stated the public meeting law states that all meeting have to be posted.

The Commission agreed that the next meeting would be on Thursday, June 17, 2010 at 9:00 A.M.

Ms McGrath moved to adjourn. This motion was seconded by Mr. Quinn, meeting adjourned at 11:49 A.M.

Respectfully submitted:

Alisa Hambly
Secretary
Water Commission

Certified by:

Brian M. Creedon
Water Systems Manager
Clerk of the Commission