

**CITY OF BROCKTON
WATER COMMISSION
Minutes
October 14, 2010**

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

Absent: Jody Hickey, Commissioner

Attending: Carolyn LaMarre
Amy Littlefield

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 stated his appreciation for the dedication and volunteerism of the Commissioners.

Mr. Malcolm requested a motion to accept the minutes of August 30th and September 16, 2010.

Mr. Jordon moved to accept the August 30th and September 16, 2010 minutes. This motion was seconded by Mr. Quinn and so voted unanimously by the Commission.

Mr. Malcolm called for a report from the **DPW Commissioner. Mr. Thoreson reported** that he met with the State last week regarding water sales for the subdivision on East Street; they have some concerns and are awaiting further information from the City. Whatever action this Commission takes will set precedent; however there are questions on primary and secondary water sources. The RFP for the Audit is out, there is an Ordinance meeting on Monday night to discuss the ordinance allowing access into homes for the meter change and there is also a Finance meeting to discuss irrigation meters. Small meter bids were received and opened and the contract has been awarded to Neptune meters and the large meter RFP was received yesterday, a team will be put together to review the RFP's. The installation and software bidding documents still have to go out to bid.

Mr. Malcolm called for a report from the Superintendent of Utilities. **Mr. Rowley reported** that September's monthly report was included in the meeting information. Mr. Quinn questioned if the 269 meters that have been installed are going to be actual reads. Mr. Rowley stated that they will receive actual reads as they are radio meters which have been replaced for various reasons, including the inability to obtain readings. Trying to put meters into the problem areas as we do not have meters in stock as we are in a transitional period and waiting for the finalization of the SRF funding and an executed contract with Neptune.

Mr. Thoreson noted that he is going to be sending out a letter thanking those that have allowed us to access their meters and also that they may receive a high reading due to the fact their bill was previously estimated and if so to contact his office. An additional 5 meetings have been held with customers since the last Water Commission meeting for a total of approximately 16 meetings. Have been working with IT on various reports and various parameters including a way to identify high bills, have also met with MUNIS on various issues and upgrades. Also have been notified that there are other options for customers to appeal to the Appellate Tax Board, however we are still awaiting information from the Solicitor's Office. There are reports that unfortunately even the IT Department was unaware were available.

There was discussion on updating the website as to the correct meeting time, which is still listed as 8:00 AM; it was requested that this be corrected with IT. Ms LaMarre also stated that there is an open meeting law issue and that she checked the website and it did not list that there was a meeting and that she called and left a message on Friday and

did not receive a call back until yesterday that there was a meeting, this is unreasonable and that there is a public expectation. Ms Hambly stated that the expectation was met as the meeting was posted in the City Clerk's Office, the meeting does not have to be posted online; the meeting was posted in accordance with the open meeting law in a timely fashion. Mr. Quinn questioned if there is a city ordinance that the meetings have to be posted online. Ms Hambly stated that she is not aware of any ordinance; if there is an ordinance other boards and commissions are not following it, posting the meeting online is a courtesy to the public. Mr. Quinn stated that this is simple to give confidence to the public.

Mr. Rowley continued his report stating that in regards to **mains** Donna Street is complete, Clara Road should be completed in 2 weeks; North Manchester will be done due to fire protection, Tina Ave will also be done as they are going to be reconstructing the road, this will be started this year and completed next year. **Staffing** – will be down one meter reader as of Friday, which will be posted and advertised. Also noted that Ms Hambly covers both offices when the other girl is out and Mr. Creedon is in and out, apologized that the call didn't get returned, but we are all overwhelmed. Mr. Jordan questioned if the house connections on Tina Avenue are standard. Mr. Rowley stated that the rule of thumb is that the sidewalk stop is in the sidewalk area, but some of the stops are five feet away from the foundation, therefore we like to renew from the sidewalk stop to the main as the services are very porous we are replacing the $\frac{3}{4}$ copper with 1 inch.

Mr. Malcolm called for a report from the **Water Systems Manager**. **Mr. Creedon reported** on the flows, stating that consumption is where it usually is and the use of Aquaria has enabled us to maintain our current level with the low rainfall. The flows for this month are on average just over 10 MGD; were receiving approximately 1.5 MGD from Aquaria; however they have been shut down as they had a Coliform hit. Mr. Rowley stated that Aquaria they did have a sample that tested positive for Coliform and they were shut down and additional samples have been taken and as soon as the results are received back they will be brought back online. Monponsett is at 5 and we may consider diverting depending on the rainfall, Furnace is seldom diverted due to the herring. Silver Lake's yearly running average is 8.945; the Brockton Reservoir and Aquaria are approximately 600,000 the total is 10.148.

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

- **Current Year Budget Report** – report has been provided, noted that we have brought in approximately 22% for the first quarter
- **Meter Access policy** – to be discussed at Ordinance on Monday
- **Irrigation meter/systems** – after a review of previous minutes, the Commission needed to review and finalize as to whether this was to be a rule or ordinance, this will be discussed at Finance on Monday. There are still a number of questions that the Commission needs to address (rate, title, residential only, etc.). Ms LaMarre voiced her concerns with extending this for uses other than residential and the impact on storm water that goes into the sewer system; also is this being addressed on the Comprehensive Water Management Plan that is being reviewed by DEP. Mr. Creedon stated that it this is not part of the CWMP, however they are aware that the City allows outside watering. Also noted that this is more of a billing issue and that we have separate sewer and storm water systems. Ms Littlefield stated that she has received emails from those on septic systems and questioned if this would have any effect on them. Ms Hambly stated if they are on a septic system then they are not being charged sewer.
- **Meter replacement** – the bid packages are out and the monies should be certified at Monday night's Finance Committee meeting.

Mr. Malcolm questioned the status of touring the facilities, which was previously postponed. The Commission decided that the tour would be on November 1st at 9:00 A.M.

Ms LaMarre questioned Old Business the request from MA Division of Marine Fisheries and Wildlife and their request for a dam feasibility study. Mr. Creedon stated that this was discussed at the last meeting and there a few issues that needed to be clarified. Mr. Jordan stated that we spoke about additional fish, eels, screening on the intake, we weren't opposed but did not approve anything. Mr. Quinn read the motion from the September 16th meeting... "Mr. Jordan moved that the information from MA Division of Marine Fisheries be reviewed and that a letter be drafted. This motion was seconded by Ms McGrath... Mr. Creedon stated he would draft a letter for review. And so voted unanimously by the Commission." Mr. Creedon stated that he had not read the letter and this would be drafted for the next meeting.

Ms Littlefield questioned if the tour of the facilities would be publicly advertised. Ms Hambly stated that the tour does not need to be advertised and read an email from the Attorney General stating the following... “public body may conduct a site visit without needing to post a meeting notice or take minutes, so long as deliberation does not occur”. The relevant section of the statute, M.G.L. c. 30A Sec. 18. Mr. Quinn suggested posting the tour on the website. Mr. Thoreson requested that this be posted on the website.

The Commission decided that the next meeting will be on November 18th at 9:00 AM.

Mr. Malcolm opened the meeting for **Other Business**. Mr. Quinn stated that citizens submitted complaints relative to the executive session meeting; believes that the law states that the governmental body that received the complaints has to respond before it goes to the Attorney General's office; and if so the 14 day window is up today. Ms Hambly stated that we have received an email from one of the people filing a complaint that stated the following “...the complaint is not considered an active complaint with our office until it has been submitted to the public body and the public body has had a chance to respond” This office has not received any amended complaint. Mr. Quinn stated that he believes that we have to respond before this can go to the next level; however we do not need to respond. Ms Hambly stated that the amended complaint addressing the proper parties was never received and the original complaints were addressed to the following: Brockton Water Commission specified person: Bruce Malcolm, Ossie Jordan, Margaret McGrath, Jody Hickey; second complaint: Water Commission specified person Michael Thoreson; third and fourth complaints to Michael Thoreson; who is not an actual member of the Commission nor was he involved with the meeting; the City Clerks Office also receive a copy of the complaints on October 4th. Mr. Thoreson questioned why all members of the Commission were not mentioned. Mr. Quinn stated that individuals who wrote the complaints had complaints on certain members of the commission, whether they are valid or not he does not know. Mr. Thoreson questioned what the proper response is. Mr. Quinn read the open meeting law complaint form off of the web. Mr. Thoreson suggested we have two documents from the City Clerk; one dated October 1st, the other October 4th; if necessary this board can respond stating we received the letter, but do not understand the complaint, this would meet the letter of the law...they are asking that the Water Commission take a vote stating that in no uncertain terms makes it clear that they now understand that the past executive session held on August 30th was a violation of the open meeting law. They are telling the commission what to do and how to vote. Mr. Quinn stated that they are not telling us what to do, but are stating what the outcome should be. Mr. Jordan outlined the requests being made and stated that the Commission needs to address some of the issues in the complaint such as stating certain statements.

Mr. Quinn moved does the Water Commission reply to this complaint or not. This motion was not seconded.

Ms McGrath moved to adjourn. This motion was seconded by Mr. Jordan meeting adjourned.

Respectfully submitted:

Alisa Hambly
Secretary

Certified by:

Brian M. Creedon
Water Systems Manager
Clerk of the Commission