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**CITY OF BROCKTON
WATER COMMISSION
Minutes
April 28, 2011**

Present: Bruce Malcolm, Chairman/Commissioner
Peggy McGrath, Commissioner
Ossie Jordan, Commissioner
Brian Creedon, Water Systems Manager
Michael L. Thoreson, DPW Commissioner
Alisa Hambly, Secretary

Absent: Patrick Quinn, Commissioner
Larry Rowley, Superintendent of Utilities

Attending: Ahmed Barakat
Stephen Torrey
John McCluskey
Rebecca McEnroe
Linda Correia
Jeff Hanson
David Wilson

Mr. Malcolm called the meeting to order at 9:05 A.M., noting that a quorum is present and the meeting is being recorded.

Mr. Malcolm requested a motion to approve the minutes of the February 24th and March 17, 2011 meetings.

Mr. Jordan moved to approve the February 24th and March 17, 2011 minutes, Mr. Malcolm called the motion, and so voted unanimously by the Commission. Motion passed

Mr. Creedon noted that in an opinion letter received from the Solicitor's Office it stated that according to Roberts Rules of Order a second is not required when making a motion as this is a small board/commission.

Mr. Jordan moved to suspend the agenda for 5-10 minutes to discuss a specific item. Mr. Malcolm called the motion, and so voted unanimously by the Commission. Motion passed.

Mr. Jordan moved to make a by-laws change to remove the word affirmative when referring to the voting of the Commission. Motion discussed...Mr. Jordan amended the motion to replace the word affirm with majority. Mr. Malcolm noted that this change is due to the fact that there is a vacancy on the Commission.

Mr. Jordan read the sentence for clarity purposes..."Three Members of the Commission shall constitute a quorum, and a majority vote of three Members of the Commission shall be necessary for any action taken by the Board."

Mr. Malcolm called the above motion, and so voted unanimously by the Commission.

Mr. Malcolm called for a report from the **DPW Commissioner. Mr. Thoreson reported** that the audit is almost finished. The meter replacement contracts are awarded, a preconstruction meeting was held with E.J. Prescott, who is preparing a video on what they will be doing; a 100 point test will be done to ensure the system is working and a major PR process will be done.

Mr. Malcolm opened the meeting for **New Business and Water Connections** and called for discussion of the application for **1476 Main Street, Hanson.**

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Ms McGrath moved to approve the application for 1476 Main Street, Hanson. This motion was seconded by Mr. Jordan, and so voted unanimously. Motion passed.

Mr. Malcolm opened the meeting for discussion of the application for **214 W Elm Street** and recused himself from this discussion and appointed Mr. Jordan as Chair. Mr. Jordan noted that the City Solicitors Office sent a letter in response to a question regarding appointing a member of the Executive Committee to vote as part of the Commission, the response received stated that this is not allowed unless the Ordinances are amended, however the by-law change that occurred previously allows for a majority for any necessary action. Also it was stated that according to Roberts Rules that small boards/commissions or committees do not have a second to a motion.

Ms McGrath moved to approve the application for 214 West Elm Street. And so voted unanimously. Motion passed.

Mr. Jordan relinquished the Chair back to Mr. Malcolm and called for a report from the Water Systems Manager.

Mr. Creedon reported that Mr. Rowley has provided May's monthly report; flushing began on April 25th; road work has also begun. Regarding the flows, the average usage at the beginning of the month was 8.9 mgd; however flushing will increase the usage; also noted that the Superintendent has been working with the Fire Department relative to private hydrants as we cannot go onto private property to ensure they hydrant is working. Ms Hambly noted that private hydrants can be tested at a cost of \$150.00 per hydrant upon request. Mr. Creedon noted that the mandatory testing of private hydrants may require an ordinance. Mr. Thoreson noted that a letter of support from the commission may be beneficial and suggested speaking with Mr. Rowley and possibly inviting the Fire Chief in for discussion.

Mr. Malcolm opened the meeting for discussion of **Aquaria**. Ms McEnroe introduced herself as the Project Manager for Aquaria and provided some background information. Mr. Creedon questioned if anyone has shown any interest to purchase water outside of the City. Ms McEnroe stated she has not yet been involved in that aspect; however Mr. Hanson has some information on this matter. Mr. Malcolm noted that we are in a budgetary crisis and stated that they have considered stopping the flow from Aquaria; buying water that is not absolutely needed is not wise as every penny is being counted. Ms McEnroe questioned what would trigger the water flow again? Mr. Malcolm stated that by our registration, if the level of the lake is below a certain level then a secondary water source would have to be brought in, or if there was an unanticipated problem in the city or with the water supply we would have to have water immediately, which Aquaria is required to provide within the contracted notice; necessitating the plant being ready to deliver water even though Brockton is not taking water on a regular basis. Ms McEnroe stated that there is time required for flushing (which could take a minimum of 3 days) which would have to be addressed and time to get the results of a bacteria sample back (24 hours). Mr. Malcolm stated that due to the amount being paid for the fixed rate and the contract stating that water has to be available within a certain hours notice; Brockton would have to have the assurance, should an emergency arise that we would have potable water. Ms McEnroe stated that her only issue is if the contract states water has to be available within 24 hours how do they flush the main and do a bacterial test. Mr. Thoreson suggested resuming technical meetings with Aquaria.

Mr. Hanson informed the Commission that Aquaria is waiting for approval from the Executive Office of Transportation (EOT) to do pipeline work that needs to be done along the railroad, which would constitute a shutdown. The work is going to take approximately 4-5 weeks, however there is one bridge that needs to be redone which will take 1 ½ weeks and will take the line out of service; once the work is completed the line will have to be flushed. Mr. Hanson stated that there has been no cooperation from Mass DOT regarding Norton; whose contract was contingent on obtaining a permit to go down the 495 corridor; believes that Norton wants to get out of their contract. Mr. Malcolm questioned if pressure from the legislature would be helpful. Mr. Hanson stated that it couldn't hurt to find out what the hold up is. Easton has a meter vault that is ready, but not activated; trying to get a contract to activate the vault. Mr. Hanson stated that he was trying to promote the concept of swapping water for sewer rights as the consent decree on the sewer plant is almost clear; the Town of Easton is interested in this concept and the Water Resource Commission says that the water balance would be served if Brockton is taking sewer from Easton and receiving water from Aquaria (i.e. 1 MGD sewer for 1MGD water). Mr. Thoreson stated that EPA may have issue with the entire wastewater concept; one issue is the way NPDES permit is written it states that we can't have any outside customers other than Brockton, Whitman and Abington, which would have to be changed and the City is currently requesting that DEP list the consent decree even though there are some

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outstanding issues. Mr. Hanson stated that Easton is a 1 MGD customer; West Bridgewater would like to have Aquaria water for a section of Turnpike Street on the Brockton/Easton line at possibly 50,000 GPD. Holbrook has formed a committee, who has decided to stay with tri-town with building a water plant; however talks are still ongoing. Mr. Hanson also noted that the issue that was published in the paper regarding bacteria was resolved and was caused by a joint on a vent pipe that was not tight; this has been resolved. Also Brockton has the right of first refusal for the sale of the desal plant; believes that an offer either has been or is going to be made to the CFO to purchase the plant; staff would remain the same, and Brockton would be paying the salaries. Mr. Malcolm requested to be notified with any updates.

Mr. Creedon stated that both he and Mr. Malcolm responded to the Attorney General regarding the issue with posting the February meeting; the meeting notice was sent to City Hall, however not posted providing 48 hours notice, believe this occurred due to the posting office did not either pick up or open their mail; this situation has been rectified by physically bringing the notice over. Mr. Creedon also noted that the Commission attended a seminar on open meeting law.

Mr. Jordan noted that as a result of the open meeting law training, it may make sense to go back to the written minutes rather than recording the meeting, if there is a recording, it must be supplied, if the notes are only written this is what is supplied. Ms Hambly noted that notes are taken by other boards/commissions where the notes are taken by directly putting them into the computer. Mr. Thoreson stated that his opinion is to cover the points on the agenda and what was decided.

Mr. Jordan moved to return to recording minutes in a summary form to be written as opposed to being recorded by any audio or recording device. Mr. Malcolm called the motion, all in favor, none opposed; motion passes.

Mr. Malcolm suggested possibly entering into executive session to reprimand a member on his attendance; as this has become an issue due to the fact that the member is away more than here and the ongoing vacancy perpetuates the problem. Mr. Jordan suggested discussing this in a normal public meeting as opposed to executive session as this is about attendance and can be addressed by sending a formal letter so that the individual can be given the chance to discuss how many meetings have been missed and to explain why and to also discuss the last situation for an application that was scheduled for 5 meetings as there was not a quorum a number of times, which impedes the Commission to do the main business of approving water services. Mr. Creedon suggested that a subcommittee be named to review the drafted letter. Mr. Malcolm named Ms McGrath and Mr. Jordan as the subcommittee to review the drafted letter.

The Commission decided that the next meeting would be on My 19, 2011.

Mr. Jordan moved to adjourn. Meeting adjourned at 10:59 A.M.

Respectfully submitted:

Alisa Hambly
Secretary

Certified by:

Brian M. Creedon
Water Systems Manager
Clerk of the Commission