

**MERRIMACK VALLEY REGIONAL WATER DISTRICT  
MEETING MINUTES  
BEDFORD MEETING ROOM  
January 20, 2005**

Present were: Chairman Michael Scanlon (Bedford), Vice Chairman Brian McCarthy (Nashua), Jeremy Lamson (Pittsfield), Karen White (Research Staff & Treasurer), Marilyn Peterman (Amherst), Jean-Guy Bergeron (Pelham) and Tom Dolan (Londonderry).

GUEST: Kathy Hersh (Nashua)

Chairman Scanlon opened the meeting at 6:40 p.m. and asked if there was anyone from the public who wished to speak, seeing none.

Karen White commented that Dick Wood from Raymond called here with his regrets, as it is budget committee season, so he will return it is just that it is budget time. Also Ray Peebles from Litchfield e-mailed me and he signed up for 14-week course.

Ms. White responded that under public comment she did get an e-mail suggestion, regarding an agenda item we will talk about which is outreach to other communities. The suggestion was, that in addition to outreaching new communities to encourage them to join the District, we should think about doing a once a year warm and fuzzy update to the elected officials of the Towns that are in the District. Chairman Scanlon commented that is probably a good idea. Ms. Peterman suggested that we invite them here to our meeting. Chairman Scanlon stated that is something we should talk about and make it part of the agenda item B.

Ms. Peterman asked, as she was curious what role would the District want to take on a regional impact relative to the Nashua Wal-Mart site that is before their Conservation, going to Zoning and going to Planning, as far as the development. Ms. White stated she didn't know anything about it. Ms. Peterman asked if someone from Nashua would like to talk about it, as it impacts the wetland and I don't know how that impacts the water table or the table resource.

Kathy Hersh (Community Development Director, for the City of Nashua) The Wal-Mart proposal is on a piece of property on 101A where Building 19 is and it is in the water shed which is what Ms. Peterman is referring to. I think that maybe what your talking about is taking a look at anything that happens in the water shed as far as it is something that the District wants to weigh in. This is a proposal for a 187,000 sq ft Wal-Mart with associated parking which was approved by the Conservation Commission by a 4-3 vote, they are only an advisory commission and it is referred to the ZBA which will probably be meeting on February 22<sup>nd</sup> about it. Mr. Dolan asked if they are disturbing wetlands? Ms. Hersh stated that there is .74 acres of wetlands that are going to be filled. Mr. Dolan

responded, doesn't that have to be approved by the State? Ms. Hersh stated that she doesn't know that they have their official State approval, but they originally came in with over an acre of wetland fill and they reduced it to .74 and I think that they will get their State approval if they haven't gotten it already.

Ms. White commented that with all due respect, she was feeling a little uncomfortable weighing in on this. They are filling less than an acre of wetlands, I don't know if they have to do any mitigation, but isn't our basic charge and our goal as a District to manage ground water and try to provide adequate sustainable water for projected growth in population and industry in this region. Milford was terrified and they are still convinced that we are going to march in and stop businesses from locating places. What is our stand in this? Ms. Peterman commented that she didn't have enough information. It has been in the paper a lot relative to the water table and the wetland and the water shed, so I didn't know if there was any reason, not necessarily to stop development but if there is the need for mitigation or a comment from this group relative to taking care not to disturb the water source. It really is a question more than anything else?

Chairman Scanlon responded that he tended to agree with Karen, especially once the District is moving forward and we have a Resource Plan and some resources and we can show that a particular development would be directly negatively impacting that Resource Plan then maybe the District may want to send a letter. At this point, I don't know how this Wal-Mart will affect and if it is disturbing less than an acre of wetlands, I don't know the ultimate affect it will have on the water shed.

Mr. Dolan commented that at this point we probably don't have any standing on this and it is up to Nashua, but what we might be able to do is share across our communities whatever wetland policies and ordinances that we may have developed, and I know in Londonderry we have a very strict wetland ordinance about how we protect wetlands and so forth. That could be at varying degrees of desirability depending on the community that people are in, but certainly communities that haven't yet addressed their wetlands very comprehensively shouldn't have to re-invent the wheel, they could be able to draw from what we have already done in our individual communities and take some best practices.

Ms. Hersh responded to Mr. Dolan's comment that Nashua does have a wetland ordinance and we have had a wetland ordinance since with buffers since 1981 and we also have a water supply protection district ordinance, so we actually have significant laws in place with respect to both the drinking water supply and wetlands themselves, but I think it brings up a larger issue and that whether or not and how and with what data and basis the Regional Water District weighs in on a number of issues. For example, the other issue that I had e-mailed Karen about this week, was that it is my understanding that the Town of Pepperell is thinking about drilling a well to yield ½ million gallons of water a day from the municipal water supply and this is just over the border and it would be part of the Pennichuck water supply. Ms. White commented it is in the same water shed. Ms. Hersh asked the question is. Ms. White responded how much does the additional straw. Ms. Hersh what is the impact, is that an impact you want to weigh in on

and how do you weigh in on that and what kind of information do you need to know to weigh in on that. I do agree it goes back to the Resource Plan that we don't have yet.

Mr. McCarthy commented that given our somewhat tenuous political position, I am sensitive to both sides of the issue. I don't think that we have either the resources, nor do I think it would be a good idea to weigh in on one side or the other of specific develop projects in member communities, but what I think we might want to do is to understand them. We do have this mechanism in place where by the towns have to tell each other about items of regional impact and we get a letter every time someone builds a cell tower in Southern NH which frankly has a lot less impact on us than someone withdrawing ½ a million gallons a day from the same place that my tap water comes from. I think what we might want to do is to understand at a broad level, what it is that we want protected, is it the flow rate over a 24 hour period or over a year, or what is the actual thing that we think is essential and just remind the communities who are reviewing these things of what the criteria are that we would like to see protected in terms of water supply when their local boards are making those reviews.

Ms. Peterman commented it was more of a rhetorical question as to whether or not we needed to at least be aware of things and you are right we all are sent letters for regional impact and I know that when that comes before your Planning Board, that I am sure that we will get one. I was not aware of the Pepperell well. I know that from reading the paper, I believe Pennichuck weighed in on that Wal-Mart site or I thought that they did! Ms. Hersh responded that Pennichuck weighs in in a very limited fashion. Ms. Peterman commented that she doesn't know how long this process is going to take for us to be where we eventually want to be and while that is all happening, all this land or potential water supply could be impacted or something else could happen to it. It is just something to think about and to make communities aware of. Again, did you think of this, I am not saying Nashua did or didn't and I know that Amherst also has source protection regulations in our zoning, but if some one comes in and says Londonderry has this, did you ever think of doing this, it is something the Planning Board I would hope might take under advisement if it is beneficial to protecting the water and the wetlands.

Mr. McCarthy asked Ms. Hersh to describe what the mitigation was for that site while we are discussing this. Ms. Hersh responded that there were two 13 acre parcels, one in the NW area which is pretty much surrounded by City own land which we bought through L-Chip and DES water supply money and City money next to Pennichuck pond, so that was a pretty significant piece. The other one is a piece that actually is also surrounding the SW quadrant by Nashua owned land that we paid for. So both of those pieces from the standpoint of being important to finish our tapestry were acquired as part of this plan. They spent a lot of time devising and developing different engineering solutions to dealing with making sure that everything on the site was taken care of. It is very very engineered.

Mr. Bergeron commented, just a thought that I have on it, is that DES is usually involved with most of it, the Town Boards or the contractors have to deal with DES and that is all public record what they may have, not just on these two sites, but any site. Now that this

has come up, maybe we should, I don't think it would cost a lot, but you need to contact them and tell them the areas that we are concerned about and maybe we could check and get the right information. There is so much involved in this between the contractors, the owners of the property, the Town, all the boards, but again DES has to weigh in on it. Mr. Dolan commented that we might be able to get DES to notify us of any permits. Mr. Bergeron suggested that this would give us a heads up.

Ms. White responded that we need to get practical, because we only meet once a month. Who is going to collect all of these and who is going to go through them? We must get 6 or 8 requests to fill wetlands just in the Town of Bedford once a month. I would not have an idea of how many Nashua gets, but between the Towns on this map, we will spend every meeting just reading the names. Mr. Bergeron commented, I would think Pennichuck should be getting this information from DES and are they getting it on an ongoing basis to protect the water? Ms. White responded no. I think they are requesting information around their land holdings. Mr. Bergeron stated I don't think we should be selective of what we want to protect. We need to look at all of it or not look at any of it. Ms. White commented that we have no power to protect it and we have no staff to deal with those applications. I am just trying to be realistic here. There is nothing we can do, we have no jurisdiction to intercede and we don't even have the time to go through the applications. Mr. Bergeron asked should we even be looking at this Wal-Mart site? Ms. White responded my personal opinion I would say no. We have to pick our fights while we are small and limited, which is what I am suggesting.

Ms. Peterman asked Ms. White about Pepperell? Ms. White responded, that maybe a different story. I am still not sure there is anything we can do, but it certainly gives pause. Ms. Peterman suggested a letter of interest, not even calling it intervening, but a letter of concern or interest to be on record with a position of how we feel. Chairman Scanlon asked Ms. Hersh if it is a Pennichuck well? Ms. Hersh stated no, it would be a municipal well on a municipally owned piece of property. Chairman Scanlon asked if Pennichuck in part of Pepperell? Ms. Hersh stated no, not that she knows of. Ms. White stated they are in Tyngsboro and Leominster.

Ms. White stated that we don't know what State it would be regulated, probably Mass agency? Ms. Hersh suggested maybe as a group we should just request information. Chairman Scanlon commented if you know something going on in your Town bring the information back. I agree with Karen at this point, I don't know who would be responsible to compile all of this information, but I would imagine it would be fairly daunting task.

Mr. Dolan asked how do we know this well is in the Pennichuck water shed? Ms. Hersh responded I was told. Mr. Dolan commented that it sounds like there are overlapping watersheds and Pepperell's municipal watershed must overlap with Pennichuck? Ms. Hersh responded that she was told it was right over the Hollis border. I didn't go pull out a map and look at the piece of property. Mr. Dolan commented if you're a Pepperell resident they might be equally offended that Pennichuck is drilling in Hollis in their watershed. Ms. Hersh responded that it isn't Pennichuck, it would be from my

understanding is that it would be the Town of Pepperell would be drilling for a municipal. Mr. Dolan responded if Pennichuck decided it was going to drill a well in Hollis, would Pepperell be upset because they are drilling in Pepperell's watershed. I am just wondering what rights does Pennichuck have that would supersede whatever rights Pepperell might have. Ms. Hersh commented she feels it is important that people know this. Ms. Peterman commented for informational purposes.

Mr. McCarthy responded that actually gets to the crux of the issue that we need to be concerned about, which is regardless of the arguments about rights etc, if someone drills the last well and they all stop producing water and the reason we are here is to prevent that. So at some point, when we get a Resource Plan we need to understand those things and we need to understand that we don't have control over a lot of them, but it is in everybody's neutral interest to figure those things out and to manage the supply to what we can sustain long term.

Mr. Dolan responded that he would suspect that the regional impact agreements probably end at the State border. Ms. Peterman responded they do.

Ms. White responded the only questions we can ask are, is that complete water shed shown in the aquifers mapping that USGS did for the City of Nashua or Hollis, and will it show the rest of the aquifers down in there and if it does, it will list general capacities of the aquifers and then what is the State agency in Mass that regulates this and what are their criteria for approval. Those are the only questions we can ask? Chairman Scanlon asked the committee to move on. Ms. White asked the committee, are you telling me to ask them? Chairman Scanlon responded is that something that you feel comfortable doing? Ms. White responded if you would like the answers, I could do that.

Chairman Scanlon stated next item is update RFP for Water Operations and RFP for Oversight Services. Mr. McCarthy responded that this group reviewed the RFP for Operations and the Board of Aldermen and our comments have been included and that RFP is basically ready to go out. Chairman Scanlon asked Mr. McCarthy to forward the members copies.

Mr. McCarthy stated the RFP for Oversight has just come out and I don't know if I forwarded that to this group. Ms. White responded you did not. Mr. McCarthy stated he would make sure that he would do that. Ms. White asked, what is oversight? Mr. McCarthy stated that the consultant had broken up the contract for operations into two things. One was the actual water operation and the other was the management of things like the cash flow etc, they had recommended that having it be two separate contracts was a good idea from the perspective of audit controls. Ms. White asked, so one group would turn the valves and fix the pipes and the other group would be the accounting group? Mr. McCarthy responded you would have to read the RFP. That is primarily the case; it is basically the oversight of how the operation works. That one group does the valves and also is responsible for making sure that the numbers for the billing are there. The meter

reading goes with the operations contract, but the oversight of operations would be with another contractor.

Ms. White commented that it maybe more understandable when we read the RFP. If you would forward that to me, I will send it out to the committee. Mr. McCarthy commented that he apologized for not getting that to you last week it slipped by me.

Mr. McCarthy stated there is also the water ordinance, which we had reviewed as well and that has had comments returned on that and I will send a later draft of that for you to look at as well. There was actually some very, what we would consider to be confusing language that we asked to have fixed. We just got that draft this week that has some of that resolved. It basically reflects the current set of Pennichuck tariffs, but it was drafted as if it was a city ordinance and we had asked that it be changed so it would be applicable to the District as well, so I will forward that. The current schedule is to send the RFP out very soon and to give a couple of months to get responses back. Chairman Scanlon asked are you talking about April? Ms. Hersh stated we wanted them back May 1<sup>st</sup> to be decided in June.

Chairman Scanlon stated next item is continuing outreach to other communities. This is something we talked about a couple of months ago and we put it on hold. I think it would be a good idea to contact Hudson and Hollis and a few other communities again to offer to come out. Ms. White stated Hollis did make some contact. Mr. McCarthy stated he sat down with the Chair of their Board of Selectmen a while ago and he suggested that it is appropriate to come back and talk to them again, perhaps just after their Town meeting in April. Chairman Scanlon commented that we could send them a letter and offering that we will come and visit and ask them when they want us to do it.

Ms. White asked the committee if she should send a letter to Salem. When they first expressed interest, they were part of the first group of 15. Then their Town Manager left and they got a new one and never in the year returned any of my phone calls or e-mails. Now I hear that she has left and there is another Town Manager in place. Chairman Scanlon commented that we should send a letter to everyone who is in the District, like Bow. I would remind them that we are here and we would be happy to come and talk to them.

Ms. White asked it looks like Hooksett is not interested at this time. Chairman Scanlon commented that Hooksett and Merrimack at this point. The ones we have already gone to visit, it is probably not worth sending a letter. They have already made a decision, but certainly the other communities that are out there, like Derry. It wouldn't hurt to get a few other towns to join. It looks like we some money to pay for stamps. As far as going to current towns, my feeling is if anyone feels they want myself, Brian and anyone else, we can come talk to your selectmen and just let us know and give us some dates.

Ms. Peterman responded that we do have support in Hudson and in Hollis from their selectmen or other people who were an entrical part of the Charter meeting.

Chairman Scanlon commented there has been turnover on some of these boards and there will be more turnover in March. Anyone we see now, there is a potential that one or two of those people will be gone. That is something that we have to consider when we are talking to these communities. I think it is important. I think we should make the offer and if they take us up on it great. The last time we sent it to 4 communities and we got 2 Raymond, Merrimack and Hooksett. I think if we make the effort then the effort gets the response we are looking for.

Ms. Peterman asked if we are going back to Milford again? Chairman Scanlon responded no. If Karen cannot convince Milford, no one can. Ms. White responded that they still haven't scheduled a public hearing that they promised. Chairman Scanlon stated he would be happy to go to Milford if you think it would make a difference. Ms. White stated they promised that they would put it on their warrant and they would let the voters decide. They had one forum back in September that the Milford Cabinet failed to publish the notice of it for them. Brian and I were there and three others. Since then they have failed to have any other public hearing.

Ms. Peterman responded that they have a warrant article to form a Water District on their own? Ms. White responded that she isn't sure that is going forward at this point. Their committee that was studying creating a Village District discovered that they would have to buy it from the Town of Milford and the article said that they have since scaled back their ambitions. Chairman Scanlon commented if you feel it would make a difference to send a letter to Milford, I would be happy to go. Ms. White stated she would see if she could find out what the status is over there

Mr. Dolan asked why does Milford believe that they have to conduct public hearing on this? Ms. Peterman responded they wanted broader Town participation. Ms. White responded that they felt that the voters should vote on that and they were clear about that since the very beginning. There were other Towns that discussed whether their voters should vote. Now Milford voters did vote initially, but they wanted to bring it back to them. You have to get it on the warrant for them to be able to vote.

Chairman Scanlon commented that in Bedford we are going to have a vote in March? Ms. Peterman asked what are you voting on. Chairman Scanlon stated eminent domain if necessary.

Chairman Scanlon stated that the next item is the \$5,000 dollar contribution. I know it is that time of year again. Bedford has included it in our budget so as long as it goes through the Town meeting, we will kick in another \$5,000. I don't know what the other town's situation is, if they have included it or if they are willing to include it, but based on what is in the bank we could use another infusion.

Mr. Dolan commented that the timing for me is off by about 3 months. We do our budget from September to the first of December and we have already held all our public hearings and we have our number for Town Meeting. My strategy would be to wait until end of

fiscal year to see if there is any money left over. Chairman Scanlon asked Tom when your fiscal year ends. Mr. Dolan stated July.

Ms. Peterman commented that Amherst is the same, but what I might offer is that we have a legal account, which is how we raised the money for the first payment. I would suggest that maybe we send out a letter to the communities alerting them to the fact that we are wanting to raise this money. My suggestion from discussions that I have had with the Amherst selectmen when we did this for the first go around, they wanted some accounting of where we think the money will be used or where it was used.

Mr. Dolan asked if this will be annual solicitation, because if it were, it would be easier to plan for this in advance. Chairman Scanlon commented that for now, this would be the route I would take in budgeting this contribution. Mr. Dolan commented that he can plan for it in the 2007 budget this coming September. Chairman Scanlon stated that for the first two years, Bedford took it out of their legal budget and paid it and this year we budgeted for it because we felt it is important, if that is where it is going, lets make sure that is where it is shown. So that is why we did it that way. I think it is a good idea, at least over the next year or two. I don't see this District coming together and best case scenario until probably late next year? Mr. McCarthy responded it seems to be at this point. Chairman Scanlon commented so there is at least two more years of us meeting and having expenses before we even have the potential of generating revenue.

Mr. Dolan agreed that doing a letter would be the right thing and my suggestion would be to include in the letter again that at least the plan for member communities when we become flushed that member communities would be reimbursed for this seed money.

Ms. White commented, if I have to send out a letter with an accounting of what we plan to use the money for, I have given you the Treasurer report through the end of December here, I don't know what am I going to say. Ms. Peterman responded at least the legal expenses. Ms. White stated we have finished paying for all the legal bills for which we were obligated by contract. Our lawyers are now doing this with the hope that, should we be successful with acquisition they would be reimbursed. Ms. Peterman asked then where are we expecting this additional money to go? Ms. White stated maybe something closer to, if we have a public hearing that will wipe out a couple hundred dollars just for the legal notices out of our budget, maybe we should think something like \$2,000 dollars a community. I am just worried that some of them.

Mr. Lamson commented that with the last two-selectmen meeting we haven't had a full board, so we haven't discussed that yet. Ms. White responded for some Towns it is harder than for others. Chairman Scanlon commented that in the past we have asked for \$5,000 certainly if a Town came up and said we don't have \$5,000, but we have \$3,000, I don't think we want to turn our head to that, but if we don't ask for something we don't get it. I think there could be a situation as we move forward where maybe we would want to hire someone to do something and it would be nice to have the resources to do that.

Ms. Peterman commented, again knowing the conversation that I had originally, at least we need some idea of where we think the money will need to be spent. Mr. Dolan suggested we say they are administrative funds to be used and here is a template of what we have used in the past and we figure in the future it will be similar expenses. Chairman Scanlon stated that is a fair way of doing that. Our lawyers have agreed that the work we are doing is in the hopes that the District is formed and if it is then they will be reimbursed, but if it isn't they are out whatever their fees were. At the same time, there might be something that we ask of them that it would be only fair that we pay them. There may be something outside of that agreement. Ms. White commented if they have to write legal briefs. Chairman Scanlon stated there are some things that we should probably pay for, and we shouldn't expect them to do it for free. If we have the money it would be nice to be able to offer to pay them. Mr. Dolan suggested that the letter include the fact that the lawyers are doing much of this pro bono.

Chairman Scanlon stated the fair thing to say is that any funds expended by this District especially legal things and representation in front of the PUC probably saves our communities some money because we may not feel the same necessity to send our own attorney. It would be silly for all of us to spend money on an attorney to sit in front of the PUC when we are comfortable that the District's attorneys are sitting there. They are bringing information back to us, which in turn we bring back to our communities, which is beneficial. I think every community is getting something for their money. Ms. White stated that would draft something and email it to have you look at that.

Chairman Scanlon stated next item on the agenda is discussion of contacts with local media. The reason that I put that on the agenda is that I have gotten phone calls from reporters asking questions and I didn't know how we wanted to handle that as a group. Say the Nashua Telegraph wants to do an article about everything that we are trying to accomplish, should Brian be representative from Nashua because it is his paper talk to him and if the local paper calls me, do we want to coordinate that. Mr. Lamson responded that he got call from the Union Leader. Chairman Scanlon asked should we have one or two people to keep the same message out there. Ms. Peterman asked generally the Chair is the point person, that is the way most boards do that. Chairman Scanlon stated he has no problem taking those calls as far as commenting on the District, but if someone says, how is this affecting the Town of Amherst. I won't have that answer so I will defer that over to that community.

Mr. Dolan commented that he has had a few reporters who basically know what is going on and then they asked specific questions to community and I know the guy who called me I then referred him to Jean-Guy when he asks about Pelham. Chairman Scanlon stated that is fine and if everyone is comfortable with that, which is okay.

Mr. Bergeron responded when he did call me most of the information he did have. Mr. Dolan responded they want to put some quotes around the stuff they have. Ms. Peterman asked Ms. White a call that I had gotten. Ms. White stated it was from the Cabinet a new reporter. Ms. Peterman responded that when there is a new reporter he has to do the back up.

Mr. Dolan stated he did get permission from Londonderry Council to issue a press release in support so I will draft that and then circulate that. So we will be releasing a press release in support of the overall effort. The theme is local control vs. foreign control. Ms. Peterman asked does that include Nashua's effort. Mr. Dolan responded they wanted it to stay in fairly general terms, but just that we are in support of what has been happening. It is a bucking up type of thing. Ms. White asked Mr. Dolan to send a copy of the release and what newspapers. Mr. Dolan responded Derry News, Union Leader and the Lawrence Eagle. Ms. White commented maybe we could use it as a model. Mr. McCarthy commented that you might want to send it to the Telegraph as well.

Ms. Peterman commented after I read yours, I would like to do that from the Town of Amherst point of view, because we are continuing to support the effort. Mr. Dolan stated what they weren't interested in doing is tweaking Pennichuck nose. They wanted to express support, but not to poke anyone in the eye.

Chairman Scanlon stated next item is the year-end treasurer report. Ms. White stated everyone has copies here. Since inception we have taken in \$105,194.34 and paid out through the end of December \$103,422.94 and as of now we have a grand total of \$1,771.40. Chairman Scanlon stated the only outstanding bill is for the stenographer. Naturally the bulk of our expenses have been for legal fees and the newspaper ads are expensive.

Chairman Scanlon stated that the next item on the agenda we will skip since the attorney's couldn't be here.

#### APPROVAL OF MINUTES

**MOTION made by Mr. Lamson to approve December minutes. Seconded by Mr. Bergeron. Vote taken – all in favor. Motion passed.**

Ms. White asked if the committee members saw the article in Union Leader about Pennichuck's plan for expansion. Chairman Scanlon stated it was very interesting considering one of their arguments against the City of Nashua was it was limiting their ability to move on with their business. I thought that contradicted that argument.

Mr. Dolan mentioned that there was an article in Derry News about what has been going on and Don Correll was quoted in the article. Ms. White commented that the quote was that none of the other Towns are endanger of being sued unless they were to file for eminent domain.

Mr. Dolan asked why is Bedford feeling compelled to move out with that action. Chairman Scanlon responded that the Town Council just wanted to protect us. We are not sure how the alternate PUC case will go with the City of Nashua and I don't know when their decision is coming. We are not sure about the situation and whether we can take our part of the system. We would have the ability to eminent domain ourselves. Mr. Dolan commented rather than protecting you it exposes you to a lawsuit. Chairman

Scanlon responded if Pennichuck wants to sue us they are going to they sue us. Nothing we do is going to stop them or make them do it. All the suits against Nashua have been dismissed. I am going to protect the residents of Bedford and I don't think losing the core system and be out here on our own is where we want to be. We actually had this question on our ballot two years ago and for whatever reason we removed it and probably in hindsight we probably shouldn't have.

Mr. Dolan as a suggestion another strategy might be to put a collection warrant article at the end to say would they authorize a special Town Meeting for this issue if the need arose? Chairman Scanlon the last thing we need is another special meeting. The Council felt very strongly. Getting the authorization doesn't bind us to do that, but it gives us the authority to do it if something happens this year and we need to move forward we have the authority.

Mr. Lamson stated he has had the authority for 2 years, they voted in favor giving the Town the authority back in 2003, however there was \$25,000 dollars appropriated and out of that there is \$15,000 which wouldn't go very far.

Mr. Dolan asked Nashua how do you feel about that? Mr. McCarthy responded I feel you should pursue the authority. If we cannot get it and give it over to the District then everyone should get their own piece and give it to the District.

Chairman Scanlon commented that his LSR is a house bill about giving the Regional District the authority for eminent domain. Ms. White stated that the attorney's wanted to see that language. Chairman Scanlon responded all it said was right now the way the legislation is written it said the Water District shall not have the authority, all they did was take out the word (not) and put in a Water District shall. They thought that was the easiest way to do it. They took the word (not) out and that is it. I have not been notified as to when that is being heard in front of the committee, but I will ask. Ms. White asked if Mr. Scanlon could send a draft. Chairman Scanlon I will e-mail it out tomorrow.

**MOTION to adjourn made by Mr. Lamson. Seconded by Ms. Peterman.  
Vote taken – all in favor. Meeting adjourned at 7:40 p.m.**

Chairman Scanlon stated the next regular scheduled meeting is the 3<sup>rd</sup>, Thursday, which is February 17<sup>th</sup>.

Submitted by Jane O'Brien  
#18829