

**MERRIMACK VALLEY REGIONAL WATER DISTRICT  
MEETING MINUTES  
APRIL 21, 2005  
BEDFORD MEETING ROOM**

Present were: Karen White (Treasurer-Bedford), Michael Scanlon (Chairman – Bedford), Donna Keeley (Pittsfield), Jean Guy (Pelham) and Brian McCarthy (Nashua).

Guest: Atty Steve Judge, Kathy Hersh

Chairman Scanlon opened the meeting at 6:40 p.m. stating that we need 5 for a quorum. Ms. White stated that Marilyn Peterman from Amherst and Ray Peebles from Litchfield would not be able to attend this evening and that she did not hear from Dick Wood or Tom Dolan.

Chairman Scanlon stated we can then have a discussion without officially opening the meeting. Is there anyone in the audience with comments, seeing none, we will move on to the letters that we sent out. I did hear from Salem, I heard from the Public Works Director and he was getting answers for the Town Manager and he would get back to me. Ms. White stated they haven't invited us to a meeting. Chairman Scanlon stated he would let everyone know. Ms. White responded that they were interested, but after their Town Manager left, there was a lot of turnover in a short amount of time. Ms. White asked if we have heard from Hudson or Derry. Chairman Scanlon responded that he has heard nothing from either. I hoped to hear from the Derry selectmen and I will try to talk to her again in a week or so. I have talked to her before and she stated that they should have us come down. Mr. McCarthy asked about Hollis? Chairman Scanlon stated that he was going to a meeting with them on Monday, May 9<sup>th</sup>. Ms. White asked who was going to attend? Mr. McCarthy stated that would try to attend, as I had talked to their chair and they would take it up after elections. Chairman Scanlon reminded the District that after June 1<sup>st</sup> they will need a vote from us and we would have to decide whether it is in our best interest. Ms. White asked, if we come on down can we be put first on the agenda. Chairman Scanlon stated right now we have Brian and myself attending. Ms. White stated she couldn't make it. Chairman Scanlon asked who was the representative from Hollis that helped us with the Charter? Ms. White stated that George Woodbury was the representative. Chairman Scanlon stated that he would hope that Hollis would invite him. Ms. White commented that she would call Hollis and remind them that he was their representative, or she would call George and mention the date to him.

Chairman Scanlon asked is it worth calling Hudson? Ms. White stated that she had sent a letter to the Board of Selectmen and if Ken Massey was still on board, she would hope they would talk to us. Chairman Scanlon responded that he thought they were going to take it up in December. Ms. White commented that in the Charter the last day of eligibility June 1<sup>st</sup> of 2005.

Chairman Scanlon asked Ms. White how many letters did you send out? Ms. White responded just the three as she didn't want to book us up with too many at once and those were the most likely. I sent a letter out to Epping and Plaistow and if we are not getting bites from active communities, I doubt we are going to get invites from those unless something more happens with PUC proceedings.

Chairman Scanlon asked about the letters requesting funds? Ms. White responded that she had it ready to go out, but she had been working on the PUC testimony. Chairman Scanlon stated that Bedford did put that \$5,000 in the budget and Keith should have transferred funds. Mr. Bergeron commented that their budget is short so at this time he didn't know how it would go. Ms. White commented that she is having a little trouble with what we are you going to use the money for, as I know we have the typical costs of a transcriptionist and mailing costs and I thought maybe some would be used for the PUC. Chairman Scanlon responded that he was sure if there is extra, Atty Steve would like to get paid. They have been very generous. I would recommend that we get that letter out.

Chairman Scanlon asked Mr. McCarthy about the participation with the RFP process. Mr. McCarthy commented that actually Kathy Hersh should talk about that.

Ms. Hersh stated that they put out the draft for the oversight reviewing of the water services RFP and that did get finalized as well as the oversight services. The pre-bid conference was last Friday. We had our technical consultants there and we had a very good response. We were pleased. I cannot tell you the date that it is due, but it is due at the end of May or the middle of June.

Ms. White asked about the proposals? Ms. Hersh stated yes, we asked that there be representation from the Regional Water District to review those, and that was the intent in the process of revising the RFPs. Chairman Scanlon asked Ms. Hersh if it was their intention to invite everyone from the District or maybe just 2 or 3 of us. Ms. Hersh responded that the Water Committee is 5 people and you may want to pole how many people you want to send. Chairman Scanlon asked Ms. White to put that on the agenda for the next meeting.

Ms. White asked Ms. Hersh, are the interviews going to be held during the day or evening? Ms. Hersh stated that has not been resolved yet. The whole process of how this will be reviewed has not been finalized. Chairman Scanlon asked, what is the sense of the committee that it will be at night? Mr. McCarthy stated that he would discuss that with them on Tuesday during that selection process. Chairman Scanlon commented that at our next meeting you would have a better idea and that will make for a good discussion.

Ms. Hersh stated that for the water services there were 8 or 9 and for the oversight there were at least that many. Ms. White asked when deadline occurs and the proposal comes in can we get a list of the names of the company. I don't think you want to Xerox copies until we find out who is going to be interviewed. Chairman Scanlon commented that by

the deadline we probably would have met again. Mr. McCarthy asked Ms. Hersh if we asked for electronic submissions? Ms. Hersh stated she thought we did and if so, we can put it up on the web site to solve that problem. Chairman Scanlon responded just let us know what we need to do.

Chairman Scanlon gave an update on the legislative bill for eminent domain. As I strolled into the committee room to testify, it lasted 30 seconds and while I testified, I got us some strange questions and comments. The first was that you're only doing this so if Nashua's doesn't get eminent domain then the District can try. I explained that in an operational mode this is an authority we want to have. If you want to amend the legislation it would just be for operational purposes, and I am fine with that. We tried to do it simple. The law said we shall not and we tried to take out the not. I wasn't trying to write a book. I talked to the Chairman of the committee and I asked her to do a subcommittee and meet with a couple of us to work out something. They had 90 bills, so they wanted to make this go away in a hurry. We are not going to be in the operational mode. I had a feeling it was going to die. Part of my testimony, as I didn't like the way the eminent domain was in there and they slipped it through the back door. We can always introduce it again. We will get one of our senators. It was painless.

Ms. White stated, speaking of eminent domain at the March Town meeting, Bedford and Pittsfield passed resolutions to petition for eminent domain. Chairman Scanlon further commented that Bedford sent our letter to Pennichuck two weeks ago.

Ms. Keeley stated that Pittsfield also submitted and she received a phone call from them, so I suggested we set up a meeting. I believe we have them set to come in the first week of May to a selectmen meeting. I don't know what their intention is and there will be some dialogue. Chairman Scanlon stated that Bedford has not heard back, but they have 30 days. Ms. White stated that she believes they have 60 days.

Ms. White asked to take things out of agenda order, Ms. Hersh forwarded to us that have had some domain names reserved for the Merrimack Regional Water District. There are 12 names reserved for us and they expire in June of this year. I guess we can renew these domains for 100 years for \$10. Ms. Hersh stated it would be for 10 years. Ms. White stated that the letter states, as long as your domain is registered with us we will add additional years for a total of 100 years of service from your date of purpose. Chairman Scanlon stated we should renew it annually. Chairman Scanlon asked is one of them Merrimack Valley Regional District. Ms. White stated MVRD.com, MVRD.org, Merrimack Valley Regional Water District.org and it looks like there are some duplicates here. So really there is a total of six (6). Chairman Scanlon asked with Merrimack Valley Regional Water District.org, are we entitled to a gov. Mr. McCarthy suggested that we keep them until this year.

Chairman Scanlon stated that for \$60 dollars, we should just keep them for another year. Ms. White responded that she will contact them and make the arrangements and we can take the vote in May. Chairman Scanlon stated then that is the second item to have on the agenda in May.

Ms. White stated that the next item is an update on eminent domain with Atty Steve Judge. Chairman Scanlon asked is there anything else before we handle that.

Atty Judge recommended we go into non-public session with legal counsel.

Chairman Scanlon stated, as we do not have a quorum we cannot approve the minutes.

**MOTION made to adjourn the public meeting at 7:10 p.m.**

Submitted by Jane O'Brien  
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