

REPORT OF THE PENNICHUCK WATER SPECIAL COMMITTEE

May 5, 2004

A meeting of the Pennichuck Water Special Committee was held on Wednesday, May 5, 2004 at 6:35 p.m. in the Aldermanic Chamber.

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Alderman Brian S. McCarthy presided

Members of the Committee present: Alderman-at-Large Steven A. Bolton (@ 6:45 p.m.)
 Alderman-at-Large David W. Deane
 Alderman David D. Lozeau
 Alderman Robert G. Shaw, Jr.

Members not in Attendance:

Also in Attendance:

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DISCUSSION

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Chairman McCarthy

I just wanted to keep everyone up to date on what is going on. There hasn't been much in the way of developments in any of the court action since our last meeting. The Regional Water District did have what was probably the final meeting of the Charter Development Committee last Thursday. They approved the Charter with all of the changes that we had requested in it including the one that was added at the last meeting.

Alderman Deane

Is Milford signed on?

Chairman McCarthy

Milford did not vote for it. The vote was unanimous with the exception of Milford. There are several of the communities, which have scheduled public hearings on the question of joining the district. I think the number in the next couple of weeks will probably go up to about 5 that have approved it, and shortly after that 7 or 8. At the moment there are two, we are waiting for a third, and I think somebody was going to take action on it this week.

Alderman Lozeau

That means it is an active Charter when three sign on?

Chairman McCarthy

Yeah. We do have to wait for the Attorney General's review, which would take about 30 days. In all likelihood the Attorney General will simply not comment on it, which means it is approved after 30 days without comment.

Alderman Deane

Hollis is scheduling a public hearing?

Chairman McCarthy

I believe so. I think Hollis, Raymond, Bedford – no Bedford approved it and voted to join, Amherst, Hudson, and at least one other have actions pending by their boards.

Alderman Shaw

Merrimack?

Chairman McCarthy

It could be Merrimack.

Alderman Deane

Who voted against it in Bedford? It wasn't Karen White and Mr. Scanlon was it?

Chairman McCarthy

Karen is not on the council so no, and Mr. Scanlon did not. I don't know who the two were that voted against it.

Alderman Lozeau

They approved it right?

Chairman McCarthy

Yeah.

Alderman Shaw

Just a question on the timing with the Attorney General – the 30 days does that only commence from the time that we have the three or is it...

Chairman McCarthy

I think we assume that we sent it to them on Friday and that it counts as then after the Charter Committee had approved it.

Alderman Deane

Another interesting point was I got an e-mail that had the corrected minutes to the last meeting – the last Regional Water Charter Committee meeting. Was there another set of minutes that were incorrect or what changes were made where they had to be corrected?

Chairman McCarthy

When they were accepted I think there were a couple of just comments that may have been attributed to the wrong person or some small corrections. They weren't substantial enough to know what they were.

Alderman Deane

Kind of odd I mean you make a remark you make a remark you don't correct a remark that was made.

Chairman McCarthy

I think what happened was that the minutes reflected the wrong person making a comment. That was corrected when they were brought up for approval. Also remember that those minutes are not verbatim consequently there is the opportunity for the scribe to write down something that doesn't reflect what the speaker said.

Alderman Deane

Are those reviewed by anyone before they are released?

Chairman McCarthy

They are reviewed by the Charter Committee and approved at the next meeting the same way ours are.

Alderman Deane

Ours are typed verbatim and those are not.

Chairman McCarthy

Correct.

Alderman Deane

Nobody looks at them before they are submitted to the Charter Committee other than the woman that transcribes them?

Chairman McCarthy

That is correct. I think that is common practice; in fact we do the same thing with non-verbatim minutes in the Joint Special School Building Committee.

The only other issue that I have is that we will meet fairly quickly to start the debate on the structure of our water commission or however we want to represent ourselves. I will get a draft of an ordinance with all of the – I think there were 6 variations that people brought up worded into it so that we can begin to pick those. In the meantime we will have to appoint an interim director or directors to go to the meetings of the Charter Committee if there are any. At some point we will be faced with reviewing bylaws.

Alderman Deane

What business would the Charter Committee have...

Chairman McCarthy

Not the Charter Committee the Board of Directors of the District.

Alderman Deane

That is not going to be for another couple of months right?

Chairman McCarthy

No that would theoretically be 30 days from last Friday when the Board can have its first meeting.

Alderman Deane

The people to be appointed would be out of this committee or of this Board?

Chairman McCarthy

Well I am open to suggestions on that. I was actually considering suggesting that you Alderman Deane, Alderman Bolton, and myself be the representatives for the time being until we put an ordinance in place that establishes some other mechanism.

Alderman Deane

Wow.

Alderman Lozeau

Is Fred Britton still going to be involved?

Chairman McCarthy

Fred has suggested that this might be an appropriate time for him to step aside from it now that the Charter Committee is done with its work.

Fred if you are watching I thank you profusely for the amount of work you put into it. I have no desire to serve on the thing in the long term, but I would like to sit on it through the development of the bylaws for the commission since that is closely related to the Charter and needs to dovetail with it.

Alderman Lozeau

I assume there is no money in the kitty so I believe it stated that the Board of Directors would be paid, but if ... if they are elected officials I don't think they can be paid.

Chairman McCarthy

I think it is ambiguous. I would expect that they won't be paid.

Alderman Deane

If we take people off this committee then a motion will be made that these are temporary positions until the legislation associated with how our representation is set up is passed?

Chairman McCarthy

Yes.

Alderman Deane

When would these meetings be? Between full Board meetings, Finance, Infrastructure, Budget, Senior Activity Center meetings, Hunt Building meetings, T-Ball – there is a lot of stuff that is ...

Chairman McCarthy

I think the intent was to continue holding them on Thursday evenings because that is when most of the likely interim directors have open as a holdover from the Charter Development Committee.

Alderman Deane

Have they structured any sort of timeframe? Are they weekly, bi-weekly?

Chairman McCarthy

Yes to be determined.

Alderman Deane

When would we have to do this by?

Chairman McCarthy

That is a good question. I think we ought to have something in place before the 30-day period expires. I was considering getting a communication to the Board next week to at least propose the interim directors.

Alderman Deane

Would it have to be brought to the Personnel/Administrative Affairs Committee where we would be drilled by that committee?

Chairman McCarthy

It could be. I would rather hope in the scheme of things that we would decide that we are happy with the appointments and make them.

Alderman Deane

Since you are the Chairman you can break the bad news to Alderman Bolton.

Chairman McCarthy

I also have to discuss it with the Legal Department because once regarding from whence such appointments ought to derive at this point given no other authority. When are discussing interim

directors representation to the Regional Water District and I had said that in -- what seems to be the pattern is to appoint interim directors until a process is in place for establishing a long-term representation. I was going to propose that you and I and Alderman Deane serve as the delegation from Nashua.

Alderman Bolton

What days do they meet?

Chairman McCarthy

Thursdays. We have to convince them that they want to schedule it around school committee meetings at this point.

Alderman Deane

I would suggest once you get everything figured out – do we have another meeting scheduled for this committee next week?

Chairman McCarthy

I don't remember if there is one next week or the following week. I think we try to do them every two weeks.

Alderman Deane

When is the 30-day period up?

Chairman McCarthy

Thirty days from last Friday I suspect.

Alderman Shaw

I was just curious if we have any update regarding the PUC filing or any status information from Mr. Sansoucy or Attorney Upton or anybody.

Chairman McCarthy

I think the only thing I have seen go by this week and I didn't read it in detail is that the PUC may in fact be waiting for a ruling from the Superior Court on some portion of it before scheduling our hearings on the taking issue. Let's just hope the Superior Court isn't waiting for the PUC to take action.

Is there anything else?

ADJOURNMENT

MOTION BY ALDERMAN DEANE TO ADJOURN

MOTION CARRIED

The Pennichuck Water Special Committee meeting was adjourned at 6:47 p.m.

Alderman-at-Large David W. Deane
Committee Clerk