

**WATER RESOURCES COMMITTEE
TOWN HALL
Meeting Minutes ~ February 7, 2005**

Members in attendance: Dave Irwin, Chair; Tom Burns, Vice Chair; Malcolm Brown; Bob Hunter; Rick Mattila; Chris McCabe, Town Manager; Joan Meschino, Selectman; Ed Petrilak; Mike Blanchard, Alternate.

Also in attendance: Jim Lampke, Town Counsel; Ed O'Brien, Consultant for RW Beck; Howard Steiman, RW Beck; Gerry Benson, Black & Veatch; Helen Ariola Gordon, Woodard & Curran; Carol Rego, CDM; Larry Bingaman, Aquarion; John Struzziery, SEA; Bill Wayne, Hull resident.

Meeting called to order by Chair at 7:15 p.m.

Public Input: None.

Approval of Minutes:

MOTION by T. Burns, **SECOND** by R. Mattila, to accept meeting minutes for January 23, 2005. **APPROVED**, unanimously.

Chairman's Topics:

A. Guest Speaker ~ Jim Lampke, Town Counsel

Town Counsel advised the WRC regarding the nine (9) exceptions to the open meeting law requirements. Rules are counterintuitive and inconsistent. Strategic planning and contract negotiations are not included under the exceptions. Attempts to have the legislature amend open meeting laws have been unsuccessful. Submission and evaluation of proposals is an open and sometimes awkward process. Town Manager as chief procurement officer may discuss strategy offline.

Negotiating a fee may be conducted by Town Manager as chief procurement office. Acceptable to have one or two members of the WRC with him when he does so. The WRC has two options regarding determination of fees. First, the WRC may establish a fee for a scope of work in advance through the RFP. Second, the WRC may negotiate a fee subsequent to the RFP, having determined in advance the maximum acceptable fee for the scope of work.

The committee discussed the value of the RFP process, its obligations and what the next best steps would be. The committee discussed the definition and implications of the project as a 'public work'. Typically 'public works' encompasses horizontal projects, e.g. roadways, etc. as opposed to vertical projects such as buildings. R. Mattila observed that this is a study to determine whether we should do the project, to look at what the specifications might be – it is the part just before the design build phase. E. Petrilak expressed a preference for an open bid process regardless of the requirements and noted that the goal is to decide whether or not to proceed.

B. Tighe & Bond proposal.

Per Town Counsel, § 30(b) does apply when hiring an owner's representative to assist with development of scope of work for the RFP. If the owner rep services exceed \$10,000, the

WRC is obligated to seek at least two other quotes from companies who offer like services. Such services anticipated to be approximately \$10,000.

MOTION by M. Hunter, **SECOND** by C. McCabe, to have Town Manager seek three quotes for technical assistance to develop the scope of work for the RFP, including, but not limited to, Tighe & Bond. **APPROVED**, unanimously.

The three quotes will be circulated among committee members for review prior to next meeting.

C. Town Meeting May 2, 2005.

Authorization for WRC, mission and funding does not expire. No need to seek reauthorization. WRC discussed developing literature to hand out to Town Meeting attendees.

D. Town Report on HWRC due March 31, 2005 at 5:00 p.m. – limit 5 pages.

R. Mattila will draft brief report on WRC activities for Oct 2004 through March 2005.

E. Evaluation Ranking of RFQ (if needed).

Discussion tabled. Owner rep will like handle this task. No need for committee to address at this time.

New Business:

R. Mattila reported that department of environmental affairs is circulating an article among other state agencies which looks at water as a resource and proposes to develop official policy guidelines re desalinization.

Old Business: None.

Items for Discussion: None.

Next meeting: February 21, 2005 at 7:00 at Hull Public Library.

MOTION by R. Mattila, **SECOND** by T. Burns, to adjourn meeting. **APPROVED**, unanimously.

8:50 p.m. meeting adjourned.

Approved: _____