

MOOSE HILL WATER COMMISSION

MEETING MINUTES

Thursday, November 12, 2020

Virtual Meeting: The meeting was held in the “go to meeting” app, licensed to the Town.

Members Present: Kurt Parliment, Jay Powell, Michael Shivick

Others Present: Select Board Chair Provencher, Selectperson Duggan, Town Administrator David Genereux, Town Planner Michelle Buck, Assistant to Town Administrator Kristen Forsberg, Deborah Wilson, and about 10 members of the public who were unidentified.

Call to Order

Chair Shivick called the meeting to Order at 6:00pm and lead the meeting in the Pledge of Allegiance.

Approval of Meeting Minutes

MOTION: Mr. Parliament moved to approve the draft minutes from the 6/25/19 meeting. Mr. Shivick seconded. TA Genereux opined there was no prohibition on a member voting on the minutes even if the member was not on the Commission for that meeting.

Roll Call Vote. **UNANIMOUS.**

MOTION: Mr. Parliament moved to approve the draft minutes from the 11/5/20 meeting. Mr. Powell seconded.

Roll Call Vote. **UNANIMOUS.**

Moose Hill Water Commission

Legislative Intent: Mr. Shivick involved a lengthy discussion regarding the legislative history of Moose Hill Reservoir and the reasons it is imperative to explore every avenue to bring it online as intended as a public water supply. He made note that the DEP sent the town an approval letter classifying the reservoir as Class A in 1996 and then in 2000 doubled back and simply informed the town that it decided not to certify the reservoir and never told anyone.

Mr. Parliament said he wanted to get right to the meat of the issue and moved that the Moose Hill Water Commission seek the money needed to bring the reservoir online in accordance with the steps laid out by the DEP to certify the reservoir as a public water supply.

MOTION: Mr. Parliament moved the Commission “go to the Select Board for approval” or otherwise request the Select Board appropriate the money necessary to comply with the steps outlined by the DEP, in order to certify Moose Hill Reservoir as a public water supply for the entire town. Mr. Powell seconds.

Under discussion, Mr. Genereux made the Commission aware of the presence of Joe McGinn, who is engaged in leading the ongoing study of the water and sewer districts in town. Mr. McGinn engaged in a detailed discussion about his understanding of the circumstances surrounding the reservoir. Mr. Shivick thanked Mr. McGinn for his positive outlook on the

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project and the parties agreed to meet in the future regarding the project. Mr. Shivick noted it would be imperative to involve Frank Lyon the former Superintendent of the Leicester Water Supply District in any discussion surrounding Moose Hill, the 2003 Intermunicipal Agreement, and the remainder of the pertinent issues. Mr. McGinn noted the need to obtain water quality samples from the reservoir and re-determine the quality of the water, but saw no serious obstructions to the forward pathway of the project. Mr. Shivick asked Mr. Duggan and Ms. Provencher whether they had any input. Ms. Provencher agreed that there appeared to be a positive outlook on the project and hoped for continued cooperation between all parties. Mr. Shivick noted there was a drastic change in climate regarding the project, which he hoped would be sustained until the project was completed.

Roll Call. **UNANIMOUS.**

2003 Intermunicipal Agreement

Mr. Shivick brought up the contract from the intermunicipal agreement between the Town and the Leicester Water Supply District. He noted several anomalies and that allowing the same people who lost half the town's water supply or ran one of the districts into fiscal insolvency were not the same people the town should be handing the keys over to for the future of water and sewer.

Mr. Shivick asked Mr. Genereux whether there had been any meetings as required by the IMA on an annual basis to discuss the path forward on Moose Hill. There having been none, Mr. Shivick suggested a meeting be scheduled. Ms. Genereux stated the ongoing water study may be preclusive of any such meeting being complete, but agreed that there would be no reason not to have a "pre" meeting, in the spirit of the contract. It was agreed steps would be taken to conduct such a meeting, potentially in Spring 2021.

Mr. Shivick noted that public officials bound by the 2003 IMA have been making public statements that are materially inconsistent with the terms of the Moose Hill contract. He noted that, without belaboring the issue, most of those individuals are no longer elected or appear to have left those comments in the past.

Mr. Shivick discussed what in his opinion appeared to be the intentional burying of Moose Hill reservoir, and though there were a few interruptions, put forth over the course of the meeting that:

- Since 1968, the Town had always sought to bring Moose Hill online as a public water supply;
- The Town had predictions as recently as 1987 that current population trends would put the town at risk for water shortages as soon as FY2000;
- the DEP issued a letter to the Town stating that Moose Hill was approved as a "Class A" public water supply based on the 1987 Moose Hill Report;

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- in the year 2000 it was “discovered” that the DEP had simply not certified Moose Hill as a Class A water source with no apparent reason except they had seemingly just not done the paperwork;
- in 2003, the Town and Leicester Water Supply District contracted pursuant to M.G.L. c.40 s.4A to an intermunicipal agreement that cannot be broken unless there is language specifically included in the contract as to how the parties can break or otherwise rescind the contract;
- in 2008 there was money allotted to the Town through the American Reinvestment and Recovery Act (a/k/k stimulus money) that was somehow funneled to Becker College for the “May House” project; the “May House” project never went forward and the \$300,000 was not distributed;
- it would have cost roughly \$300,000 to bring Moose Hill to “shovel ready” and meet the steps outline in the 2009 letter from the DEP to bring Moose Hill online;
- the people responsible for funneling the ARRA money – Brennan and co - to Becker, shortly thereafter in 2008-2009 deemed Moose Hill to be unfundable and a dead project by 2009;
- it appears that certain capital moves by the Town, including buying Hillcrest, were possibly aimed at curtailing population growth to maintain the status quo on water even longer.

There was little discussion on the issue.

MOTION: Mr. Shivick moved that he be granted permission to correspond with the Town of Spencer and other entities regarding Moose Hill reservoir. Under discussion he noted there had been record of issues with Sugden Pond in Spencer due to failure to use Moose Hill as intended.

Roll Call. **UNANIMOUS**

Draft Moose Hill Protection Bylaw

Mr. Genereux noted that DCR contested the Town’s right to any portion of Moose Hill, even the water, which, in their opinion, belongs solely to the state. Mr. Shivick stated that seems inapposite to the Town’s equitable right to pump the water from the reservoir, which was the ultimate purpose of the entire multi-decade, multi-million dollar project in the first place. The issue was tabled pending further investigation.

Public Hearings On Water

Mr. Shivick introduced his intent to conduct public hearings on water issued in Leicester and regionally, possibly as many as three (3) in the coming months.

Adjournment

MOTION to adjourn: **UNANIMOUS.**

The meeting was adjourned at approximately 6:41pm.

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