



## PUBLIC NOTICE POSTING REQUEST TO OFFICE OF THE LEICESTER TOWN CLERK

TIME STAMP

ORGANIZATION: Moose Hill Water Commission

XX MEETING PUBLIC HEARING (Please circle appropriately)

DATE: Thursday 5/27/21 TIME: 6:00p.m.

LOCATION: Please join the virtual meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/871714109>

You can also dial in using your phone.  
(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 877 309 2073  
- One-touch: tel:+18773092073,,871714109#

Access Code: 871-714-109

Requested by: Michael J. Shivick, Chair

**ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN BOARD 48 HOURS PRIOR TO THE MEETING. (in accordance with Chapter 303 Acts of 1975)**

- Call to Order
- Pledge of Allegiance
- Approval of Minutes of 1/7/21, 2/25/21
- Correspondence
  - DEP: Class A certification steps
- Liaison Report
  - 5/17/21 Select Board Meeting Recap
  - Funding Options for Certification Steps
- 2003 Intermunicipal Agreement
  - M.G.L. c. 40 s.4A
- Adjournment

“The listings of matters are those reasonably anticipated by the chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

## MOOSE HILL WATER COMMISSION

### MEETING MINUTES

Thursday, January 7, 2021

**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:** Director of Inspectional Services Michelle Buck, Gregory Buteau, Ashlyn Coyle, Deborah Wilson, E. Smith, Art Paquette, LCAC;

#### 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 11/12/20 meeting. Mr. Shivick seconded.

Roll Call Vote. Powell Aye – Parliament Aye – Shivick Aye - **UNANIMOUS.**

#### Moose Hill Water Commission

**Rules & Regulations:** Mr. Shivick asked Mr. Parliament what rules or regulations have previously been enacted by the Commission. Mr. Parliament stated that no regulations or specific parliamentary procedure had ever been adopted in his tenure.

**MOTION:** Mr. Powell Moved to adopt the most current Roberts Rules of Order as official rules for MHWC meetings. Mr. Parliament seconded.

Under discussion, Mr. Shivick noted the need to have a specific set of rules to point to, in order to run effective public meetings.

Roll Call Vote. Parliament Aye - Powell Aye – Shivick Aye - **UNANIMOUS.**

Mr. Shivick noted the need to enact rules and regulations and sought input from the other members to submit a week prior to the next meeting for draft regulations.

#### 2003 Intermunicipal Agreement

Annual Convention of the Water Boards – Mr. Shivick noted the 2003 IMA requires an annual meeting between the contracting parties. It appears this has never occurred and the secret water meetings did not appear to meet that requirement of the IMA. He noted trying to set up a meeting to satisfy the IMA, while needing to lay groundwork before this could occur.

Water Treatment Facility – Tabled

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**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**

Passed over.

#### **Public Hearings On Water**

Mr. Shivick noted the need to have public hearings on water. Town administration had seemed receptive to this issue. Input requested to scheduling of public hearings on water. Mr. Shivick suggested Saturday morning to ensure easier attendance. Mr. Powell and Mr. Parliment stated Saturday would be undesirable. Mr. Shivick asked whether Thursday would be acceptable and discussion ensued regarding a February public meeting.

#### **General Discussion**

Mr. Shivick asked whether the Commissioners had any other matters for discussion. Mr. Parliment asked whether Mr. Shivick had made any decisions regarding how to approach the Moose Hill reservoir project, including going to the Select Board regarding the "10 year study." Mr. Shivick noted the last meeting Mr. Parliment moved the commission "go to the selectboard" for funding and that was the extent of the motion. Mr. Parliment pressed the question about "[what is your plan to go to the Select Board and get that money]." Mr. Shivick stated he understood the vote was to be transmitted to the SB and asked whether Mr. Parliment thought the commission needed to attend a SB meeting.

Mr. Parliment clarified he believed the commission needed to go to the SB to "justify" what "you are trying to do." Mr. Shivick commented that he did not believe the commission needed to "justify" anything since the Town is already under contract to develop Moose Hill reservoir. Mr. Parliment iterated that the "ten year project" was to be capped off by a substantial capital expenditure to bring Moose Hill online. Parliment continued that a plan needs to be in place in order to justify funding sought.

Mr. Shivick stated he appreciated what Mr. Parliment was trying to say, but that his understanding of the Motion from the past meeting was different than Mr. Parliment's. Mr. Parliment asked whether Mr. Shivick believed the SB would simply jump on the issue without taking the initiative to present it to the SB. Mr. Shivick stated that he felt Mr. Parliment's questions were "pointed" and that he was confused about the line of questioning engaged in by Mr. Parliment, who had "been on this board since [Mr. Shivick] was in high school." Mr. Shivick noted that Parliment seemed to be asking questions about plans and information that had been laid out long before Mr. Shivick was on the Commission. He suggested that Mr. Parliment might have a suggestion about a better way to handle the situation, due to his experience. Mr. Parliment stated he had no better idea of how to resolve the issue. Mr. Shivick stated that the

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prior motion was just to “take it to the SB” for funding and that the Commission would need to have a discussion about that process before anything could be decided and that maybe it would be better served as an agenda item for the next meeting. Mr. Shivick noted he did have ideas on how the issue could be approached, including that which has already been laid out since 2009 in the 13 steps provided by DEP to make Moose Hill a class A public water supply – which had laid dormant since being received by the MHWC. Mr. Shivick further iterated that his understanding was that it was 10 years for Moose Hill to be online. Mr. Parliament insisted it was 10 years of “study” and then more time to build the capital improvements. Ms. Shivick noted he disagreed with the timeline, based on the studies conducted that support his position.

Mr. Parliament then asked whether Mr. Shivick had talked to DEP. Mr. Shivick stated it was not time to approach them without the groundwork laid. Mr. Shivick noted that Mr. Parliament in the past was publicly stating he wanted to quit the Commission, the Commission needs to be disbanded, and “there’s nothing we can do,” and that under Parliament, the Commission wasn’t “doing anything.” Mr. Parliament shot back again with “have you talked to DEP.” Mr. Shivick noted he had not made a specific effort since his last meeting with DEP in 2017. Mr. Shivick asked Mr. Parliament what effort he himself had made to talk to DEP. Mr. Parliament stated, “I am done talking to DEP.” Mr. Shivick asked when the last time Mr. Parliament spoke to DEP and It was “about 3 years ago,” but was unable to name the last person he contacted at DEP.

Mr. Shivick noted he felt “blindsided” by “weird questions” from Mr. Parliament, but was then cut off by Mr. Parliament who stated “there are no weird questions’ and began badgering Mr. Shivick about the prior points that Mr. Shivick had already addressed earlier in the meeting. Mr. Parliament continued on Mr. Shivick about what his “10 year plan was” and Mr. Shivick stated again that Mr. Parliament had his facts wrong and the engineers in the 2017 and 2008 studies, and prior studies, had already laid out the timeline and process. Mr. Shivick stated that Mr. Parliament is on express notice of those studies and all of that information, so that Mr. Parliament must really be asking what Mr. Shivick’s plan is for “taking it to the Board of Selectmen.”

Mr. Shivick noted that Mr. Parliament had “been on this Board for 20 years,” and asked him what his plan, if any was. Mr. Parliament stated he worked hard to bring this to the Town, SB, and water districts, and that now it is “your problem.” He continued that he didn’t plan to seek reelection and peppered Mr. Shivick again about “what are you going to do to convince the SB to pay money for a 10 year study.” Mr. Shivick stated he appreciated Mr. Parliament’s comments, but did not appreciate his “tenor and his tone” and continued that he was not going to entertain any further questions from Mr. Parliament for that reason. He continued that he hoped that when Mr. Parliament did step down that his seat was filled by someone who “is not quite as sour on the situation and not quite as obstinate about the situation.”

Mr. Parliament became hostile and stated “where do you think you’re going to go with this...this thing is going nowhere.” He continued that when he did “get off this Board, [he] will be the worst person in your world, because he would fight [the Moose Hill project] to the end.” Mr.

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Parliment crescendoed about the lack of viability of the water supply he was in charge of making a public water source for the last twenty years and failed. He finally cut to the chase on his earlier questioning and commenced listing off his perceived defects with the project – none of which made any progress under his years and years of chairmanship.

Mr. Parliment then went on to claim the project was at least “a \$70 million budget,” but provided no factual basis for that claim. Mr. Shivick noted that he understood that Mr. Parliment felt he had done everything he could on this Board and that, although he did not see eye to eye with Mr. Parliment, his comments were appreciated.

Mr. Parliment without further word simply quit the meeting. Mr. Shivick noted for the record that Mr. Parliment’s demeanor was angry, oppositional, and combative.

Mr. Powell stated that we need to move forward and develop new ideas and solutions to move the project forward. He stated he was “shocked and dismayed” by the demeanor of Mr. Parliment and others who had seemingly sought to obstruct this worthwhile project. He stated that Mr. Parliment’s express statement that he would fight the commission tooth and nail to avoid delivering quality drinking water to the residents of Leicester, Cherry valley, and Rochdale, is “scary” and “concerning to me beyond belief.” He stated he did not know Mr. Parliment personally, but he was shocked and apologized to the entirety of the town for Mr. Parliment’s actions. Mr. Powell reiterated his resolve in getting Moose Hill reservoir online as designed and intended.

Mr. Shivick noted the Town’s stated goal is to bring Moose Hill online as a Class A PWS.

### **Adjournment**

Mr. Powell MOTION to adjourn:

Local resident Mr. Buteau interjected and asked to speak from the public gallery. Mr. Shivick stated that without rules and regulations in place, he did not feel comfortable engaging in public comment since it was not listed on agenda and there were no adopted meeting rules. He asked Mr. Buteau to submit his query by email. He stated he did not know where to submit an email and Mr. Shivick stated he would email Mr. Buteau directly.

### **UNANIMOUS.**

The meeting was adjourned at approximately 6:19pm.

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## MOOSE HILL WATER COMMISSION

### MEETING MINUTES

Thursday, February 25, 2021

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

**Members Present:** Jay Powell, Michael Shivick

**Members Absent:** Kurt Parliment

**Others Present:** Director of Inspectional Services Michelle Buck

#### Call to Order

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

#### Correspondence

Mr. Shivick explained he had sent correspondence to the Town of Spencer and City of Worcester regarding possible cooperation on regional water. He noted that continued interconnection with other entities risked losing local control, including MWRA rates passed onto the Leicester, Cherry Valley, and Rochdale ratepayers, in addition to additional rates charged by Worcester.

Mr. Shivick further mentioned he had invited each of the water districts to be present at the meeting with Cherry Valley Rochdale Water District responding they would not attend and Leicester Water Supply District not tendering any response at all. Mr. Shivick thanked CVRWD for the correspondence.

#### Water Study Correspondence

It was further relayed that Weston & Sampson had corresponded with the Commission regarding a First Draft of their water study. Mr. Shivick had made objections to the form and substance of the first draft, and then had received correspondence through the town from Weston & Sampson that they were then unilaterally withdrawing their first draft as incomplete. The Commission was informed a second completed draft would be tendered for approval by the Commission, after input was made by the districts and Commission regarding the first draft.

#### Moose Hill Water Commission

**Rule and Regulations:** Ms. Shivick illustrated the reasons for having rules and regulations for the Commission and requested the members be ready to vote on them for the next meeting. Mr. Powell asked whether other towns had similar rules. Mr. Shivick stated we did not want to end up in a situation like Spaulding v City of Natick (2018). He noted a public actor cannot regulate the content of a particular individual’s speech arbitrarily. Mr. Powell agreed.

#### 2003 Intermunicipal Agreement

Mr. Shivick stated the language in the IMA was important since CVRWD ratepayers subsidized the LWSD infrastructure and then were told they were on their own. Moose Hill cost of development increases each time it is revisited, but the numbers Mr. Parliment quoted at the last meeting had no basis in fact. A more reasonable amount to anticipate would be \$20-30mil.

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Money from the state and federal government would be necessary. It is the town's responsibility to bring moose hill online and put a spigot in the middle of town and say come and get it. He noted that no current member of the commission built Moose Hill or signed a 25 year contract to develop the reservoir, but were obligated to do their job. He stated that if we were talking about Rochdale Pond and there was no contract, then the anti-moose hill crowd's rhetoric would be warranted but seemed out of step since we were talking about a certified public water supply and a contract under MGL c.40 s.4A.

Mr. Powell added that we have a reservoir while we spend crazily to hook up to Worcester. Selling the water is important to developing the project. We need to get moose hill online for the people of Leicester, Rochdale, and Cherry Valley. The number one concern is the residents of Leicester and this is why he ran for this seat.

### **Adjournment**

**MOTION** to adjourn. Shivick Seconded. Parliament absent.

**2-0-0 Motion Passed.**

The meeting was adjourned at approximately 6:19pm.

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