

MOOSE HILL WATER COMMISSION

Meeting Minutes

Wednesday, September 25, 2019

Board Members Present: Kurt Parliment, Chair; Michael Shivick; Harry Brooks;
Others Present: David Genereux; Greg Buteau; Art Paquette;

Call to Order

Meeting Opened at approximately 5:30 p.m.

Board Reorganization

The Board considered its annual reorganization.

Motion: Mr. Shivick nominated Mr. Parliment as Chair. Brooks seconded. UNANIMOUS.

Mr. Shivick and Mr. Brooks discussed the need to take meeting minutes and agreed to allow LCAC to record the meeting and Mr. Brooks would provide minutes. It was unclear who would take on Clerk responsibilities per Roberts Rules of Order.

The Board discussed the “water panel” that meets privately to discuss the ongoing water issues. The panel consists of each of the water and sewer districts, the Select Board, and Town Administration.

Mr. Brooks insisted he had to be the liaison to the water panel from the Moose Hill Water Commission because he was already a Select Board member. This was the only possible choice in his eyes.

Mr. Shivick stated that was absurd and that he and Brooks had alternated at water meetings when they served on the Select Board together. Mr. Brooks was adamant that Shivick could not be included in the meetings because he might make the information public.

Mr. Genereux stated that the “sensitive nature” of the information at the meetings precluded it from being a public meeting and that if Shivick, the only lawyer in the room, attended, the subsequent public release of any such information would jeopardize the entire process of dealing with the “water issues” in Town.

Mr. Shivick lambasted Genereux for his commentary, likening it to express defamation. Shivick stated no matter how secret they wanted these meetings to be, the water panel was a public meeting and that residents, especially a sitting water commissioner - should be able to attend, especially where Shivick has been so deeply involved with this issue for so many years.

Mr. Brooks stated expressly that if Mr. Shivick appeared at the next water panel meeting that no water panel meeting would occur.

Approval of 6/25/19 Meeting Minutes

Mr. Brooks moved to approve the minutes. Mr. Parliament seconded.

Mr. Shivick noted he was not informed of the meeting on 6/25/19 and thus could not attend.
Yea: Brooks, Parliament Abstain: Shivick – PASSED 2-0-1.

Assessing the function of the Moose Hill Water Commission
Chairman Parliament sought input on the need for future meetings.

Mr. Brooks made it known that he believed the board should be “disbanded.”

Mr. Shivick stated that the Town was obligated by M.G.L. c.40 s.4A and legislative history to bring Moose Hill reservoir online as a public water supply and needed to act as legally required. He noted there is the 2019 Water and Sewer Reorganization Act passed by the Massachusetts Legislature was a prime opportunity for the Town to take the lead in ongoing water issues in town. He noted two Massachusetts cases involving water supplies and M.G.L. c.40 s.4A and that the Town was abdicating its responsibilities to the residents.

Mr. Brooks became objectionable.

Set “Yearly” Meeting Date
Mr. Parliament sought information regarding a date for the next meeting. He and Mr. Brooks agreed that there should be no meeting for at least another year. They both seemed to agree that November 2020 was appropriate.

Mr. Shivick stated that changing meeting schedule to annual was an affront to the residents of the Town. He noted that the Board has done nothing under Brooks and Parliament and that the Town was a decade or more behind in carrying out its obligations under the 2003 Intermunicipal Agreement. He specifically noted that he was conspicuously denied notice of the last meeting and now the other board members suddenly wanted to limit meetings to once a year.

Motion: Mr. Brooks moved to schedule the next MHWC meeting for November 2020. Parliament seconded.
Roll Call: Brooks: yea; Parliament: yea; Shivick: nay – PASSED 2-1.

Meeting adjourned at approximately 6:15pm.

Respectfully Submitted,
Michael J. Shivick, Esq.