

## MOOSE HILL WATER COMMISSION

### MEETING MINUTES

Thursday, April 1, 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 noted receipt of a March 2021 response letter from the Town of Spencer regarding drinking water supply and appurtenant matters. He noted that Spencer was amenable to keeping their options open and at least discussing a regionalized agreement on water. They noted that Shaw Pond belonged to the Town of Spencer outright and is a certified public water supply, although it had been taken off line in 1998 because federal regulations required pretreatment of surface water. They noted that it was kept in reserve for use by the Town for emergency circumstances and that they had no immediate need for water supply. They sought more information and Mr. Shivick noted he would engage in additional correspondence with the Spencer Board of Water Commissioners.

Mr. Powell noted he had commenced discussions with the City of Worcester and anticipated a positive response regarding working together to help Leicester on water. He noted further he hoped the project continued to head in the right direction.

**MOTION:** Mr. Powell Moved that Mr. Shivick be permitted to draft and transmit a press release regarding the Commission’s optimism regarding the Moose Hill Reservoir project. Mr. Shivick seconded. Under discussion Mr. Powell noted the importance of keeping the media informed of the situation. Mr. Shivick noted media outlets have shown interest in human interest stories related to the serious matters surrounding our underlying the water issues and the solution of Moose Hill.

**Roll Call: Powell AYE – Shivick AYE – Parliment ABSENT – Motion passes 2-0-0.**

#### Moose Hill Water Commission

**Rule and Regulations:** Mr. Shivick illustrated some reasons for having rules and regulations for the Commission. Past elected officials had a penchant for using their position to possibly curtail protected first amendment speech. The need to avoid this type of problem is paramount, as other meetings have devolved into groups of angry citizens swarming and taking over meetings in ways that were not productive.

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**MOTION:** Mr. Powell moved the Commission adopt the amended draft rules and regulations. Mr. Shivick seconded. Under discussion, Mr. Shivick noted the helpfulness of having adopted rules and regulations, which appear to never have been adopted by the Commission.

**Roll Call. Powell Yea – Shivick Yea – Parliament Absent. Motion Passed 2-0-0.**

**Water Subscriber Bill of Rights:** Mr. Shivick discussed a Water Subscriber’s Bill of Rights. He elaborated that he sought input from the Commission on a list of about 10 Rights each water subscriber in Leicester should enjoy without infringement. Mr. Powell gave input that the endeavor could be productive. Mr. Shivick iterated that, although largely symbolic in adoption by the Commission, it would be an adopted resolution of the Commission that others could reference or adopt.

**Water Study:** Mr. Shivick stated there had been no follow up on the subsequent draft averred to be en route from town administration. There had been a retraction of a prior draft by Weston and Sampson as incomplete and inaccurate. The Commission was promised a subsequent, completed, draft of the initial report to vote on and approve as part of the ongoing “water study” funded by the state and federal grants. There has been no update to date, but the Commission anticipated updates forthcoming.

Mr. Shivick noted that the Leicester Water Supply District was bound by the 2003 IMA and M.G.L. c. 40 s.4A to make it their goal to develop Moose Hill and/or Shaw Pond as a public water supply for the town of Leicester. He noted in his legal research and public records requests that the LWSD was subject to a possible hostile takeover by the Town. The enabling acts of the LWSD specifically state that the Town can take over the LWSD by force, on filing suit at the Supreme Judicial Court and compensating the LWSD at fair market value for their assets. He stated it appeared that the LWSD was no longer serving the interests of the Town of Leicester, and therefore the legal standard to commence a hostile takeover was met and must be immediately be sought.

### **Adjournment**

MOTION to adjourn: **UNANIMOUS.**

The meeting was adjourned at approximately

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