

Moose Hill Water Commission Meeting Minutes

Minutes of March 14, 2011

Members present: Kurt Parliment, Chairman; Frank Rigiero, Jr., Ruth Kaminski

Meeting called to order at 6:10PM

Approval of Minutes:

1/10/11

MOTION: Ms. Kaminski moved to approve the minutes of January 10, 2011

SECONDED: Mr. Rigiero – Discussion: None

Vote: All in Favor

Discussion:

Land Use Regulations/Sugden Reservoir Assoc.

Ms. Kaminski submitted a report to the Moose Hill Water Commission dated 3/14/11 for discussion.

The report read as follows:

The 85-acre Sugden Reservoir in Spencer, immediately down gradient of the Moose Hill Reservoir, has an active Lake Association. This body of water/dam though surrounded by residential homes, is owned by the Town of Spencer.

During the summer of 2010, when most recreational water bodies in Massachusetts were experiencing considerable drought conditions, the Sugden Lake dam gate was letting out more water than was coming in as evidenced in the Sugden Lake Association (SLA) web site which in part reads:

There has been a temporary plug put on the inlet side to slow the water flow going through. This is just a small patch to help out for now. It has slowed the flow going out a lot. We will be looking into a permanent solution should this situation arise again.

The Sugden Lake Association (SLA) put together a letter in August 2010 to a number of local, state and federal officials soliciting assistance in controlling the water flow into Sugden from Moose Hill Reservoir. SLA claims that this was “guaranteed” by correspondence in 1980. The SLA letter in part stated:

Alan Stolarczyk, President and the Sugden Reservoir Association have serious concerns pertaining to their lake. For several years they have been attempting to learn who is responsible for maintaining the lake at a proper level as a result of the building of Moose Hill Reservoir in 1980. They have encountered a severe lack of water flow over the years since Moose Hill Reservoir was built and have thus far been unable to determine the entity responsible for its management.

I have enclosed a copy of a letter dated August 11, 1980, from Richard E. Kendall, the then-commissioner of the Department of Environmental Management for the Commonwealth of Massachusetts, to William D. Ekleberry (then-chairman of the Spencer Board of Selectmen), Neil Rivers (then-spokesman for Sugden Reservoir residents), and Ralph Warren (then-secretary of the Spencer Conservation Committee) regarding the construction of Moose Hill Reservoir and its impact on Sugden Reservoir.

As you can see from finding no. 2 in the enclosed letter, the DEP stated that “Sufficient flow will be released from Moose Hill Reservoir and contributed from watershed areas below Moose Hill Reservoir to maintain the water level of Sugden Reservoir at present levels and assure continuous flow.”

A quick glance at the lake clearly shows that the current level of the lake is simply not being kept to the “present level” referenced in the letter from the DEP. Mr. Stolarczyk and the Sugden Reservoir Association estimate that the current level of the lake is approximately 18” down from the dam overflow level.

The current level of the lake affects not only the lake but several points to which the lake flows, including the Seven Mile River and Turkey Hill Brook. The low level of the lake and its effect on the Seven Mile and

Turkey Hill have an impact on wildlife, fish and other aquatic species that require the river(s) to flow freely. The level of the lake will also have a profound effect on Quaboag Pond.

On behalf of Mr. Stolarczyk and the Sugden Reservoir Association, we are requesting your help with this matter. This is a situation that needs an expedient resolution. The lake is losing its water for no reason which, in addition to the concerns illustrated above, could lead to poor water quality and an aquatic imbalance for the species in the lake.

Moose Hill Reservoir must be monitored and adjusted accordingly on at least a monthly basis to ensure proper flows of water to the reservoirs, streams, rivers and ponds below that rely in part on the flow from Moose Hill Reservoir.

SUGDEN LAKE ASSOCIATION OFFICERS AND DIRECTORS:

Alan Stolarczyk - President 508-868-4437

Gordon Clogston -VP 508-885-9050

Diane Krosocska - Interim Secretary

Joanne Seymour- Treasurer 508-885-4145

Board of Directors: Jonathan & Caroline Ely; Tom Flannery; Charlie Bromage; Lynda Hafner; Jenny Colella; Bonnie Lindberg; Mercy Vinton; Diane Krosocska

As stated on the web SLA site “the Sugden Lake dam gate is letting out more water than is coming in” and this was due in 2010 to drought conditions, as well as, Sugden dam gate problems that have been temporarily repaired. The Commissioners do not feel that the burden of keeping the lake at certain levels should be the sole responsibility of the DCR in keeping Moose Hill down when Sugden needs water. Normal conditions would allow that Moose Hill respond to dropping water levels to maintain a normal water flow in consideration of weather conditions. But to say that Moose Hill should be lowered for purposes of maintaining the levels of the Sugden recreational water body if their dam is leaking is not in the best interest of the Moose Hill Reservoir ecosystem in an attempt to save another. Mother Nature generally does not like that kind of agreement.

These comments are not promoting, in any way, Moose Hill as a water supply or even potential water supply. The Moose Hill Water Commission and the Town of Leicester will need to take an active part in the water rights that they in fact own.

Also there has not been any correspondence found showing that the SLA tried to contact anyone on the Moose Hill Water Commission or the Town of Leicester and there have been no attempt to contact either party.

Ms. Kaminski noted that for many years she was President of the Massachusetts Congress of Lake and Pond Associations and currently an Honorary Member due to her years of service to the 3500 lakes and pond in the Commonwealth. So it is known that she is an advocate for recreational water bodies in Massachusetts and beyond.

However, Moose Hill Reservoir is currently considered a recreational water body. With the DEP determining that there is much to do before the state would even consider this a water supply reservoir, we have no choice but to actively pursue our position as a community that values this water body possesses recreationally.

To that end the Commissioners should establish the following goals and objectives as the Moose Hill Water Commission.

- To seek a cooperative agreement with the State of Massachusetts, owners of the land abutting the Moose Hill Reservoir that establishes the ground rules for local authority of said land use.
- Establish printed and published rules and regulations for the land use that include but not limited to:
 - Picnicking
 - Hiking (particularly in light of the fact that the Massachusetts Mid State Trail is evident)
 - Biking and/or Horse Back Riding
 - Hunting and fishing

- Motorized vehicle use; parking
- Skating
- Educational; historic interests; and outdoor classrooms
- Litter control; Vandalism and breach of peace control
- Woodland; stone wall; grassland maintenance
- Interaction with the local police authority for enforcement
- It is evident that the dwindling state budget is not conducive to maintaining the land around Moose Hill Reservoir for the agency involved, DCR.
- Said Agency, DCR, has in the past received funds to fix the swales along the roadway but it appears that their primary purpose is the dam and the dam structure. There are 30 plus Federal flood dams not counting state owned dams that need to be maintained. Moose Hill historically has not been at the top of the list for land maintenance and understandably so.
- Moose Hill Water Commission should work with citizens who are concerned about the area around Moose Hill due to the enormous tax revenue that went into this reservoir area creation, and support the efforts of the “Friends of Moose Hill” group that will help to raise funds for general maintenance, education and beautification as continued upkeep of the area.
- Moose Hill Water Commission will work with the Town to establish a gift account for purposes of maintaining the land in and around Moose Hill Reservoir with these purposes in mind.
- Said expenditure of funds do not stop at the Leicester town line however. A good example of this is the need for roadwork at the Spencer outlet of Moose Hill where jersey barriers have been evident for too many years. A solid bridge should be placed appropriately through the proper political channels in Spencer. As a result of this multi town effort Moose Hill Water Commission will seek assistance from Town Administrator Bob Reed in working this out legally and solidly for the future of the entire area regardless of which town maintenance is needed.
- If State and Town partnership in this endeavor does not come to fruition, the Moose Hill Commission will open active discussions to seek legislation to take the land from the State to accomplish the goals as mentioned.
- It is recognized that the Town of Leicester, due to its size and composition, is not suited to maintain the huge flood control dam structure. It is not the intent of the Moose Hill Commission to take over this function which is appropriately placed with the dam inspectors and engineers with the State DCR.

(Dan Mortel, Dave Burns, Bill Saloma)

Ms. Kaminski, on behalf of the Moose Hill Water Commission, is working with Larry Boutiette, who was the original USAD SCS engineer with the Moose Hill Reservoir production. Mr. Boutiette is very knowledgeable of the creation of this reservoir and its intended use etc.

It should not be the intent of the Moose Hill Water Commission to work in a counter productive way toward the Sugden Lake Association. It should always be the goal to work together for the best interest of all concerned.

For purposes of discussion the 1st draft of sample like regulations is attached hereto, which we fully realize will not come to fruition until some agreement with the State DCR can be reached or legislation is filed and passed along with Town Meeting action.

The goal of the Commission is to protect the land for the future of the inhabitants of this area of Central Massachusetts. Protecting the land is part and parcel to protecting the water as a resource for whatever reason be it recreational or water supply.

Ms. Kaminski proposed contacting DCR suggesting that the Town, i.e. Moose Hill Commission, resume the responsibility of maintaining the reservoir property. With the financial restraints currently facing most communities, she felt that the State would be willing to work with the Commissioners on taking over the maintenance. A copy of the maintenance agreement between the Commonwealth and Town will be sent to each Commissioner for review. Mr. Parliment agreed to get clarification from DCR on whom to contact within their agency when questions and issues come up, as well as what the process would be on taking over the maintenance program. Also, to find out who has the “turn-table”, i.e., key to the dam.

Ms. Kaminski will also pursue speaking with Larry Boutiette and getting him to attend a Commissioner’s meeting to help guide and answer questions.

Ms. Kaminski proposed writing into the rules & regulations a statement that says “No Release of Water from the Moose Hill Reservoir unless the Commissioners allow”. All agreed.

Budget/Financial Reports

Payroll; Jan-Feb (11 hours) - voted and approved

Budget Reports for October, November & December 2010 - reviewed

E-mail memo dated 1/27/11 from Ms. Kaminski regarding FY12 budget estimate request to cut budgets by 20% Mr. Parliment informed the Commission that a cover letter was submitted along with the FY12 Budget estimate request to Advisory & Town Administrator, stating that a 20% budget cut would make it impossible for the Moose Hill Commission to function.

Correspondence:

Memorandum from the Office of the Selectmen regarding Annual Town Meeting Warrant now opened and will close on March 29th.

The Commission was recently informed that SEA Consultants had been consolidated with another Engineering Firm and is now operating under a different name. The new name was not known at this time.

A copy of the Special Town Meeting Warrant for March 8, 2011 received from the Town Clerk’s Office

Article Request Form for the Annual Town Meeting received from the Office of the Board of Selectmen

A copy of a letter from the US Environmental Protection Agency regarding that agency being in complete support of the comments forwarded by the Leicester Stormwater Committee

Budget reports for October, November & December 2010

Mr. Rigiero said because he will not be re-running for re-election, suggested waiting until after the Town Election in June before meeting with Larry Boutiette.

All agreed to set the next Moose Hill meeting for Monday June 13, 2011, 6PM.

Looking long term, the Commissioner will need to monitor the Sudgen Lake Association, because the Sudgen Association wants to try and take control of the Moose Hill Water. The Commissioners want to try and work harmoniously with the Sudgen Association because all agreed that they do not want Sudgen to get control of the Moose Hill Water.

MOTION: Mr. Rigiero moved to adjourn meeting

SECONDED: Ms. Kaminski – Discussion: None

Vote: All in Favor

Meeting adjourned at 7PM

Respectfully submitted:

Barbara Knox

Barbara Knox

draft

General Rules and Regulations for the Protection of Watersheds and the Watershed System within the Moose Hill Reservoir in Leicester Massachusetts.

(a) General Regulations adopted by the Moose Hill Water Commission.




1. Entrance on and exit from land of the Watershed System shall be made through gates or other designated areas.
2. No Person is allowed within any land of the Watershed System, except from one hour before sunrise to one hour after sunset, unless authorized by a written permit from the Commission or its designee.
3. Powered boats are prohibited within the Waters of the Watershed System.
4. All acts which pollute or may pollute the water supply are prohibited. No litter or refuse of any sort may be thrown or left in or on any land or water within any Watershed System.
5. All acts which injure the property of the Town of Leicester are prohibited. No Person shall injure, deface, destroy, remove or carry off any property, real or personal, under the care and control of the Commission, including but not limited to, all historic artifacts and natural materials. The removal of gravel, topsoil, stones, boulders, or other earthen material is prohibited from the Watershed System except for removal for official use for land management purposes by Commission approved parties. No Person shall build or construct any object or structure of the property of the Town of Leicester except with the written permission of the Commission or its designee.
6. Cooking and all fires are prohibited within the Watershed System.
7. No Person shall wade or swim in any reservoir.
8. No Person shall wade or swim in any Tributary or Surface Waters on or within the watershed property of the Town of Leicester except at areas designated by the Commission or its designee.
9. Organized sports activities are prohibited in the Watershed System except by written permit from the Commission or its designee.
10. Any violation of these regulations will be deemed sufficient cause for seeking revocation of fishing privileges for a period of time. The Commission is not responsible for any damage to or loss of property sustained by fishermen, or for any injury or loss of life which may be incurred in connection with public use of the reservoirs and Watershed System.
11. Breach of peace, profanity or other disorderly conduct offensive to the general public is strictly prohibited within the Watershed system. Possession of and drinking of alcoholic beverages is prohibited within said System.
12. No Person shall drive a motorized vehicle within the Watershed System. Recreational vehicles are prohibited on all Watershed System property except the use of snowmobiles in areas designated by the Commission or its designee. Motor vehicles shall be parked only in areas designated by the Commission or its designee. Operators of motor vehicles shall obey all regulatory signs unless otherwise directed by a police officer or person in charge. Vehicle access for official use may be granted by the Commission or its designee.
13. No Person shall bring any animal within any Watershed System property except for areas designated by the Commission or its designee.

14. The use of bicycles, skis and other means of non-motorized transportation within the Watershed system shall be permitted only in areas designated by the Commission or its designee.
15. No Person, except in an emergency, shall bring, land or cause to descend within any Watershed System property any aircraft.
16. Parades, games, fairs, carnivals, fishing derbies, bazaars, gifts or solicitations for raising or collecting funds shall not be permitted within the Watershed System without written approval of the Commission or its designee.
17. Lotteries, raffles, gambling and games of chance are prohibited; and no Person shall have possession of machinery, instruments or equipment of any kind for use of same in the Watershed System.
18. Public assemblies of more than 25 persons shall not be allowed within the Watershed System without a written permit from the Commission or its designee.
19. No Person shall engage in any business, sale or display of goods or wares within the Watershed System without a written permit from the Commission or its designee.
20. Commercial signs and advertising are prohibited in the Watershed System.
21. No Person shall have possession of or discharge any weapon, firearm, fireworks, or other explosive on or within the Watershed System except at times and areas designated by the Commission or its designee. All forms of target shooting are prohibited on or within the Watershed System.
22. No Person may hunt, shoot or trap animals on or within any Watershed System property except at times and in areas designated by the Commission or its designee.
23. All Persons within the Watershed System shall obey the lawful directions of regulatory signs, police officers or persons in charge, or of Federal or Commonwealth wardens or enforcement officers.
24. The Watershed System or parts thereof may be closed for public access at the discretion of the Commission or its designee when necessary to protect the lands and waters under the care and control of the Commission.
25. The possession of all types of metal detectors or similar devices is prohibited on all of the Watershed System property.









**PUBLIC ACCESS SUMMARY
FOR THE MOOSE HILL WATERSHED LEICESTER MASSACHUSETTS**





ACTIVITY ALLOWED/NOT ALLOWED
VEHICLE ACCESS:

Off-Road Driving(ORVs, ATVs)	
Snowmobiling	
Bicycling	





FOOT ACCESS:



Hiking ✓ ✓	
Dog Walking	
Cross-Country Skiing ✓	
Shoreline Fishing ✓ ✓	
Horseback Riding	
Hunting	

WATER ACCESS:

Boating - non –motorized	
Boating – motorized (including “jet-skis”)	
Swimming	
Ice Skating/Ice Fishing	

OTHER ACTIVITIES:

Camping	
Picnicking ✓ ✓	
Fires & Cooking	
Collecting/Metal Detecting	

-  — Public access is allowed in designated areas only
 — Activity prohibited

Public access is allowed in designated areas only.
Any activity which injures or defaces the property of the Town of Leicester is strictly prohibited.
All alcoholic beverages are prohibited.
Night access is prohibited on Town of Leicester land in the Moose Hill Reservoir watershed.