

TOWN OF SOUTHBOROUGH



PLANNING BOARD

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710, ext. 3028 · FAX (508) 983-7752 · kquinn@southboroughma.com

October 25, 2022

Kathryn Cook, Chair
Southborough Select Board
17 Common Street
Southborough, MA 01772

**RE: Hopkinton MWRA Connection through Southborough
Request for Clarification of Process**

Dear Select Board Members:

On June 14, 2022, the Town of Hopkinton appeared before the Select Board and asked to be able to connect to the MWRA water line through Southborough. The Select Board decided that evening that the Public Works Planning Board (PWPB) would review the proposal through public meetings and make a recommendation back to the Select Board, a process that residents in attendance that night voiced enthusiastic support for. Since that time, it appears that the public review process has been discontinued seemingly without ever being discussed and agreed to at a Select Board open meeting.

The Planning Board, as one of the appointing authorities of the PWPB discussed the process for reviewing the request from Hopkinton at their meeting of October 17, 2022. Ms. DeMuria, one of the Planning Board's appointees to the PWPB, informed the Planning Board that the PWPB and the Capitol Planning Committee met jointly on July 18, 2022 to start the public review process as discussed at the June 14th Select Board meeting and outline a path for moving forward. The Planning Board was supportive of this public review process and was concerned that it was inexplicably discontinued. Certainly, the Select Board should gather as much information as possible in order to make the decision of whether or not Hopkinton can connect to MWRA water through Southborough. However, it is imperative that information gathering and review of this project be conducted openly and transparently to not only inform the residents of Southborough but to also encourage resident input.

The Planning Board requests that the Select Board adhere to the decision made at their June 14th meeting and have the PWPB (jointly with Capital Planning Committee, even better) publicly vet this project, develop recommendations and present those recommendations to the Select Board. The Planning Board acknowledges that the decision required of the Select Board is consequential as it affects all residents in Southborough and therefore should be vetted through the public process and be as transparent as possible.

We look forward to your response.

Sincerely,

A handwritten signature in blue ink that appears to read "Meme Luttrell".

Meme Luttrell, Chair
Southborough Planning Board

Katie Barry

From: Katie Barry
Sent: Wednesday, November 09, 2022 1:21 PM
To: Katie Barry
Subject: FW: Concern for Hopkinton Water discussion not in public forum

From: Marnie Hoolahan <marniehoolahan@gmail.com>
Sent: Tuesday, October 18, 2022 3:10 PM
To: Kathy Cook <kcook@southboroughma.com>
Subject: Re: Concern for Hopkinton Water discussion not in public forum

[EXTERNAL]

Kathy- Thank you for the update. This is precisely why long-range planning has to happen and growth must be made in measured steps. Hopkinton has alternative routes to explore, if it was just Southborough that could provide access that is a different discussion but they have stated they could explore Framingham and Milford. Water is a precious resource, it is no longer a commodity, we should manage it as if it were oil or gold. I am not privy to all the challenges we would have or Hopkinton would have and I could be misinformed but that is why I am advocating for a public process.

Fun times ahead!

Marnie

On Tue, Oct 18, 2022 at 2:12 PM Kathy Cook <kcook@southboroughma.com> wrote:

Marnie,

FYI, based on your feedback and that of others - we are revising the agenda tonight to remove the Executive Session completely. We will not replace it with a public discussion however because the material we were discussing tonight belongs in an ES.

I feel very strongly that we should allow for the water connection as do the other 4 SB members - at least for now. And it does need to be a zero sum deal. Both towns could benefit. Sboro by having improved infrastructure that is partially or totally underwritten by Hopkinton and Hopkinton for obvious reasons. I am surprised that you in particular wouldn't support doing this if we can do it in a way that also benefits Sboro. What if the shoe were on the other foot? The debacle in Flint and what happened to those poor people still makes me sick. Granted Hopkinton is not Flint but remember we are also concerned that the state will step in at some point and force the issue. Rather than that - I would prefer that we control our own destiny.

And as you well know - this is one very humble person's opinion that I am expressing.

Let me know if and when you would like to discuss further.

Kathy

From: Marnie Hoolahan <marniehoolahan@gmail.com>
Sent: Tuesday, October 18, 2022 12:20 PM
To: Kathy Cook <kcook@southboroughma.com>
Subject: Re: Concern for Hopkinton Water discussion not in public forum

[EXTERNAL]

Thank you Kathy for the thorough response. I did not intend to suggest that any other Board should make the decision, but I do believe that it should be obligatory to conduct public hearings on the matter and provide recommendations that have been vetted through public discourse. While at the risk of sounding inhumane, I do not believe it is Southborough's job to solve Hopkinton's water issues. Ensuring proper safe and secure infrastructure for growth and development was the sole responsibility of Hopkinton, this includes water safety and access, they made some egregious decisions to support large-scale growth that was not supported by the structures and systems they had in place. I do not believe it is our responsibility to find solutions- we have our own issues to confront.

All this to say, I do believe the Public Works Planning Board requires new leadership, not termination. This can be a functional committee to vet public feedback and to allow for the report findings of John Butler. Thank you for explaining how he became involved, it was not clear from anything I was able to follow publicly. I appreciate that the discussion this evening is intended to address if Southborough is willing to discuss, I still believe that other public comment and feedback, inclusive of the Westboro perspective relative to "Sharing" sewage, will be important to assess a path forward should the Select Board vote to go that way. I personally would not support negotiation with Hopkinton and would prefer that we have them explore Framingham and Milford options.

I have back-to-back meetings starting at 12:30, thank you for the response and for opening the door for email dialogue. Your response was appreciated.

Sincerely,
Marnie

On Tue, Oct 18, 2022 at 12:00 PM Kathy Cook <kcook@southboroughma.com> wrote:

Marnie,

I am replying only as one member of the Select Board. I am not copying others in order to avoid deliberation outside of a public meeting.

I am not sure where you got the impression that the decision to allow Hopkinton to connect thru Sboro would be made by others than the Select Board. It is not in either group's jurisdiction to make decision such as this. If and when the project includes a capital component then I am quite sure that Capital will vet the specific details and cost. The decision to allow Ashland to connect was also made solely by the Select Board.

The Select Board needs to determine if we believe we should move forward to even considering doing this - we certainly are not obligated to do so. And then if we vote to move forward to try to negotiate an

acceptable agreement with Hopkinton - what are the terms we would do that? We don't and shouldn't delegate our responsibility for something so important to others and we haven't. We have a neighboring town who has poisoned water and is asking its residents to buy bottled water. The SB has determined that we owe Hopkinton a timely decision - one way or the other.

As for Mr. Butler's involvement - he called me when he learned about the request from Hopkinton and asked me if the SB would like him to take a deep dive into the project and assist us with data that could help us make an informed decision. Mr. Butler was on Advisory for 30 years and personally immersed himself in the science of providing water in Southborough and is responsible for many of the features of our current water program including the tiered rates that seem to have resulted in a significant reduction in per capita water consumption over the last 15 years or so. He also knows Ms. Galligan very well which is helpful as far as knowing how to work with her successfully. I was thrilled when he asked if he could help. There is no one I know of in this town that can do this type of work better and as a volunteer. I would compare this decision to the one you made to involve the WPI professor when you were trying to get the outdoor illumination by-law passed. I personally believe that involving real expertise in big decisions is always the right way to go.

I discussed his offer with Mr. Purple and Ms. Galligan and they both agreed it would be very helpful to ask him to do the research. I also have been assigned the SB goal this year of trying to help Ms. Galligan improve her communications to the public and having John work with her should help accomplish that due to the respect that the town as a whole has for Mr. Butler and his work. As we all know Karen has difficulty communicating effectively and having John to support the communication of the complexities of this proposed project seemed to me to be most helpful.

Additionally I personally had issues with the process that had resulted in the public meetings had with both SB on 6/14 and the joint meeting between CIPC and PWPB later. Our water engineer is the same person who worked with Hopkinton on the proposed connection. He also included a recommendation on which town should pay for what new infrastructure. I think Pare does excellent work but having Pare on both sides seemed to me to be a conflict of interest. On top of that I did not think Pare's projections of future water use were supportable. And those projections are crucial in making this decision. Pare reversed the trend of the decline in per capital water usage with no explanation and did not seem to be aware of the underlying reason for the decline in the recent past - i.e. tiered rates. I knew John would provide a comprehensive analysis of the proposed project that would be unbiased and totally thoughtful because he knew so much about the water system in Southborough and about delivering public water in general. Plus he is an incredibly smart person.

I had recently asked John to do the same type of work on waste removal from Southborough because Ms. Galligan was asking for the transfer station hopper to be replaced. He did a beautiful job on the work (by all accounts from those that were involved in it) and concluded we did not need to replace the hopper thereby saving the town \$3MM.

Jumping around a little bit here. Stating that this matter should be turned over to the PWPB is not even realistic. The group is totally dysfunctional. The current chair simply does not believe that the PWPB has much of a role anymore. He sincerely believes that the PWPB was formed to help with the departmental consolidation into the current DPW that occurred in 1991. And that completed their job. And I say this from direct conversations I have had with him. Two other members seem to agree with him and of course Debbie and Sam don't. It is my opinion that the PWPB should be terminated.

I assume you saw John's and Karen's presentation to the SB on 9/20. If not you should watch it. It was very informative. And neither the PWPB nor Capital would have been able to provide the analysis that John did that night. Note that John has worked with Karen each step and addressed her concerns. She is fully supportive of the work that has been done heretofore. And FYI I'm taking the time to write this very long e-mail because I know you know that you could not have done the work you did on the illumination by-law without the outside help you sought from the WPI expert. And that expert is what sold the proposed by-law for me personally and I believe to several others. It was crucial because the subject matter was complicated as is this one.

I am truly perplexed at why you seem to think that the SB has not dealt with this appropriately. And I mean this sincerely. At our meeting on 9-20 the SB listened to Mr. Butler's presentation, took public comment and then voted 5-0 to proceed to the next step. We voted that based on the dire circumstances in Hopkinton we wanted to see if we could negotiate a deal that would be acceptable to us and solve their crisis. And it is a crisis. That next step we agreed on that night was to ask Mr. Butler and Ms. Galligan to work on a list of items that would be included in either a MOU or Letter of Intent to allow us to sit down and start talking with Hopkinton. The executive session tonight is to discuss those potential contractual issues. That discussion properly belongs in executive session.

And of course as you probably heard at a recent meeting - I did not get rave reviews for asking Mr. Butler to assist us from Lisa Braccio. I cannot convey how surprised I was about that. But whatever. I will always want to accept any offer that John Butler makes to help out on complicated matters. Not going to get further into that on this e-mail because that is also complicated and beyond the scope of what I'm trying to address with you.

Hope that this at least provides some clarity. Happy to talk further on the phone or in person. See you tonight.

Kathy

From: Marnie Hoolahan <marniehoolahan@gmail.com>
Sent: Tuesday, October 18, 2022 10:28 AM
To: Select Board <selectboard@southboroughma.com>
Subject: Concern for Hopkinton Water discussion not in public forum

[EXTERNAL]

Good Morning Select Board,

I am writing to you as a private citizen.

Last night at our Planning Board meeting, we discussed the Hopkinton water hookup as we were ALL under the impression that these discussions would be held jointly by Capital Planning and the Public Works Planning Committee. This is a very positive decision that was steered by Select Board

to those committees and both were planning to tackle the challenges. I am not aware how Mr. John Butler was designated as the liaison for Select Board, which is my first concern, but after his presentation in September, public comment was shut down, and based on your agenda for this evening, we have learned that the Select Board is headed into Executive Session to discuss the Hopkinton water request. The Planning Board voted to articulate by memo the unanimous concerns (5-0) about the process and our recommendation to revert back to the Public Works Planning and Capital committees to discuss. I felt obligated in my personal capacity to reinforce the discussion and recommendation last evening.

The overall community sentiment is not positive for this Select Board and I URGE you to address publicly how the process has moved from an intended public hearing process to an Executive session with John Butler making recommendations that refute the PAR water study that was released earlier this year. This is not a sole man's role to assess, this absolutely must be a public process.

We are in a **GLOBAL DROUGHT** and I am **against sacrificing our water, water pressure, and water source to provide resources to Hopkinton**. Further, representatives of Hopkinton have indicated on the record that they could explore two alternative means of acquiring water, which include Framingham and Milford. **This MUST be a public process and as elected officials**, I urge you to swiftly make corrective actions to put this discussion back into the hands of the two committees that you had originally indicated could hold public meetings and assess the situation.

I anticipate speaking at the start of your meeting this evening in my private citizen capacity. I am very worried about how a process has moved from public to executive session. No decision should be made this evening. You are elected representatives of Southborough and are obligated to provide transparency to these actions.

Sincerely,

Marnie Hoolahan
26 Clifford Road
Concerned Citizen

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From: John Butler
To: Mark Purple
Subject: Fwd: Regarding your letter
Date: Tuesday, October 18, 2022 5:35:32 PM

[EXTERNAL]

I thought you should also have this.

----- Forwarded message -----

From: John Butler <johnbutler.us@gmail.com>
Date: Tue, Oct 18, 2022, 4:07 PM
Subject: Regarding your letter
To: Marnie Hoolahan <marniehoolahan@gmail.com>
Cc: <selectboard@southboroughma.com>, Karen Galligan <kgalligan@southboroughma.com>

Kathy Cook copied me on your letter about the Hopkinton Water Connection. I'd like to provide a little information on a few of the points you raise.

First of all, most importantly, I agree that a proper forum for public discussion of this large and complex question needs to be found and used. I have been making that point repeatedly to Select Board members. They don't disagree, from what I can see. The question has been one of trying to crystalize exactly what the questions are that need to be resolved, and gathering the needed information to permit an informed debate. The view has been that the questions at hand and the public discussion will benefit from some preliminary analysis of the complex questions involved. I'm trying to help with those, and willing to review findings with any public group at any time.

It happens that, as the State law is written, the Select Board has primary and first responsibility for the underlying question. The Public Works Planning Board, which would be in an advisory role in such an SB decision, clearly could discuss the question at any time. The Select Board however does not call their meetings or control their agenda. They have not chosen to meet since June. I don't know why, but for them, not meeting is standard practice. As for Capital Planning it is not yet clear that there are any capital spending questions posed by the connection concept currently under consideration. That committee could discuss the subject at any time, but I think they are waiting to see if any spending issues crystalize. Some of this may turn on the question of whether we would consider offering Hopkinton the deal they have asked for, which includes our paying for part of the capital costs. If we are unwilling to do that under any circumstance, Hopkinton may balk or walk away. To find out an answer to that basic question, some more work needs to be done and, maybe, some further communication with Hopkinton.

I should address a few other points raised in your letter. First of all I should say that I have high regard for the water engineering firm used by Southborough, Pare, Inc. In their water system report from April of this year they note that Southborough's overall water demand has decreased by 16% from 2009 to 2019 (pg 39). The notion that I "refute the Pare water study" is just not correct. We agree that usage has been declining for a long time. Theirs is a huge report and there is very little that I would disagree with. The only point of disagreement is that I don't find evidence that the decline in usage, that they themselves refer to, is about to reverse itself as they assume. They present no evidence to support any reversal in the pattern. It is worth noting that two different engineering firms, H2O and Pare, for at least the last 15 years, have been forecasting vastly higher water usage than has actually occurred. While I respect and think highly of the engineering work, one cannot help but observe that they do have a probable financial interest in promoting the idea that expanding demand will force expansion in the system. I do not in any way want to impugn their integrity at all, but we have had a long history of erroneous high forecasts and they have a financial interest in system expansion. The question of whether Southborough would soon build added water tank storage ties into the Hopkinton question at the point of who would pay for such added storage if the Hopkinton

connection, but not Southborough's own demand, triggered a need for added storage. Our actual pumping baseline from 2004 era exceeds the projected pumping in 2022. My point has been that Southborough's own declining demand would not motivate actual storage tank construction for the next 5 years. DPW agrees with that.

Next you capitalize the notion that we are "GLOBAL DROUGHT". This is not the prevailing scientific view which holds that increasing global temperatures result in increasing global evaporation and hence increasing rainfall. Some dry areas may get dryer and wet areas wetter. Here is a key text from the EPA "The 1930s and 1950s saw the most widespread droughts, while the last 50 years have generally been wetter than average. The overall trend has been toward wetter conditions" from this link at the US EPA: "<https://www.epa.gov/climate-indicators/climate-change-indicators-drought>". As with all climate questions there is always debate, but this seems to be the prevailing view. The MWRA believes its system has a fairly large amount of unused water capacity which they would like to see more communities use. To encourage such use they have just dropped their connection fees for new Towns. In this overall circumstance I don't see a reason for Southborough to second guess EPA and MWRA on this aspect of the question before us.

You say that you are against "against sacrificing our water, water pressure, and water source to provide resources to Hopkinton". Having discussed the water quantity and source, above, let's take up the subject of water pressure here. The engineering proposal from Pare would result only in increased water pressure in Southborough. In fact, the increase itself is a matter of some concern, but is probably manageable. We will need to introduce some pressure reducing valves if we do the Hopkinton connection as currently conceived. Worries about decreased pressure would seem to be, at this time, not a concern.

I conclude as you do that there needs to be public participation in this question. The problem was that as it was posed in June, when it first appeared in public, there were a great many open questions that might benefit from some analysis, and some are still unresolved. Any committees or groups that want to look at the analysis that I have done are welcome to do so, to disagree with it, to debate it, or whatever. Certainly I am not making any decisions about it and have no desire to do so. I suspect that no decisions will be made by the Select Board before there is ample opportunity for public review.

I think it can be reasonable to hold to your view that on balance Southborough shouldn't do this. I can see both sides. On the other hand some may believe that the combination of three factors leads them to conclude that we should: 1. Many households in Hopkinton have water that is not allowed for drinking or cooking. Some will feel that this is a "neighbor in need" whom we shouldn't just turn our back on without seeing if we can, reasonably, help. 2. The State might eventually force a solution to the toxic water problem in Hopkinton that may be less attractive to Southborough than that which we would create by cooperating. 3. The Southborough water system that results from the changes needed to supply Hopkinton may be more maintainable and robust even if we, on our own, wouldn't build them in the next 5 years.

I can see why you might have feared that this whole question was going to suddenly jump to a conclusion following the proposed Executive Session. Under that impression, raising a flag was certainly in order. However, that is not the case. Far from it. I think everyone is still trying to get clarity on exactly what the question might be about which the Town might make a decision. I hope this letter is helpful, and I'm sure we'll have a chance to discuss this in the future.

Best,
John Butler.