

MWRA INDIRECT CONNECTION TO HOPKINTON

To: Town of Southborough Select Board
From Sheri Widdiss – 32 Bigelow Rd
RE: Review & Questions on MWRA Indirect Connection to Hopkinton

On September 20, 2022 the Select Board heard a presentation from John Buttler. It is unclear what Mr. Buttler's level of expertise on the issue is. As a Resident I appreciate Mr. Buttler volunteering his time to review this issue. However, I would expect our Select Board to seek out a professional review from a firm or individual who is well versed and educated in municipal water systems. As well as look to MWRA to come a have a discussion about the proposed connection before you make a decision that affect the Towns infrastructure, assets, Residents.

Understanding that Hopkinton needs clean water, every feasible way for them to be supplied water should be investigated. Using the Town of Southborough's infrastructure as a holding tank & conduit to give water to Hopkinton may be the easiest way but may not be the most cost effective for all parties.

I had stated that a transmission line from the MWRA line to Hopkinton with easements through the Town of Southborough might be the best means for both Towns. Mr. Buttler voiced a negative statement about that method. It concerns me and should concern all residents that our Select Board is basing decisions on statements that are not validated with facts. I have discussed a transmission line with someone from the Westborough Water Department. They expressed concern for Southborough infrastructure with a connection like the proposed one. They noted that a transmission line is the best way to share water without concern for Southborough infrastructure.

It is unfortunate we do not have a Town Engineer to consult on our behalf. Therefore, I am requesting that the Select Board seek a professional or third party review of the proposed project to rule out a transmission line first.

Questions with the current proposed plan:

Pre-connection/planning

- How much money has Southborough spent to date investigating this project?
 - How much has Hopkinton offered to contribute to Southborough for exploratory services?
 - Will Hopkinton pay for a 3rd party review of the propped connection?
- Has Hopkinton ask MWRA to install a Transmission line for Hopkinton or other communities past Hopkinton? The MWRA transmission line travels through several Towns, Southborough is lucky enough to be on that line.
- How many water main breaks have occurred in Town this year?
 - How many are along the proposed path to Hopkinton?

Post Construction

- Understanding the Town of Southborough may have made upgrades to our infrastructure. What are the total costs to our DPW/Town for the implantation of this connection?
 - What are the long term maintenance costs to Southborough for this connection?
- There will now be potential three (3) DPW's, Planning Boards, and Select Boards all sharing the same water line from Southborough.
 - How will Southborough manage all the moving pieces involved with 2 other DPW's and Planning Boards making decisions that could have impacts on Southborough?

- How will Southborough mandate Hopkinton fix or install new infrastructure if needed? Should Southborough start to see issues in Southborough coming from Hopkinton Infrastructure.
- How will Southborough be protected from unclean water circulating back into Southborough from Hopkinton? Considering Hopkinton's water is undrinkable what security will Southborough have to ensure their water will not contaminate ours? Water lines usually are on looped systems.
- Has the Town of Southborough considered the long term planning needs of Southborough, Ashland or Hopkinton?
 - What happens if Hopkinton starts using more water? Considering that they currently have undrinkable water. It is reasonable to believe property owners will most likely want to connect to Town water in Hopkinton once it becomes available.
 - What happens if Southborough needs more water?
 - What happens if Southborough starts getting large developments with large water needs?
 - What happens if Hopkinton has properties that have a change in uses that require more water?
 - Who is monitoring how many properties Hopkinton can put on Town water?
 - What happens if Hopkinton installs new waterlines?
 - What Happens if Hopkinton develops more properties?
- Where is the Hopkinton connection proposed?
 - Is there one connection or multiple locations in Southborough?
 - What is the assessment of the water lines in that/those areas?
 - What are the ramifications to the nearby Residents in Southborough.

I understand the answers to these questions will take time to gather. Once the Select Board has a response I would like to request some time at the next available Select Board meeting to review the responses publically. Thank you for your time and attention to this matter.

Respectfully,
Sheri Widdiss



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Sheri _____ Last Name: Widdiss _____

Address: 32 Bigelow Rd _____

City: Southborough _____ State: MA _____ Zip Code: 01581 _____

Phone Number: 508-328-3473 _____ Ext. _____

Email: Swiddiss@town.westborough.ma.us _____

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/
town, county or region, if applicable): Southborough Select Board

Specific person(s), if any, you allege
committed the violation: _____

Date of alleged violation: 10/18/2022

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Town of Southborough Select Board posted a public meeting for October 18, 2022 with an agenda item of - The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for (1) a strategy session in preparation for negotiations with the Town of Hopkinton for indirect access to MWRA water (Exception 2);

The Select Board is implying that a strategy session in preparation for negotiations with the Town of Hopkinton are applicable to M.G.L. Chapter 30A, Section 21, Exception 2 "To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel"

M.G.L. Chapter 30A, Section 21, Exception 2 refers to Town employees not another municipality i.e. the Town of Hopkinton. I believe this is a gross misuse of the exclusive session exemptions which ultimately only restrict residents from being involved in the discussions with MWRA & the Town of Hopkinton.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Hold this agenda item in public session not Executive Session

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Sheri Widdiss

Date: 10/17/2022

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

From: Sheri Widdiss
To: [Kathy Cook](#); [Jim Hegarty](#); [Select Board](#); [Mark Purple](#)
Subject: Open Meeting Law - Complaint
Date: Monday, October 17, 2022 6:10:17 PM
Attachments: [OML Complaint October17.2022.pdf](#)
[MWRA-Southborough Hopkinton Line.pdf](#)

[EXTERNAL]

Good afternoon,

On September 22, 2022, I submitted a letter to the Select Board inquiring about the MWRA Hopkinton connection. I was advised to do this by Chairman Cook on September 20, 2022. I have not received a response, or acknowledgment that the Select Board received the questions. Tomorrow night October 18, 2022, the Select Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for (1) a strategy session in preparation for negotiations with the Town of Hopkinton for indirect access to MWRA water (Exception 2); An executive session is a closed portion of a public meeting and is allowed only in certain limited situations. M.G.L. Chapter 30A, Section 21, Exception 2 refers to Town employees, not another municipality i.e. the Town of Hopkinton. I believe this is a gross misuse of the executive session exemptions which ultimately only restrict residents from being involved in the discussions with MWRA & the Town of Hopkinton.

The October 18, 2022 staff report for the Hopkinton Select Board noted " Ms. Weidman will be the primary contact for the process moving forward. I received an email from Southborough's Town Manager on September 23 indicating that the Southborough Select Board voted "...to move forward with Hopkinton's request for an indirect water connection to MWRA...". " the actual Vote On September 20, 2022, was:

"Ms. Cook made a motion to ask Ms. Galligan and Mr. Butler to draft key points for a Letter of Intent (LOI) for the Board to review in 3-4 weeks. Mr. Stivers seconded the motion. that motion passed 5-0-0. Ms. Cook also asked that any Board comments or concerns be directed to Mr. Purple to pass on to Ms. Galligan and Mr. Butler. "

Why is Mark Purple telling MWRA that Southborough's Select Board voted to move forward with the request?

The Hopkinton MWRA connection request will have impacts on the Town of Southborough. The Residents should be involved in all decisions regarding this issue. This connection will have impacts on the Town's infrastructure and assets, as well as occur additional costs to the residents. These decisions should be discussed and made with all the facts considered. If after a thorough investigation of the pros & Cons to the Town then, the residents should be asked to vote on a connection or not. To make a decision like this without seeking professional guidance or public input is negligible.

Therefore, I would like a response to the MWRA memo which I was asked to submit to the Select Board. At a minimum acknowledgment that the Select Board received my response & is working on answers. In addition, I am filing an Open Meeting Law complaint, see attached OML Complaint Form & requesting that all future discussions about possible

connections with Hopkinton be conducted publically not in an Executive session.

I respectfully request a response to this email within 14 days.

Thank you in advance,

Sheri Widdiss
32 Bigelow Rd
Southborough

508-328-3473

Mark Purple

From: Sheri Widdiss <swiddiss@gmail.com>
Sent: Monday, November 7, 2022 1:09 PM
To: Mark Purple
Cc: Kathy Cook; Jim Hegarty; Select Board; Karen Galligan
Subject: Re: Open Meeting Law - Complaint

[EXTERNAL]

Good afternoon Mark,

Thank you for getting these responses for me I appreciate that. I'll review them and if I have any additional questions I'll forward them to you in the select board. I also appreciate you creating a public page for residents to follow along with this process I think that's very important.

I will be interested to see how this process pans out and what the engineers recommend. As long as it doesn't cause Southborough any extra headaches I think it's a wonderful neighborly thing to do to assist Hopkinton with their water. I'm sure it's frustrating for them as residents on their end. Again thank you for your responses I hope you have a nice rest of your day

Sheri Widdiss

On Nov 7, 2022, at 12:14 PM, Mark Purple <mpurple@southboroughma.com> wrote:

Ms. Widdiss:

Good morning. Below are answers (in blue text) to the questions you had submitted regarding the requested indirect MWRA water connection for the Town of Hopkinton. Please note that those questions that do not have answers are simply too premature to answer, given that negotiations with Hopkinton have yet to begin, and therefore an Intermunicipal Agreement (IMA) has not been drafted, which would provide many of the answers you are seeking in terms of financial obligations and project timeline. Specifics of project design cannot begin in earnest until an IMA is finalized between the Towns, as well as an agreement between MWRA and Hopkinton. The Select Board has set up a repository of information for this project on the Town website. It is on the Public Works page on the left hand side; as a pull-down item under the 2022 Projects link. We will continue to update that page as more information becomes available, so that the project and the process remains as transparent as possible.

Questions with the current proposed plan:

Pre-connection/planning

1. How much money has Southborough spent to date investigating this project? **None.**
2. How much has Hopkinton offered to contribute to Southborough for exploratory services? Hopkinton is paying for all design, they paid for the feasibility study costs. Hopkinton paid for the engineer to talk to Southborough to make sure that our system and customers were not compromised by the proposed concept. Hopkinton paid to adjust the concept plans address Southborough's initial concerns.

3. Will Hopkinton pay for a 3rd party review of the propped connection? That will be subject to negotiations with Hopkinton, but I would expect that to be a request from Southborough.
4. Has Hopkinton ask MWRA to install a Transmission line for Hopkinton or other communities past Hopkinton? The MWRA transmission line travels through several Towns, Southborough is lucky enough to be on that line. Yes, MWRA has indicated that they are not interested in a new transmission line.
5. How many water main breaks have occurred in Town this year? We average 4-5 main breaks per year, and the current year is no different. Calendar 2021 had only two water main breaks.
6. How many are along the proposed path to Hopkinton? There is pipe along the proposed path that will need to be upgraded as part of any project.

Post Construction

7. Understanding the Town of Southborough may have made upgrades to our infrastructure. What are the total costs to our DPW/Town for the implantation of this connection? This is subject to negotiation of an IMA with Hopkinton.
8. What are the long term maintenance costs to Southborough for this connection? This is something that Mr. Butler has been investigating. The water system has some costs that are based on gallons pumped, and other costs that are the same regardless of gallons pumped (asset life, etc.). These costs are built into our current rates and it is recommended that the Select Board build them into Hopkinton's rate as well.
9. There will now be potential three (3) DPW's, Planning Boards, and Select Boards all sharing the same water line from Southborough.
10. How will Southborough manage all the moving pieces involved with 2 other DPW's and Planning Boards making decisions that could have impacts on Southborough? That will be subject to negotiations with Hopkinton.
11. How will Southborough mandate Hopkinton fix or install new infrastructure if needed? Should Southborough start to see issues in Southborough coming from Hopkinton Infrastructure. That will be subject to negotiations with Hopkinton, but Hopkinton will be required to pay for any new infrastructure required to provide water to Hopkinton.
12. How will Southborough be protected from unclean water circulating back into Southborough from Hopkinton? Considering Hopkinton's water is undrinkable what security will Southborough have to ensure their water will not contaminate ours? Water lines usually are on looped systems. A looped system is not being proposed. MWRA water will pass through Southborough into Hopkinton. The proposal is for two pipes to be installed in Route 85 that will feed the whole of Hopkinton's water customers. Hopkinton will not be using their wells, they will be taken offline. Hopkinton will be a fully supplied MWRA community for water, just like Southborough. Hopkinton will be paying the MWRA directly for all of their water.
13. Has the Town of Southborough considered the long term planning needs of Southborough, Ashland or Hopkinton? Maximum daily usage, fire supply and buildout for both towns, and Ashland's peak allowance (which is only a supplemental connection) are being factored into the design.
14. What happens if Hopkinton starts using more water? Considering that they currently have undrinkable water. It is reasonable to believe property owners will most likely want to connect to Town water in Hopkinton once it becomes available. Additional usage is being factored into the design, but Hopkinton's water usage will be limited by their permit with MWRA. Any changes to that limit will need to be requested of and approved by MWRA.
15. What happens if Southborough needs more water? Additional usage is being factored into the design, but Southborough is also governed by our MWRA permit.
16. What happens if Southborough starts getting large developments with large water needs? Additional usage is being factored into the design, but Southborough is also governed by our MWRA permit. If our needs require us to use more water, then we will have to make the request to MWRA to increase our permit.

17. What happens if Hopkinton has properties that have a change in uses that require more water?
18. Who is monitoring how many properties Hopkinton can put on Town water? That will be subject to negotiations with Hopkinton.
19. What happens if Hopkinton installs new waterlines? That will be subject to negotiations with Hopkinton.
20. What Happens if Hopkinton develops more properties? That will be subject to negotiations with Hopkinton, insofar as it affects their MWRA limits for water.
21. Where is the Hopkinton connection proposed? Route 85, but the specific location is yet to be determined at the current design phase.
22. Is there one connection or multiple locations in Southborough? One connection.
23. What is the assessment of the water lines in that/those areas? The water lines that will be the main ones transmitting water to Hopkinton is part of the assessment, design and infrastructure improvements that are/will be proposed in Southborough.
24. What are the ramifications to the nearby Residents in Southborough? The Town of Southborough has been working with the engineer and Hopkinton to ensure that water customers don't notice any reductions in their water service. There will be temporary construction for residents during the project where improvements are being made.

Please feel free to reach out if you have additional questions or comments. Thanks.

Mark
Mark J. Purple
Town Administrator
Town of Southborough
508-485-0710, x3002
mpurple@southboroughma.com

From: Sheri Widdiss <swiddiss@gmail.com>
Sent: Monday, October 17, 2022 6:11 PM
To: Kathy Cook <kcook@southboroughma.com>; Jim Hegarty <jhegarty@southboroughma.com>; Select Board <selectboard@southboroughma.com>; Mark Purple <mpurple@southboroughma.com>
Subject: Open Meeting Law - Complaint

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Sheri Widdiss
32 Bigelow Rd
Southborough

508-328-3473