Water Resources Committee

October 12, 2016

Attendees: Tim Cook (Chair), Al Werner, Melissa Makepeace-O’Neil, Paul Lyons, Nancy McGarigal, Mark Rivers, Mike Ross (recording)

1. Discussion with Town Counsel concerning aspects of a water testing program in town facilitated/supported by our Committee

The Town Counsel suggested there are 3 components for discussion of such a program:

* educational component
* On what basis will the board be able to access the information?
* What should the board do if tests for private homes come out poorly? Does the Board have liability or legal responsibility to report results of bad tests if it receives the results of tests?
1. The educational component – easy and straight-forward; there are no risks to the Board or to the Town
2. Access to information – could request test information be returned to Committee, but
3. Unless Town intends to establish grants to correct issues of water quality, people would be very reluctant to allow information be shared with the Committee/Town
4. If we would pay for cost of testing but not receive results of tests, the Committee has no legal responsibility or liability (covering costs would be a concern of ours)
5. If our activity is totally informational, i.e., provide information on how to get water testing done, there is no legal responsibility or liability
6. If we are provided results of tests as part of the program, and we find out that someone’s water is not potable, we are obligated to report result to Board of Health
7. If we coordinate a study and we receive only a general overview, summary of the results, we do not have responsibility for reporting general issues/concerns of water quality
8. A. Werner suggested that the only option we might end up wanting to pursue is to facilitate or provide information on how households might get water testing done. More than that might be too great an investment of time for receiving either no or very general information in return, or be too costly for Committee to consider.
* Paul suggested that if we consider proceeding with any water quality survey/activity, we invite the Board of Health to a future joint meeting to discuss such a program, and its legal consequences.
1. Discussed with Town Counsel the Committee’s obligation if a citizen brings specific concerns of water contamination in town to our Board. Answer - We report such concerns to the Select Board. We have no authority to pursue such an issue.

Follow-up question – “How receptive do we need to be to such a presentation?” We do not need to be receptive – it is not our responsibility. Directing said citizen to the Board of Health would be the appropriate response. Board of Health is appropriate entity to entertain such a presentation.

1. Minutes of the Meeting of September 8, 2016 were accepted with one approved clarification of a bulleted item

IV. Member Updates

* Al W. updated Committee on student project related to water quantity study
* Al W. will speak with USGS about our locks being changed on the study’s Town Hall test wells, and the inconvenience to the Committee of said change
* Paul L. will put together Committee Report of its FY16 accomplishments
1. Committee revisited recent communications from local resident Michael Hootstein relating to his concerns about water quality issues of the town
* Mr. Hootstein person had written about this concern in the NextDoor Shutesbury – question from Committee member: “Should the Committee respond to statements made on a public forum in that public forum?”
* Pointed out that if drinking water issues are the focus of these discussions, then they are most properly directed to the Board of Health.
* Committee will discuss further how to proceed at the next meeting after members have reviewed reports and information already existing that relate to said citizen’s concern