



Town Of Webster
Massachusetts Est. 1832

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Randall V. Becker, Chairman
Andrew Jolda, Vice-Chairman
Earl Gabor, Secretary
Lisa Kontoes
Thomas Klebart

BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
Monday, September 27, 2021 6:00 P.M.

Selectmen's Meeting Room
Webster Town Hall, 350 Main Street, Webster, MA
via conference call in accordance with Governor Baker's
emergency "Order Suspending Certain Provisions of the
Open Meeting Law, G.L. c. 30A, §20"

MEETING OPENING: At 6:01 p.m., Chairman Becker called the meeting to order in the Selectmen's Meeting Room, Webster Town Hall, 350 Main Street, Webster, MA. The following individuals were present: Chairman Becker, Selectman Andrew Jolda, Selectman Lisa Kontoes, Selectman Earl Gabor, Selectman Thomas Klebart, Robert Kirsch, Town Accountant Timothy Bell, Water/Sewer Superintendent Thomas Cutler, Elizabeth Mikitarian, Gail Arsenault (via Zoom meeting), Cathleen Godzik (via Zoom meeting), Interim Town Administrator Greg Balukonis and Executive Assistant Courtney Friedland. The Board stood and took the Pledge of Allegiance.

Chairman Becker stated on March 12, 2020, Governor Baker issued an Executive Order modifying certain requirements of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing as fully stated on the agenda. As further explained on the agenda, the Executive Order relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body through adequate, alternative means. On June 16, 2021, Governor Baker signed into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law.

Chairman Becker announced the name of each attendee who attended via Zoom.

Meeting Minutes

Motion by Selectman Jolda, seconded by Selectman Kontoes, to approve the meeting minutes of September 13, 2021. Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, Selectman Jolda – yes, and Selectman Becker – yes.

Selectman Jolda recused himself of the next agenda item citing Conflict of Interest as he has family members on both sides of the discussion.

PUBLIC HEARING: PAVING A PORTION OF LOVELAND ROAD:

Motion by Selectman Gabor, seconded by Selectman Kontoes, to open the Public Hearing to discuss paving a portion of Loveland Road to be funded through a betterment of the immediate abutters and placing this on the Town Meeting warrant for approval.

Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, and Selectman Becker – yes.

Chairman Becker read the Public Hearing notice as printed in the paper. He then went over the rules of the Public Hearing. He stated the hearing will start with allowing the PRO side for the paving of Loveland to speak and then allowing the CON side to speak. He stated the Board of Selectmen did receive information in writing from Gail Arsenault and Cathleen Godzik. Elizabeth Mikitarian came forward. She presented a packet to the Board of Selectmen via the Secretary of a timeline of events she would like the Board to review. She stated the safety of the residents is a concern because the Police/Fire need to have adequate access to the road. She said the owners of 33 Loveland have made the road difficult to pass. Robert Kirsch stated the paving of Loveland is roughly 33-35 thousand dollars. He stated the document presented speaks for itself. He stated besides 33 Loveland, residents want to see Loveland paved for the safety reasons. He stated he has greater than 50% of the resident's signatures. Chairman Becker asked if there were any more proponents for paving Loveland Road, hearing none he then asked if there were any individuals against the paving who wanted to speak. Gail Arsenault and Cathleen Godzik stated they would like to speak against paving Loveland Road. They stated that the proposed paving would be done on private property and they had never been approached by the petitioners to sign the petition. They indicated 33 Loveland has been family owned since 1952 and there is a 10' right of way that ends at the deadend. They believe there are legal issues on the by-law and that Loveland does not meet the standards of a major temporary repair and needs to be removed from the Town Meeting Warrant. They said only portions of the road need to be repaired and can be addressed with two yearly maintenances and they gain no benefits to paving the road. Chairman Becker asked if there were any more speakers against paving 21-37 Loveland Road, hearing none he then asked if the Interim Town Administrator has anything to add. Mr. Balukonis stated he spoke with Fire Chief Brian Hickey and he was in full support of paving this roadway. He stated this does cause a safety issue. Elizabeth Mikitarian stated safety vehicles do not have proper access to the road. She stated the owners to 33 Loveland do not provide for the full 10' right of way.

Motion by Selectman Gabor, seconded by Selectman Kontoes, to close the Public Hearing to discuss the paving a portion of Loveland Road to be funded through a betterment of the immediate abutters and placing this on the Town Meeting warrant for approval.

Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, and Selectman Becker – yes.

LOVELAND ROAD – DETERMINATION BY THE BOARD OF SELECTMEN AS TO IF THE LOVELAND ROAD REPAIR IS, OR IS NOT, A PUBLIC NECESSITY:

Selectman Jolda recused himself from this matter. Chairman Becker stated he reached out with Mr. Balukonis to Town Counsel who advised this article could move forward to Town Meeting if deemed a public necessity by the Board. He stated in his opinion there is a safety issues based on Chief Hickey's opinion. Selectman Gabor stated the public safety necessity has been shown over time. He said the town does its best to clear roadways but this road may be unsafe at times. Selectman Kontoes stated considering the number of times that road has been in disrepair makes it a public safety concern. Mr. Bell stated he was concerned at setting too low a cost compared to the current estimate. He said costs

have gone up and would recommend a higher amount. Selectman Gabor suggested adding the language of not to exceed \$40,000 to the motion.

Motion by Chairman Becker, seconded by Selectman Gabor, to approve the paving of 21-37 Loveland Road as a major temporary repair under the Town's Chapter 573 By-Laws and declare the paving as a public necessity as submitted by the petitioners who have provided greater than 50% of the required signatures at a cost not to exceed \$40,000.00 and place this on the Town Meeting Warrant for approval. Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, and Selectman Becker – yes.

PFAS/WATER SYSTEM UPDATE:

Mr. Cutler thanked the Board of Selectmen for the opportunity to serve Webster. He said he has been the Water/Sewer Superintendent for a couple of months. He stated they have been running routine testing on all of the wells. He stated just recently the Bigelow Road well's PFAS level came back high. He stated the EPA set a limit of PFAS levels at 70 PPT (parts per trillion) whereas Massachusetts has a limit of 20 PPTs. In 2014, the town conducted a PFAS screening and no detects were found. In early 2021, testing levels came back good. He stated the test conducted in July and August came back high. It is not known if the record July rainfall could have impacted this. He said they are now doing monthly testing and have taken the Bigelow Road well offline at the direction of the State. He stated the water is 100% safe and that they took the well offline as a precaution. He stated 90 % of the town water comes from the Memorial Beach wells. He stated this was not a new issue, but was new to Webster. He said there isn't an indication when levels will come back normal. He stated Tighe and Bond are working with the town to figure out the next steps needed to be taken. He stated there is lead time to get things in place. He stated information will be available on the website and a CodeRed alert will go out. He stated residents need to get their information from a reliable source and not just search the internet. He said he will be issuing a letter to all residents with links attached and is putting an ad in the local paper. He said they did secure a back-up generator for support in addition to the existing generator at the Memorial Beach wells in case there is a loss of power. He said there are many factors that could have caused this. He said it might be 2-3 summers until they have something in place to address the PFAS in the Bigelow Road well. Selectman Gabor stated PFAS isn't jut in water it is also contained in plastic and wrappers. He stated these are new standards since it has been found PFAS is not easily released from your body and buildup can cause damage to a certain segment of the population even at low levels. Mr. Cutler stated the response was immediate from the State. Chairman Becker stated he hopes the State comes up with better guidance. He stated he spoke with Representative McKenna and Senator Fattman, who have both expressed their understanding with the town' concerns especially relative to why the State chose a limit so much lower than the EPS's threshold of 70 PPT. He stated he would like to holding a Public Hearing on this matter in which Senator Fattman, Representative Mckenna and Tighe and Bond are present. He would also request a Representative from MassDEP attend.

ACCEPTANCE OF DEED – 0 OXFORD AVENUE:

Motion by Selectman Jolda, seconded by Selectman Gabor, to approve the Acceptance of Deed for 0 Oxford Avenue, Webster MA approved by a vote taken under Article 11 of the May 10, 2021 Annual Town Meeting.

Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, Selectman Jolda – yes, and Selectman Becker – yes.

TOWN ADMINISTRATOR'S REPORT:

- i. There are 41 new cases in the past 10 days, 11 of these are so-called breakthrough cases, 9 of the other 30 are under the age of 18, no current hospitalizations or deaths, and there are no cases in congregate care or assisted living facilities.
- ii. MassDOT will be holding a virtual Public Hearing on Wednesday, October 6, 2021 at 7:00 p.m. for the Intersection Improvements at I-395 Ramps (Exit and Route 16 and Sutton Road. The Town will post the information on its website.)
- iii. Representative McKenna provided language regarding an act authorizing certain members of the Webster Fire Department to buy-back eligible retirement service time. This language will be added to the May 2022 Town Meeting Warrant.

EXECUTIVE SESSION: At 7:16 p.m.,

Motion by Selectman Jolda, seconded by Selectman Kontoes, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

- **Approval of Executive Session Meeting Minutes**
 - **August 9, 2021**
- **Ralph v. Town of Webster et al.**

Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, Selectman Jolda – yes, and Selectman Becker – yes.

The Board of Selectmen returned to Regular Session from Executive Session at 7:39 p.m. where a motion was made to adjourn regular session.

Motion by Selectman Jolda, seconded by Selectman Kontoes, to adjourn.

Call Vote: Selectman Klebart – yes, Selectman Gabor – yes, Selectman Kontoes - yes, Selectman Jolda – yes, and Selectman Becker – yes.

**Respectfully Submitted,
Courtney Friedland, Executive Secretary to the Board of Selectmen**

Next meeting

October 18, 2021, Board of Selectmen’s Meeting, 5:30 p.m. at second Floor Conference Room, Bartlett High Street, 52 Lake Parkway , Webster, MA

