



Town Of Webster

Est. 1832

Massachusetts

Webster Water Sewer Commission

350 Main Street
Webster, MA 01570

Tom Andrade - Chairman
Earl Gabor - Vice Chairman
Dan Duteau

Marc Becker
Rick LaFond - Town Administrator
Tom Cutler - Water and Sewer Superintendent, Secretary

Webster Water Sewer Commission

Meeting Minutes

Thursday, Feb 2, 2023

2:30pm

Gladys E. Kelly Library, Local History Room
2 Lake Street, Webster, MA 01570

- Meeting Called to Order at 2:30 P.M.

Attendees: Earl Gabor, Dan Duteau, Tom Andrade, Marc Becker, Rick LaFond, and Tom Cutler.

- The Commissioners reviewed the draft meeting minutes from 01/05/23. A motion was made by Commissioner Becker, and seconded by Commissioner Gabor, to approve the meeting minutes by roll-call vote: Becker-yea, Gabor-yea, Duteau-yea, and Andrade-yea.
- The Commissioners reviewed the draft joint meeting minutes from 01/26/23. A motion was made by Commissioner Becker, and seconded by Commissioner Gabor, to approve the meeting minutes by roll-call vote: Becker-yea, Gabor-yea, Duteau-yea, and Andrade-yea.
- **Water Department Updates**
 - **Monthly PFAS Testing Report & other PFAS Related Updates**-Per the Superintendent no updates on the most recent round of testing. Tighe & Bond continued working on the site surveys and has a meeting planned for tomorrow the 3rd onsite with all the engineering disciplines.
 - **Lead & Copper Rules Update**-Per Mr. Cutler the Lead Inventory project will kick off tomorrow with T&B.
 - **Station #3 Well Update**-No updates at this time per the Superintendent. The site remains in emergency standby mode.
 - **Meter Replacement Project**-The design is in the early stages and no updates at this time per the Superintendent.
 - **Clear Well Demolition**-The building was knocked down this week and the site should be cleaned up over the next 1-2 weeks. No issues to report per Mr. Cutler
 - **Superintendent Other Topics Water Report**-Mr. Cutler stated the Town Administrator will provide an update on article 97A-10 Memorial Beach. Mr. LaFond stated article 97A protection status restricts uses of the land for purposes other than recreation and conservation unless approved by the Massachusetts State Legislature. In order to move

forward with the current proposed site plan for the Memorial PFAS Treatment Plant, the Town must abide by the Article 97 Land Disposition Policy (Policy). According to the Policy, land disposition is defined as any transfer of ownership, change in legal control, or change in use. Since constructing sedimentation controls on the 10 Memorial Beach Drive parcel would be considered a change in use.

Per Mr. LaFond the Town of Webster received a PARC Grant in 2020 in the amount of \$400,000 to improve the property. A PARC Grant requires that property acquired or developed with PARC funds will become protected parkland under Article 97, and shall be dedicated to recreation use in accordance with M.G.L. Chapter 45. Assuming the Town was, indeed, the recipient of a PARC grant, in KP Law's opinion, the property is subject to Article 97. See Smith v. City of Westfield, 478 Mass. 49 (2017). As such, the use of the property for a purpose other than recreation and/or park land would require Article 97 special legislation.

If the Town intends to use 10 Memorial Beach Drive for a water treatment purpose, a special act, approved by a two-thirds roll call vote of each house of the General Court would be necessary. The Town would be required to provide land in mitigation for the property that would be converted to a use other than recreation or parkland. The Town would work with its legislators, who would shepherd the act through the Legislature. KP Law recommends, if the Town determines to go forward in this manner, to have the design team prepare plans as soon as possible showing the affected property. Town Meeting approval is required to file the legislation.

Mr. LaFond will continue to work with Town Counsel to the address the issue. We are likely to pursue a spring 2023 Town vote followed by Legislature vote.

Commissioner Gabor asked about two follow up items from the January 5th meeting. One was the school/daycare lead and copper list for the Assessor's review and the second was the survey work at Station #3. Mr. Gabor was wondering if the work was complete. Mr. Cutler stated he would send over the approved MassDEP lead and copper list. As far as the survey work, it has been completed at Station #3 except for the stakes for the satellite well. Mr. Cutler also mentioned Tighe and Bond is onsite today and tomorrow with various engineering disciplines at Memorial Beach and wrapping up survey work at Station 2, well 6.

- **Sewer Department Updates**

- **Aeration Project Update**-Per the Superintendent the technical memo owed to the Commission will be available at the next scheduled meeting. This memo will help drive the first phase and give us an idea of future phases to meet our NPDES permit obligations.
- **Superintendent other topics Sewer Report**-The Superintendent mentioned the Cooper Rd 8" gravity main extension on a previously approved sub division. The Department has been working with the Town Engineer and Planning Department and we have about two pages of recommendations on the design plans that are straight forward. Commissioner Gabor asked if the water main would be extended. Mr. Cutler stated no, the owner has decided it was too expensive and was looking into drilling wells. No other topics to report per the Superintendent.

- **New Business**

- **Jan 26 IMA Meeting Discussion**-Commissioner Gabor expressed his concern for the lack of quorum by Dudley at the meeting. Chairman Andrade stated he went to Dudley's most recent meeting and had a brief discussion with Dudley Commissioners about the IMA contract but they moved it to executive session. The way he sees it we have two issues. (1) Dudley flow meter concern (2) New vs replacement on capital. Superintendent Cutler stated he is working on a response to Dudley's questions on the metering and hopes to send the info before the weekend. Bottom line is the meters were repaired at the end of 2016 and the SCADA system went thru a major overhaul during the same timeframe which is what we expected was the case. It is likely Dudley has been under charged prior to the meter repair and SCADA overhaul. Commissioner Duteau recommended we consider the breakdown at different percentages completed by our IMA consultant. There would be less confusion on the capital and we could move forward. Commissioner Becker replied we are close and feels Dudley will be in agreement with the true up at our next meeting. Commissioner Gabor stated we are following the contract and the true up must be done by March 15th. Chairman Andrade will follow up with Dudley by email and phone to confirm the next meeting. Commissioner Gabor suggested a small subcommittee to work on the true up and establish future monthly payments. The subcommittee could meet next week and would consist of the Chairman, Commissioner Gabor, Town Administrator, Town Accountant, Superintendent and our IMA Consultant.
- **Water Tower Property Line Update**-Mr. Cutler stated he spoke with Jarvis Land Surveying and we hope to complete the survey before the next scheduled meeting. The lack of information and boundary pins has made the survey challenging per Jarvis Land Surveying. Mr. Cutler stated he put Jarvis on notice that we are frustrated with how long this project has taken to date. We may need to revisit this in another month and find another company if not completed by the March meeting.
- **Draft FY24 Budget**-Per Mr. Cutler draft operating and capital budgets are attached for review. There have been a couple of minor adjustments to both budgets since our last meeting when we presented to the Town of Dudley at our joint meeting. This is due to additional price increases with our lab and monthly fees for new fiber lines at 2 water sites and 1 at the wastewater plant.
- **Rain Barrel Program**-Please see the attached flyer. This has been broadcasted on the Town's website and social media as requested at our last meeting.
- **Water Management Act Regulations**-Per the Superintendent Webster has been following the State drought declaration for many years. MassDEP and the Water Resource Commission passed changes to 310CMR 36 which takes away our right to decide and forces us to follow the State during a drought declaration. There are approximately 10 systems considering a fight with Springfield Water and Sewer Commission as the leader. We would need to commit approximately \$10,000 for legal fees to appeal this decision. There are much more details with the attachment I shared from MassWater Works. Does the Commission want to join the appeal? The overall consensus by the Commission is the Town is already following the States lead. Mr. Cutler agreed and followed up with we are also pumping too much water even on drought years by exceeding our registered

withdrawal maximum amount. This summer we will need to be more aggressive policing outdoor watering if we have another drought. Commissioner Gabor asked if we could get examples of what other towns are doing. Mr. Cutler stated we have already adopted policies in our regulations last spring. We also have a structure to assess fines if needed. We could start by sending letters as a reminder during a drought to customers with second irrigation meters. Fines would be last resort.

- **SCADA Upgrades**-Per Mr. Cutler we have approximately \$486K left over from a SCADA upgrade from several years ago confirmed by the Town Accountant. We have recently discovered that our SCADA system is outdated and needs cyber security updates. We are working with Woodard & Curran to update all the computers and Charter on dedicated fiber lines to meet new rules that will face in the near future. Once these two pieces are complete, we will discuss the possibility of re-appropriating the remaining monies.
- **Rate Study Update**-Tighe & Bond confirmed they will be ready for the March meeting for a draft presentation.

Proposed Next Meeting March 2, 2023-Mr. Cutler has a conflict on the 2nd and was wondering if the date could be moved. All members agreed March 9th would work.

- **Adjournment**

A motion was made, and seconded, to adjourn the meeting at 4:10pm by roll-call vote: Gabor-yea, Becker-yea, Duteau-yea, and Andrade-yea.

Attachments:

- Meeting Agenda 2/2/23
- Draft Meeting Minutes 1/5/23
- Draft Meeting Minutes 1/26/23
- FY24 Budget & 5yr Forecast
- FY24 Budgets
- FY24 Capital
- Rain Barrel Program Flyer
- MWWA-Water Management Act