



SPECIAL MEETING OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
SEPTEMBER 26, 2019 AT 3:00 PM

The meeting was called to order in the City Council Chamber, Municipal Building, 59 Court Street, Westfield, MA at 3:00 PM.

The City Clerk called the roll. Councilor Figy was absent.

The Pledge of Allegiance was led by Councilor Beltrandi, President Pro Tempore.

Councilor Beltrandi, President Pro Tempore asked if anyone was recording the meeting and if so to state whether it is an audio or video recording and whether the recording is being live streamed. Ms. Kristen Mello, 27 Moseley Avenue announced she was audio and video tapping the meeting. WWLP also announced they were audio and video taping the meeting.

Councilor Bean read the call of the Special Meeting as follows:

COMMUNICATION FROM THE MAYOR

1. Requesting immediate consideration and approval of a Resolution approving an Intergovernmental Agreement between the City of Westfield and the United States Department of the Air Force providing reimbursement of certain water treatment costs pursuant to Section 8142 of the Defense Appropriations Act, 2019.

Mayor Sullivan addressed the Council. He thanked everyone for attending this very important, celebratory meeting relative to the reimbursement of certain water costs. He introduced Elizabeth Quigley from Congressman Neal's office, Mike Gorski, Western Regional Director of DEP, Michelle Moriarty from State Senator Humason's office (the Senator is in session today) and State Representative John Velis. He thanked City Solicitor Sue Phillips and Attorney Meghan Bristol and Attorney Shanna Reed for their work on this matter. He thanked DPW Director Dave Billips, Fran Cain, Steve Fernandez and Heather Stayton, from the Water Department and City Engineer Mark Cressotti.

Mayor Sullivan informed the Council that he is requesting immediate consideration on the Resolution approving the Intergovernmental Agreement because if not acted upon quickly, the funding will be gone. He informed the Council that the City did not qualify for the reimbursement, however persistence won and he thanked Senator Warren and Senator Markey and Congressman Neal for their roles in Westfield getting the reimbursement. In 2018 Director Billips, Attorney Phillips and Attorney Bristol put the application together in case Westfield did qualify and now Westfield is in line to take advantage of a small piece of a huge puzzle. This is in no means a closure, it's the 3rd step of the process. The 1st step was to deliver clean water, the 2nd step was to manage and monitor the filters assuring that they were

working and now recouping some of the money that was spent. He reiterated that it's a long process and no matter how the City gets there at the end of the day the goal is clean water. He read from the Agreement the criteria for receiving the reimbursement as follows:

- 3.2.1. The LWA (Local Water Authority) is located in the vicinity of Barnes Air National Guard Base.
- 3.2.2. The LWA incurred costs in the amount of \$1,350,917.26 to treat drinking water from wells owned and operated by the LWA to attain the USEPA's LHA (Lifetime Health Advisory) level for PFOA and PFOA in effect on October 1, 2017.
- 3.2.3. The treatment took place between January 1, 2017 and September 28, 2018.
- 3.2.4. The elevated levels of PFOS and PFOA are the result of activities conducted by or paid for by the Air Force.
- 3.2.5. The LWA requested reimbursement for such costs from the National Guard Bureau during fiscal year 2018.
- 3.2.6. As set forth at paragraph 4 below, the LWA waives all claims against the United State for treatment expenses incurred before September 28, 2018.
- 3.2.7. Payment amounts of \$1,350,917.26 do not exceed the actual treatment costs incurred by the LWA resulting from activities conducted by or paid for by the Air Force.

Mayor Sullivan reiterated that this reimbursement does not affect anything going forward from September 29, 2018 to the present. Mayor Sullivan read the Resolution in its entirety and it will be signed by the City Clerk and the Mayor and the Mayor and the Air Force. He informed the Council that there were two pieces of the agreement that were amended yesterday at 2:48 PM and that these two amendments do not change the agreement. He requested City Solicitor Sue Phillips address the Council relative to the amendments. Attorney Phillips addressed the Council. She informed the Council there were no changes to the Intergovernmental Agreement, there were only tweaks made to the attachment 1 Documentation Supporting Certifications by Air Force. Attorney Phillips explained that the City was not initially eligible for reimbursement, however, something changed and the City, along with five other communities, became available. One community declined due to pending litigation and the others took advantage of the reimbursement. She informed the Council that at first the language in the agreement wanted the City to give up too much and contained erroneous language and with a letter from Congressman Neal's office a new agreement was presented with all the erroneous language taken out. The new agreement was received on last Friday, therefore, the City has to scramble to get the agreement accepted and all the paperwork back to the Air Force tomorrow or the money will go away. Councilor Beltrandi, President Pro Tempore, reminded the Councilors all comments and/or questions must remain on topic of the Special meeting. Councilor Bean questioned what was contained in the original waiver. Attorney Phillips informed the Council that there were chemicals that weren't on the CERCLA list and didn't know what would be included. Councilor Bean questioned how important is it to speak as one voice on this issue. Attorney Phillips informed the Council that it is very important to act as one voice and important take advantage of the

reimbursement. She informed the Council that this is the first time the Air Force has admitted they contributed to the contaminants in the water. Mayor Sullivan reiterated the importance of solidarity on this issue. The City was dealt this problem and the City was not the cause but worked on cleaning it up and it's a group effort to move forward with litigation. Councilor Flaherty thanked everyone involved on this issue and admitted that he was skeptical of the reimbursement at first but reviewed the waiver of claims and concluded it is a good agreement and should be accepted. He especially reiterated that the admission of guilt is a good thing. He also thanked Kristen Mello and all other members of WRAFT for the public pressure they put on the legislators showing that real people want this problem fixed. He questioned where the reimbursement money will be spent within the City. He suggested that it be used to pay down the bond or make sure it goes into a water line item. Councilor Babinski informed the Council that since 2016 she has had a front row seat at the Water Commission meetings and all of the meetings relative to this matter. She thanked the Mayor, the Law Department, DPW and Water for all their time and energy on this matter. She informed the Council that the City should take this reimbursement and move forward with unity as a community. Councilor Surprise also thanked Law and everyone involved in getting this reimbursement, including Kristen Mello and informed the Council that he was also a participant in Washington DC regarding this matter. Councilor Surprise questioned if this acceptance will prohibit future reimbursements. Attorney Phillips informed the Council that it does not prohibit future reimbursements and that litigation against the companies of the products is in the discovery phase. Councilor Emmershy questioned if there was anything in the law that would conflict with the Intergovernmental Agreement and strip the protections of the waivers. Attorney Phillips informed the Council that the law that references the Intergovernmental Agreement will expire at the end of the month and that there are other laws that protect the City and the lawsuits such as negligence laws. This is a reimbursement from 2017 to 2018, a snapshot of time, and does not affect anything else going forward.

Upon motion of Councilor Onyski, it was

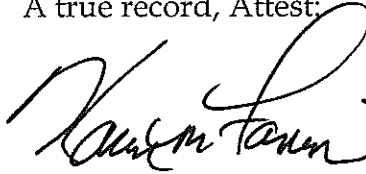
VOTED: Under immediate consideration, that a Resolution entitled "A Resolution approving an Intergovernmental Agreement between the City of Westfield and the United States Department of the Air Force" providing reimbursement of certain water treatment costs pursuant to Section 8142 of the Defense Appropriations Act, 2019 (reimbursement amount \$1,350,917.26) be ADOPTED.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershay	Yes
Ralph Figy	Absent

At 3:38 PM, and upon motion of Councilor Harris, it was
VOTED: To ADJOURN.

A true record, Attest:

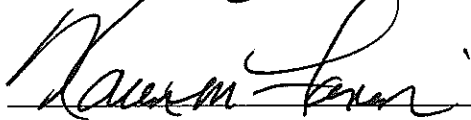


Karen M. Fanion
City Clerk/Clerk of the Council

Presented to the Mayor

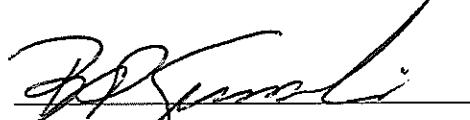
Approved by the Mayor

For approval Oct 3 2019



Karen M. Fanion, City Clerk

Oct 7 2019



Brian P. Sullivan, Mayor