

SPECIAL
MEETING OF CITY COUNCIL
WESTFIELD, MASSACHUSETTS
MARCH 27, 2018

The meeting was called to order in the City Council Chamber, Municipal Building, 59 Court Street, Westfield, MA at 6:00 PM by President Beltrandi.

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

The Pledge of Allegiance to the Flag of the United States was led by the President.

President Beltrandi asked if anyone was taping the meeting, if so please state their name and address. No one present was taping.

President Beltrandi read the Call of the Special Meeting as follows:

1. Mayor to present information relative to the Water Filtration Project
2. Review of timeline
3. Resubmission of bond request

Mayor Sullivan addressed the Council. He informed the Council the things that changed within the last two years were engineering designs, legal acquisitions, bids and financial planning, change in environmental regulations, design changes, historical data gathering and droughts but what hasn't changed is the focus to have clean water for Westfield. Everything else has been a process. The goal of tonight's meeting is to answer questions of the Councilors and have the \$13 million bond order resubmitted for the completion of the water filtration system at 7 and 8, build a filtration unit for wells 1 and 2, install a cross connect to Springfield water on the south side and have some tanks fixed throughout the City. He informed the Council that there is no difference in the financial or mechanical aspects of the bond order from the previous submission and that he hopes all the unanswered questions will get answered tonight. He informed the Council that the law firm of Kennedy and Madonna of NY and JL Environmental of San Francisco have been hired by the City to work on the lawsuit against the Federal government. He informed the Council that this has been a two year process so far. The City has signed a contract this week with Calgon to move forward to build a temporary plant on well no. 2 (which is out of service now) which should be done by the end of July 2018. He emphasized this is a temporary service. He informed the Council that the north side is being run on well no. 1. When 7 and 8 are in service the whole north side can run on 1 and 7 and 8 will be backup. He explained that while working on well no. 2 the plan is also to

be working on 7 and 8 and have them up and running by February 2019. He addressed the question why the \$5 million bond passed last year is over budget for the 7 and 8 wells project as follows: that the cost was based on what the City wanted to do and then realized that was not what was needed to be done and then it was realized that there was more to be done and then due to full bench scale testing there was a different vessel needed and that the temporary solution for well 2 will be used from this bond. He informed the Council that a lot of time and effort has been put into what the City is spending and that the cost of the water rate increases will cover the cost of the bond. And the goal is not to have the residents of Westfield pay for this, but right now the City does not have the luxury to wait for the legal process, the water has to be cleaned now. He informed the Council that a Tort Claim has been filed against the Department of Defense and again it's a process that has started and that if that money does ever come in the goal is to pay off the bond and give back to the ratepayers. He informed the Council that alternatives have been looked at and either they won't work or they will take too long. He concluded by requesting the Council to move this bond back to a subcommittee and pass it through its required two readings. He informed the Council that the City has reached out to State and Federal representatives and the pressure is on them to pay for these facilities. He answered a question relative to whether or not a new rate agreement with Springfield will be in place before a new interconnect is built, as follows, that he did not think so because the interconnect is an insurance policy for the south side of the town and that the usage would not be known at this time. President Beltrandi invited the Assistant Director Fran Cain and the engineer for the Water Department Heather (Miller) Stayton to address the Council. The first question read from the list was "Briefly describe each major component of the bond request along with the estimates costs, and start and completion dates." Heather informed the Council as follows: the major components of the bond are listed in the bond request letter and explained the intent is to put on line a granular activated carbon treatment plant for wells 7 and 8 and then proceed to install granular activated carbon treatment plant for wells 1 and 2 and after that an interconnect with Springfield for the south side of the City and replace East Mountain tank and do needed repairs to the other three water tanks in the City. The costs were generated from the best information known at the time, each project is at various different stages of the process and finalized cost will not be known completely until the time a contract is signed and even at that point there could be construction changes so at this point definitive costs cannot be given at this time. Councilor Emmershy questioned what the breakdown of the \$13.6 and \$5 mil is and informed the Assistant Director that nothing has been shared with the Council relative to the breakdown. Mayor Sullivan distributed a breakdown to be given to each Councilor. Councilor Morganelli informed the Council that everyone wants clean water, but also wants the breakdown of the costs associated with the projects and that since March 8th, 2018 Finance Committee meeting there has been no information given. Mayor Sullivan informed the Council that a timeline from Heather was given to each Council at their last regular meeting and on that timeline there were cost estimates. Councilor Bean reiterated that this information was given to the Council and the document is in the share file.

Councilor Figy questioned who created the list of questions and why were they not circulated amongst all the Councilors. President Beltrandi answered that they were given to the Water Department. The next question from the list was "Briefly describe the status of our water tanks and future plans for upgrades or replacements." Assistant Director Fran Cain informed the Council that there are four tanks, Sackett tank, Northwest tank, East Mountain tank and Cedar Lane/Provin Mountain. All tanks are in operation, but the East Mountain tank is in dire need of replacement and the plan is to replace that with the bond money. Councilor Surprise questioned the status of Northwest Road tank relative to the lack of water issue last year at WSU. Fran informed the Council that the lack of water issue last year did not have anything to do with the tank it was not enough water to supply water to that tank, the tank itself is fine. Councilor Surprise questioned (line 21 on Timeline) that there were system failures (leaks) and limitations (closed or throttled valves) that made it so that the tank could not be refilled. Heather informed the Council that in response to that tank dropping, the valves were all looked at and corrected. She informed the Council that the tank itself is designed for the right capacity operates well for the City and that there were several circumstances that played into this incident such as the drought, the reservoir was low and then valves had to be switched over due to low water and caused the water to flow in different directions and it was unaware that a valve was broken due to the unordinary stresses. Councilor Surprise questioned that the interconnect to Springfield for Westfield State University should not have to happen because the valve issue was a human error. Heather responded that the Springfield interconnect was a separate issue. She explained the interconnect is for redundancy for wells 5 and 6 which are low yielding wells and is only needed when the water is low. Councilor Surprised questioned if the water from the south side can be pumped to the north side. Heather informed the Council that the City has an interconnected system with 8 drinking wells of which 5 are operational. She explained that the interconnect pumps water into storage tanks and the water from the tanks goes to the demanded areas. She explained that the City does not pump water based on demand because there would be a need for more pumps and it would be excessively expensive. Councilor Surprise questioned why the water smells like chlorine on the northside of the City. Heather explained that all water must now be treated to be disinfected with chlorine, and no longer just water from the Granville Reservoir. Councilor Emmershy questioned that the totals on the sheets add up to more than \$18 million and expressed his concern that there isn't enough money for all the repairs. Heather informed the Council that the numbers are always changing until the project gets to the 100% design phase and that there are contingencies built into those totals. Councilor Emmershy informed the Council that per the timeline sheets the cost of the East Mountain tank is up since last June and questioned the status of the numbers. Heather reiterated that the first numbers were from initial planning and as the project progresses the numbers will change. Councilor Emmershy questioned that according to the numbers on the timeline that the project will be \$600,000.00 short. Heather informed the Council that she's not sure what specific numbers he's looking at because she does not have the numbers in front of her. President Beltrandi

added that's the reason for the meeting is to get a handle on the money and the cost of the project. President Beltrandi asked if there's contingencies built in that would take care of this. Heather informed him that there are contingencies built in the early process of the project. President Beltrandi informed her that the question is will the contingencies take care of the overages or will more money be needed in two months from now. Councilor Flaherty informed the Council that according to the sheets distributed tonight it shows \$1.7 million in contingencies so there is some wiggle room. Mayor Sullivan informed the Council that the \$1.7 contingency is in there for overages. Councilor Emmershy expressed his concern that the numbers don't ever go down and is concerned that there will be more money needed. Heather reported that the numbers do sometimes come down as in the East Mountain project it started at \$5.9 million and ended up at \$5.3 million. Fran informed the Council that for wells 7 and 8 project those numbers will come down from about \$450,000 to \$200,000 because some of the work has been done in house instead of using an outside contractor. Councilor Allie questioned how much of the contaminants will be treated at the temporary facility for well 2. Heather informed the Council that the granular activated carbon will treat at the same levels which is to be at a level of non-detect. Councilor Allie suggested a \$7.5 million bond to accomplish what needs to be done. Mayor Sullivan informed the Council that with a \$7.5 million bond the contamination at wells 1 and 2 would not get done and that the temporary solutions are just that, temporary. Councilor Allie informed the Council that the City needs to get an agreement with the Air Force to pay for filtration for the contamination and questioned if anyone from the City has approached the Air Force to get this agreement. City Solicitor Sue Phillips addressed the Council. She informed the Council that she and the Mayor have reached out to Congressman Neal's office and Senator Warren's office and Senator Markey's office. As far as an agreement with the United States of America she referenced a document that was sent to President Beltrandi and forwarded to all Councilors that the United States has not acknowledged responsibility for the contamination and until that happens there is no payment to be received and no agreement. She informed the Council that there have been a lawsuits filed and that will help the process and that they are following the CERCLA process (the Comprehensive Environmental Response, Compensation and Liability Act) and that the process is slow moving and it limits claims. She informed the Council that the agreement that was given to Councilor Surprise from Washington DC was actually a consent order from the EPA relative to an ongoing lawsuit and has nothing to do with an Environmental Services Agreement. She informed the Council that the City has filed a Tort Claim in the amount of \$46 million in damages and none of that would be available in CERCLA. Councilor Allie questioned if the City directly can contact the federal agencies. She informed the Councilors that it is important to act as a City and that some of the information from federal agencies is contrary to the advice of the City's lawyers on this case. She requested that the Councilors trust in the lawyers who have been hired by the City. She informed the Council that she cannot give the City's strategy in the lawsuit at this time and requested the Councilors to trust in the lawyers that have been hired to handle this case. Councilor Allie questioned if there is a

remedial agreement that could be signed to secure reimbursement for the money that will be spent on the cleaning up of the contamination. City Solicitor Sue Phillips informed him there is no such agreement. Mayor Sullivan informed the Council that a prior agreement cannot be made with the entity that is being sued and reminded the Council that his Administration and the Councilors are all on the same. Sue addressed the question, "Why hasn't the City done something sooner?" She informed the Council that July 7, 2017 money was appropriated to hire Atty Robert Cox and he filed an 8 page 21E Letter to the ANG putting them on notice for all of the City's claims. Councilor Surprise informed Solicitor Phillips that the Document she stated was an EPA order not an Environmental Services Agreement was in fact not from the Air National Guard Bureau, but was instead provided by a third party. Councilor Surprise questioned why the City's point of contact is the ANG base and not the Air National Guard Bureau's Environmental Law Office? Sue informed him that by law there are certain people the City has to sue and the Federal Tort Claim has to be filed at the locus. Councilor Surprise questioned why a temporary process can't be done for now and then get the money from the federal government, per his conversion with a federal agency. Sue reiterated that the City is suing the federal government and that Councilors should not be contacting them. Mayor Sullivan reiterated that the Councilors and City are on the same side and that if the Councilors have questions to ask the Law Department or the lawyers that have been hired for this case. Mayor Sullivan reiterated that his focus is to get clean water for Westfield as soon as possible and that temporary fixes are not the solution. He reiterated that the process is going forward for all the right purposes and expressed his concern that there is no trust in the City's Administration. Councilor Flaherty questioned "Does the current lawsuit against 3M and others potentially offer any benefit to residential or business customers or does it just seek damages for the City?" Atty Phillips informed the Council that she is the lawyer for the City of Westfield so it is damages to the City. Councilor Onyski informed the Council that this water issue affects Ward 6 and Ward 1 and asked why doesn't anyone care about that. He reminded the Council that the law department is smarter than the Councilors on this matter and that the Councilors should have trust in the Mayor, law department and water department and to not get involved in their legal matter. Councilor Emmershy questioned what period of time is the \$46 million of damages to be realized. Sue informed the Council that it would be the repayment of the bond, but that she would have to continue to look into it. Mayor Sullivan clarified that there is a \$50 million lawsuit against 3M and a \$46 million Tort Claim against the Department of Defense for damages. Councilor Surprise informed the Council that it is not that there is not trust or that they don't care, it's that there was no information provided to the Finance Committee relative to the bond until tonight. Councilor Bean questioned what the alternative is if this bond does not pass. Mayor Sullivan informed the Council that the City will move forward with the temp facility with well 2 to be done by the end of the summer whether the bond is place or not. As far as a solution at that point there is no backup plan. Councilor Emmershy questioned the amount of the recently signed contract with Calgon and the funding source for it. Mayor Sullivan informed him that it's for \$350,000 and if the bond is passed it will come from that

and if not passed, there's money in the Water Department and then he will also have to come back to Council for an appropriation from Stabilization. Councilor Emmershly questioned how long this temporary solution would last. Heather informed the Council that due to the makeup of the vessel and the regulatory permitting that is needed it would be short term temporary because permitting would not allow for anything long term. Councilor Allie questioned what is the pumping capacity per day and when would the permanent construction begin. Heather informed the Council the City has the ability to pump a million and a half gallons per day. Heather informed the Council that construction for the permanent facility at 1 and 2 would be as soon as funding is available and may happen simultaneously with 7 and 8 with a target date of February 2019 for 7 and 8 and 1 and 2 permanent would be a year later. Councilor Allie again discussed using a \$7.5 million bond for now with the hope of getting money from the Air Force. Mayor Sullivan again emphasized that he is not banking on check from the department of defense and that everything on the list would not get done without the whole bond which would mean that the water would not get cleaned. And again, the Mayor emphasized that the federal government has not agreed that they contaminated the water, therefore, they will not pay and will not sign an agreement. Councilor Morganelli questioned what would be the worst case scenario that the residents on the north side would have to use bottled water. Heather informed the Council that if there was a mechanical failure at well 1 and not a temporary facility at well 2 and 7 and 8 there would no sources of water for north side. Councilor Surprise questioned once the temporary filter is on well 2, will well 1 be on line. Heather informed the Council that well 2 will be on line and well 1 would be as a backup because well 1 is not testing above the contaminant levels. Councilor Surprised questioned how many gallons per day does the north side use. Heather informed the Council that the City is interconnected and cannot determine how much is used on the north side vs the south side. She informed the Council that 4 million gallons are used city wide in the winter and 9 million gallons city wide are used in the summer. Councilor Emmershly questioned if well 1 can have a temporary unit. Heather informed the Council that alternative analysis has been done and the plan that is being presented it the best option. Councilor Flaherty questioned the status of the water meter project. Heather informed the Council that the meters have been purchased and the bid went out to get the work done and no one bid on it. Councilor Surprise questioned why in October of 2016 when the contaminant levels were slightly increased why did the City not start working a temporary system at that time. Heather explained that all PFAS not just PFOA and PFOS were combined that caused the numbers to be different and then well no. 1 levels were lower than well no. 2 but wells no. 1 and 2 did not exceed the combined 70 ppt level in either round of testing, but to be proactive used well no. 1. Councilor Flaherty questioned if the filters are being built to filter out any other compounds that may become prevalent. Heather informed the Council that the filters are being built with flexibility to be able to host an array of compounds. Councilor Emmershly questioned the \$1.3 million for the interconnect that it's an insurance policy. Fran Cain informed the Council that wells 5 and 6 are small, the water is aggressive and needs to be treated. Mayor Sullivan informed the

Council that he does not want to have to take wells 5 and 6 off line until we have an agreement with Springfield interconnect, but still wants it functional if needed. Fran Cain informed the Council that it's a standby rate that the City is charged. Councilor Babinski thanked the Mayor and departments involved for the presentation. She requested support of the bond especially for the residents of Wards 1, 6 and 2. She informed the Council that this process has been going on for a long time and hope that the Councilors that needed their questions answered got their answers and the answers tonight reaffirmed her position of support.

Upon motion of Councilor Flaherty, it was
VOTED: That Rule 32 be SUSPENDED for reconsideration of an item that was already terminated.

Upon motion of Councilor Flaherty, it was
VOTED: That the \$13 million bond for the water filtration be referred to Finance Committee.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Cindy Harris	No
Nicholas Morganelli, Jr.	No
William Onyski	No
Robert Paul, Sr.	Absent
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	No
Brent Bean II	No
John Beltrandi III	No
Michael Burns	No
Matt Emmershly	Yes
Ralph Figy	No

The President declared the motion LOST.

Upon motion of Councilor Figy, it was
VOTED: That the \$13 million bond for the water filtration be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE.

Councilors Emmershly and Surprise were opposed.

Upon motion of Councilor Flaherty, it was
VOTED: To return to regular order.

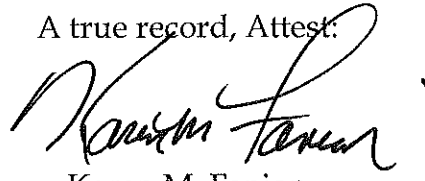
Discussion was held involving Councilors Flaherty, Figy, Surprise and Bean relative to where bond orders need to be referred.

Councilor Surprise thanked the Mayor and departments for the information that was presented tonight and that all information needs to be shared for the sake of

transparency. Mayor Sullivan informed the Council that he and all departments are always willing to share information and he also informed the Council that as Councilors you need to share information amongst yourselves.

At 8:02 PM, and upon motion of Councilor Flaherty, it was VOTED: To ADJOURN.

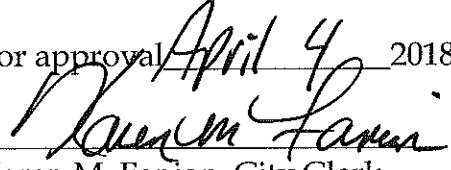
A true record, Attest:



Karen M. Fanion
City Clerk/Clerk of the Council

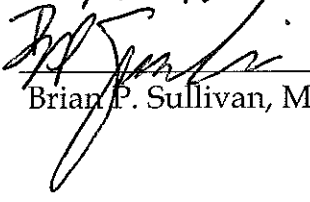
Presented to the Mayor

For approval April 4 2018


Karen M. Fanion, City Clerk

Approved by the Mayor

April 4 2018


Brian P. Sullivan, Mayor