



Established

1996

SPRINGFIELD WATER AND SEWER COMMISSION

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413-452-1300

Minutes of Meeting

July 7, 2022

The Springfield Water and Sewer Commission held a hybrid meeting on July 7, 2022. The meeting was held in accordance with Chapter 22 of the Acts of 2022.

Chairwoman Otero called the meeting to order at 9:00 a.m. and announced the Commissioners that are participating. Secretary for the Commission Jaimye Bartak called the attendance roll:

William E. Leonard, Present
Daniel Rodriguez, Participating Remotely
Vanessa Otero, Participating Remotely

Also Present
Joshua Schimmel, Executive Director
Norman J. Guz, Commission Counsel

Participating Remotely
Anthony Basile, Comptroller
Theo Theocles, Director of Legal Affairs/Chief Procurement Officer
Jaimye Bartak, Communications Manager/Secretary for the Commission
Darleen Buttrick, Director of Engineering
Jim Laurila, Director of Water Operations
Christina Jones, Deputy Director of Water Operations
Nicole Sanford, Water Resources Manager
Katie Shea, Educational Outreach and Communications Specialist

Business Matters

1. Consideration of Appointment of Chair and Vice-Chair for FY23: Report by Commission Counsel.

Commissioners made appointments for chair and vice-chair for FY23.

UPON MOTION DULY MADE BY COMMISSIONER OTERO AND SECONDED BY COMMISSIONER LEONARD

**VOTED YES –
COMMISSIONER OTERO
COMMISSIONER LEONARD
COMMISSIONER RODRIGUEZ:**

to appoint Commissioner Rodriguez as Chairman for FY23.

UPON MOTION DULY MADE BY COMMISSIONER RODRIGUEZ AND SECONDED BY COMMISSIONER LEONARD

VOTED YES –

COMMISSIONER OTERO

COMMISSIONER LEONARD

COMMISSIONER RODRIGUEZ:

to appoint Commissioner Otero as Vice Chairwoman for FY23.

Old Business

1. Appeal by Owner of 801 Perimeter Road, Ludlow.

Tabled.

2. Appeal by Representative of 26-32 Mattoon Street.

Tabled.

New Business

1. Consideration of Adoption of 29 CMR 20.10 (2) to Allow for Remote Participation for Commission Meetings: Report by Commission Counsel.

Commission Counsel Norm Guz explained that Chapter 22 of the Acts of 2022 expires on July 15. After that time, unless further legislation is passed, meetings must be held completely in-person. A provision under 29 CMR 20.10 (2) allows the Commission to adopt remote participation by Commissioners and/or the public. If adopted, at least two Commissioners would need to participate in-person, and that remote participant will have to notify the Chair and the reason for remote participation. The public can choose to participate remotely or in-person.

UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO

VOTED YES –

COMMISSIONER OTERO

COMMISSIONER LEONARD

COMMISSIONER RODRIGUEZ:

to authorize remote participation in accordance with the requirements of 29 CMR 20.10 (2).

2. Consideration of 44th Supplemental Resolution: Report by Commission Counsel.

Atty. Guz reported that the 44th Supplemental Resolution allows the Commission to borrow \$33,692,194 from the Clean Water Trust for the nutrient removal upgrade and related improvements at the wastewater treatment facility. The note provides for 0% interest during the term of the bond anticipation note, at which time the Commission would issue a bond in order to pay off the note. This project is eligible for some loan forgiveness.

UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND SECONDED BY COMMISSIONER OTERO

**VOTED YES –
COMMISSIONER OTERO
COMMISSIONER LEONARD
COMMISSIONER RODRIGUEZ:**

to adopt the 44th Supplemental Resolution of the Commission to allow the issuance of a \$33,629,142 bond anticipation 2022 Series A in the form presented.

3. Consideration and/or action on any other matters that may come before the Commission at this meeting.

Executive Director Josh Schimmel reported that another public notification for disinfection byproducts is being issued today.

The next meeting is July 21 at 1 PM.

Exhibits Reviewed During the July 7, 2022 Board meeting:

- Text of CMR 29.10
- SWSC 44th Supplemental Resolution

Executive Session

4. Update on SWSC v Ace Insurance Company - US District Court Case 3:21-CV 30096-KAR (breach of contract and MGL Ch 93A Sec 11): Report by Commission Counsel.
5. Consideration of Proposed Acquisition of Property on Granville Road in Westfield: Report by Director of Water Operations.

**AT 9:17 AM UPON MOTION DULY MADE BY COMMISSIONER LEONARD AND
SECONDED BY COMMISSIONER RODRIGUEZ**

**VOTED YES –
COMMISSIONER LEONARD
COMMISSIONER OTERO
COMMISSIONER RODRIGUEZ:**

to enter into executive session for an update on existing litigation pertaining to SWSC v Ace American Insurance Company, and consideration of acquisition of property on Granville Road in Westfield. It was determined that holding the discussion in public session could be detrimental to the Commission's position in the existing litigation, and to the Commission's interest in the purchase of real estate. It was announced that public session will not resume at the end of executive session.

Submitted By:



Jaimye Bartak, Secretary