

TOWN COUNCIL MINUTES
ENVIRONMENTAL COMMITTEE
Town Hall Council Chambers
August 1, 2011 - Thursday

Present: Thomas J. Lacey, Vice- Chairperson
Victor Pap, Councilor
Ed Harrington, Councilor
Bob Conlon, Councilor
Kevin Whitaker, Councilor

Also Present: Kenneth DiFazio, Councilor
Patrick O'Connor, Councilor
Michael Smart, Councilor
Richard Swanson, Town Auditor

Recording Secretary: Mary Barker

Vice Chairman Lacey called the Environmental Committee meeting to order at 6:00 PM.
Chairman McDonald called the meeting and is en route.

For discussion and informational purposes:

A discussion of the United States Naval letter dated March 21, 2011 will ensue. This discussion will focus on the Navy changing their stance on their originals standards set forth for the South Weymouth Base.

Councilor Lacey reported that there were specific items that were to be addressed, and members of Tri-Town and LNR were invited to participate in the discussion, but have not responded. He recommended the meeting continue with a discussion on how to proceed. Councilor Pap noted there is excitement since it seems an agreement has come to fruition-- making Southfield a reality. Chairman McDonald has some concerns regarding the environmental clean -up in light of the document from the Navy changing its stance. Councilor Pap recommended the committee gather as much information as possible so that the remediation components are done correctly, appropriately and transparently. He agrees with the Chairman and it appears to be the consensus of the committee and the residents of the town.

A MOTION was made by Councilor Pap to enter the correspondence from Councilor McDonald to Mr. Brian Olson, US Environmental Agency, Region One, the response and other correspondence, into the committee report of the meeting. This was seconded by Vice Chairman Lacey and unanimously voted.

Vice Chairman Lacey noted that the Chair had a specific agenda. In speaking with other council members, there is concern with the Navy's continued commitment to cleaning up the base. Without representation from Tri-Town and LNR to respond to their inquiries, he

noted the committee is at a disadvantage. Councilor Harrington agreed.

Councilor Pap made a MOTION to CONTINUE this agenda item to a future meeting of the committee.

Vice Chairman Lacey recommended either rescheduling or consider recessing until Councilor McDonald is present. Councilor Harrington noted without the principals from Tri-Town and Lennar it didn't make sense to continue the meeting until a time when they are there to respond to inquiries.

Recess

At 6:20PM, a MOTION was made by Councilor Pap to recess and reconvene following the conclusion of the Special Town Council meeting, seconded by Councilor Harrington and unanimously voted.

At 8:01 PM, the meeting reconvened. Chairman McDonald apologized for his late arrival. He called the meeting to begin a dialog and to make the Council aware of recent changes by the Navy and to make the Council and public aware that they need to be involved in the process as it goes forward. He commended the Councilors who have been active in efforts at the base. He noted Councilor Smart and his district have been a strong presence. He called to the committee's attention a letter dated March 21, 2011 which was copied to Tri-Town in which it was noted a change in the methodology to be used in the cleanup of the base. He quoted from the letter: "The Navy is no longer assuming a cleanup to unrestricted use." Chairman McDonald noted that as a part of the original reuse plan, the Navy was to clean up the base to unrestricted use. Now they are lowering that standard. It's a departure from past practice, and the timing is particularly bothersome given the fact that the total land exchange is about to take place. His intent in calling the meeting is to learn what the other Councilors think, and what the change in the environmental policy means; what areas of the base it applies to and what is the reuse plan for those parcels impacted by the change- will it be in areas designated as playgrounds or commercial use areas? Other closed military bases in the country which were part of the same closure plan in 1995 are not using this standard. In Willow Grove, Pennsylvania, they are using a higher standard of cleanup. In Willow Grove meeting minutes from January 2011, there is an indication that the Navy will adhere to the higher standard. In the March 1, 2011 document, they are indicating that Weymouth will have a lower standard. In other cleanups, bioremediation of contaminated soil was the standard, they are requesting to change it to a lesser in Weymouth, with the use of a vapor barrier to cover the contaminated soil. He asked how the change in the environmental remediation will affect the \$25,000,000 asking price of the property. It only seems reasonable that the value of the property would be greatly diminished with a lesser cleanup standard.

While he strongly supports the reuse plan at the base, Chairman McDonald reported that the town should know what it is getting in the long term. The Navy and LNR will be gone, but the residents and the children of Weymouth will still be here and the Council needs to hold the Navy to as high a standard as possible; the standard that they promised

with the agreement for the original reuse plan.

He requested input from the other members on how the committee, Council and town should look to proceed and recommended they consider inviting the Navy, Tri-Town and LNR to appear before them and talk about what they plan to do to clean up the base and how they plan to do it. Anything less than complete restoration of the property for unrestricted use is unacceptable.

Vice Chairman Lacey asked if there has been any response from any of the base entities. Chairman McDonald reported that he has a letter from Tri-Town indicating they were not aware of the Navy's letter, although they were copied. Tri-Town representatives were aware of this meeting but were unable to attend due to a prior commitment in Abington. Vice Chairman Lacey believes the committee should get clarity as to the intent, and if it is different than what was understood, find out why the change is proposed, and report back that the change is unacceptable. He also suggested using leverage to put pressure on the Navy to follow through on their original commitment.

Councilor Pap commended the Chair for beginning the dialog. He noted it might be helpful to evaluate the current status of the cleanup and see what needs to be done to be sure the town's best interests are met.

Councilor Harrington noted the terms and conditions of the sale require the seller to hand over in a condition that meets some sort of standards that must be outlined in a purchase and sales agreement, and asked if the Navy can change it unilaterally without the buyer agreeing to it. Chairman McDonald responded that the Navy is in communication with the EPA and is asking the EPA to sign off on a lower standard. It's time for the town to push back to the EPA, utilizing representatives from the state and federal governments, and obviously from the three towns affected most.

Councilor Harrington asked what leverage the town has other than public pressure to get them to perform and if they can lower the standard. He questioned if backing out of the deal is an option.

Councilor Whitaker reported that the town does not have much legal recourse; Tri-Town was created as a separate entity which has been negotiating with LNR and the Navy for the transfer. In some respects the town's hands are tied with respect to their negotiating rights. It is important to stay involved to get the environmental questions answered. He noted Councilor Smart has been involved for many years and attended countless meetings; he is concerned with the language change but would like clarification, particularly involving the areas potentially impacted for future use as recreation by the children. He is in agreement with getting more information before jumping to any conclusions as to what the towns' legal rights are.

Councilor Smart thanked the committee for recognizing his ten years of participation in the base reuse discussions, meetings, etc. He noted the meetings take place once a month and are not well attended. He tries to attend every one that he can. The letter the

committee refers to, which was not copied to the town, the Mayor or the Council, is in response to the Draft Feasibility Study for the Solvent Release Area (SRA) which has been an ongoing effort over seven or eight years and involves only one particular location. The cleanup effort has undergone a number of steps; public process with DEP and EPA, and the Navy ultimately makes the decision based on the comments from that report. It is only one location of a larger area; however, it is a change in policy. For ten years, Councilor Smart has been asking what the intent is for the property and for ten years has been told they would clean this property to the maximum level possible. He does not think the cost of the land is a factor and outside the town's jurisdiction. It shouldn't be a part of the discussion. On this particular SRA, which he believes is the focus of the letter, that they are not going to clean it to unrestricted use. The response from the Navy in the past is that "if the Navy put it there, we will clean it up." They have never backed away from the waste they created on the base. This concerns Councilor Smart that they now are considering allowing it to potentially down gradient vapor that could cause serious human hazard. Several attempts to clean it have been unsuccessful. Affected water is in the bedrock and to get to it becomes a financial issue. It doesn't matter what it costs; it needs to be cleaned up to the maximum level. The town needs to impress upon DEP and EPA that this is unacceptable. They must take ownership, and the change in policy is unacceptable. The town and the Council should not allow the Navy to "cheap" out of it. Other than the Westgate Landfill, they have never put a proposal forward and then backed away from it and the town can't tolerate it now. He urged the Councilors to send letters and faxes to all of the contacts; Councilor Smart will provide that information to the rest of the Councilors. He believes the Navy will come out with a final feasibility study with a public comment period following and then all of the government agencies will provide their comments and ultimately the Navy will make a decision based on all of the comments.

Councilor Pap asked if the residents of Weymouth are able to comment on this draft now. Councilor Smart reported that the draft study is not part of the public process, but is between the regulators; however the public is welcome to comment at any of the monthly meetings during a scheduled public comment period.

Chairman McDonald agreed, but still thinks it's a good idea to bring some of the principals in to obtain information.

Councilor Mathews agreed inviting the parties in to discuss. He has spoken with Jeff Wall, but he mentioned it is three sites that the Navy is considering changing its policy standard- thirty acres total which include Buildings 81, 82 and the SRA. In reading the comments from DEP and EPA he believes the agencies share the same concern as the town. He agrees with Councilor Smart; when it comes to the environmental cleanup, it shouldn't be negotiated. There should be no financial costs associated with the clean up; it should be brought up to unrestricted use. There may be issues with erecting structures on the sites where remediation is needed if the standard is lowered. The Navy needs to be questioned as to why approaches to clean up in Willow Grove which were successful are not being done here; and why the approach has changed to a less efficient clean up. He agrees with the committee's approach to invite participation from the parties to determine

why the approach is changing. He also notes that he is somewhat disturbed that the town and Council were not copied on the original correspondence.

Chairman McDonald will have a request sent to the Navy inviting them to a meeting. Councilor Pap recommended a letter be drafted to all parties requesting a progress report. The committee will reconvene again prior to the next Town Council meeting. Vice Chairman Lacey requested that representation from Rockland and Abington be invited as well. Councilor Whitaker noted that since the report is a draft, there is no urgency call a meeting immediately. Chairman McDonald recommended a more aggressive schedule since the final transfer of the land is scheduled. He will poll members as to availability for the next meeting.

Adjournment

At 8:35PM, there being no further business, Councilor O'Connor made a MOTION to ADJOURN the meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Chairman Brian McDonald