

FINANCE COMMITTEE MINUTES

The Standing Committee on Finance met on Tuesday, **February 19th**, at 7:00 PM at the *Arnone School in the auditorium, 135 Belmont St.*, to consider the following with President Rodrigues presiding. Eight members present with Councilor Cruise, Councilor Monahan and Councilor Derenoncourt absent.

1. Appointment of Jeffrey Charnell of 685 Oak Street, Unit 12, Brockton, MA from Alternate to Member of the Brockton license Commission for a three year term.

Invited: Jeffrey Charnell

Henry Tartaglia, Chairman, License Commission

Having considered the same, Motion by Councilor Sullivan to report FAVORABLE, 2nd by Councilor Eaniri. Motion carried by a hand vote.

2. Re-appointment of Eugene S. Marrow of 128 Healey Terrace, Brockton, MA to the Brockton Redevelopment Authority for a five year term

Invited: Eugene S. Marrow

Robert Jenkins, Executive Director, BRA

Having considered the same, Motion by Councilor Sullivan to report FAVORABLE, 2nd by Councilor Asack. Motion carried by a hand vote.

(A motion was made by Councilor Eaniri to move Resolve # 8 to be read after Item # 2, 2nd by Councilor Sullivan. Motion carried by a hand vote.)

8. Resolve: to invite the new Chief Financial Officer to come before a committee of this council to enlighten us on any changes that may be made in the operation of the CFO's Office.

Invited: Troy Clarkson, Chief Financial Officer

Comments by Troy Clarkson

(Honor to return to Brockton and thank you for the opportunity to serve the City of Brockton.)

Having considered the same, Motion by Councilor Sullivan to report FAVORABLE, 2nd by Councilor Asack. Motion carried by a hand vote.

3. Total appropriation in the amount of \$215,000

\$200,000 From: DPW-Purchase of Services

\$15,000 From: DPW-Goods & Supplies

To: DPW-Overtime

Invited: Lawrence Rowley, Commissioner, DPW

Troy Clarkson, Chief Financial Officer

Having considered the same, Motion by Councilor Beauregard to report FAVORABLE, 2nd by Councilor Farwell. Motion carried by a hand vote.

4. Ordered: That the sum of \$7,800,000 is appropriated to pay costs of making improvements to the City's Wastewater Treatment Facilities, including the payment of all planning and engineering costs, and all other costs incidental and related thereto, and that

to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44 and/or M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in M.G.L. c. 29C, §1; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to M.G.L. c. 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("DEP") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with DEP, to expend all funds available for the project and to take any other action necessary to carry out the project. FURTHER ORDERED: Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20 of the General Laws, Thereby reducing the amount authorized to be borrowed to pay such costs by like amount. FURTHER ORDERED: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under M.G.L. c. 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. Each order must be published at least 10 days prior to final passage and requires at least a two-thirds vote of all members of the Council. For each order, a certificate from you as the Chief Financial Officer is required by Section 5 of Chapter 324 of Acts of 1990 and should be filled prior to adoption of the loan order. If you do not give the required certification or if you are unable to make the certification without expressing qualifications or contingencies, the loan order may only be passed by the City Council if the absence of such certification or qualified or contingent nature of such certification is expressly noted in such order. If any funds are to be advanced for these purposes and reimbursed from bond proceeds, please note the requirements of M.G.L. c. 44ss 20A and the guidelines issued by the Director of the Bureau of Accounts.

Invited: Lawrence Rowley, Commissioner of DPW

David Norton, Water/Sewer Contact Administrator

Troy Clarkson, Chief Financial Officer

Chad Kershaw, CDM Smith

William McConnell, CDM Smith

Martin Brophy, Treasurer Collector

Comments by Councilor Nicastro

(What will the upgrade to the plant consist of?)

Comments by William McConnell

(Project is meant to allow the plant to comply with its new limit in its discharge permit for nitrogen. Improvements are meant to modify each of the treatment plants aeration basins. There are 7 treatment tanks that are at the site and need to be modified and equipped appropriately to enable the plant to meet that permit.)

Comments by Councilor Nicastro

(Why do we have so much nitrogen that has to be removed?)

Comments by William McConnell

(There isn't any more nitrogen than any typical treatment plant. The permit was issued by the EPA because they've determined that the receiving water quality requires a nitrogen limit of that level.)

Comments by Councilor Nicastro

(I noticed that the permit requires the improvements to be completed by October of 2022. Why are we doing it so soon?)

Comments by William McConnell

(The permit has several milestones required; one of them is substantial completion by October 2021. Substantial completion means fully operational. This work requires that each tank be taken out of service and be drained and worked on while that plant is in service. Each tank, 2-3 months. Roughly 2 years of construction. Should finish in summer of 2021.)

Comments by Councilor Nicastro

(What are the impacts of the work on the plant during the improvements to the Brockton residents?)

Comments by William McConnell

(It's a construction project, the contractor is going to need to bring in supplies, and there is no major earthwork or dirt being brought back and forth; not much of a noticeable impact on the neighborhood.)

Comments by Councilor Nicastro

(What about the air quality?)

Comments by William McConnell

(No impact is expected at all.)

Comments by Councilor Nicastro

(What about the impacts on the Salisbury Plain River?)

Comments by William McConnell

(Once all is done, the discharged quantity of nitrogen will be reduced going into the river.)

Comments by Councilor Nicastro

(Why wouldn't we be taking apart the incinerator and carting it away?)

Comments by David Norton

(The incinerator is decommissioned and has been reported to the DEP and EPA. The fuel and feed have been disconnected and the permit is expired. To dismantle it would be costly and it is not taking up space that we would need right now.)

Comments by Councilor Nicastro

(Could we have public meetings with Veolia and the Brockton residents again?)

Comments by David Norton

(That would be fine. Veolia is obligated to do them under their contract. We can coordinate that.)

Comments by Councilor Nicastro

(Talk to us about the terms of the borrowing.)

Comments by Martin Brophy

(With the trust the city offers interim loans at no cost to the city no interest paid, the work can be started, work can be done completed with that interim loan and we will get reimbursed. Once a project is 50% completed they will do a permanent borrowing. More than likely that will be 2 years down the road. It is usually a 20 year schedule level debt.)

Comments by Councilor Farwell
(Were you part of the original reform of aeration basin 5?)

Comments by William McConnell
(Yes.)

Comments by Councilor Farwell
(Approximately how much did that one basin cost us?)

Comments by William McConnell
(That one was contracted a bit differently. In the ball park of half a million dollars.)

Comments by Councilor Farwell
(If we are doing the same thing to the remaining basins, I should be able to multiply the # of basins by that figure but I am not able to do that.)

Comments by William McConnell
(All seven tanks are not the same. They are different sizes and shapes. Each tank will be configured the same way. It was much easier to do in tank 5 than the other tanks.)

Comments by Councilor Farwell
(After this work is complete we are fully compliant with all other EPA requirements currently in effect at this time? There is no other anticipated work that would have to be done over and above this 7.8 Million dollar project to be in compliance with the EPA or the DEP?)

Comments by William McConnell
(Right, until they issue a revised permit (which is on a five year schedule) the plan will be in compliance.)

Comments by Councilor Farwell
(We are about seven and a half months into the fiscal year and we have paid CDM Smith about eight hundred and thirty five thousand dollars. Is a portion of that related to this or other projects?)

Comments by William McConnell
(A portion of that is certainly the design cost of this project.)

Comments by Councilor Farwell
(How do we determine what fee you will be paid?)

Comments by Chad Kershaw
(We send a proposal to DPW, they'll review it they will provide comments and then we make adjustments based on their comments.)

Comments by Councilor Farwell
(Based on what criteria?)

Comments by Chad Kershaw
(Observations of construction, it is a two year construction period so we will need a full time engineer for two years, bidding services and management under construction. Which includes shop drawing reviews, RFI's, potential change orders etc.)

Comments by Councilor Farwell
(Does anyone know how much we will be compensating CDM Smith for this project?)

Comments by Chad Kershaw
(Yes, the number over the two year period is Seven Hundred and Thirty Thousand Dollars.)

Comments by Councilor Beauregard

- (How do we compare to other communities?)
- Comments by William McConnell
(I see many plants and Brockton is in very good shape compared to most plants.)
- Comments by Councilor Sullivan
(Do you forecast any other cost related repairs that we should be aware of?)
- Comments by William McConnell
(The plant is in very good shape. Machinery can break down but everything is maintained very well.)
- Comments by Councilor Sullivan
(Two weeks ago we talked about trailers being delayed and that you have a shelter. How long can that be stored?)
- Comments by David Norton
(It's never been longer than a day. If it was a long duration to prevent odors we would lime the top of it and it would stay on top of the storage shelter to prevent odors)
- Comments by Councilor Sullivan
(Is the BNR the best way to meet the limits of the permit? Is there a cheaper alternative?)
- Comments by William McConnell
(BNR is Biological Nutrient Removal. It is the best answer for the plant here.)
- Comments by Councilor Sullivan
(When does the contract expire with Veolia?)
- Comments by David Norton
(June 30th, 2020)
- Comments by Councilor Sullivan
(When you renegotiate a contract or put an RFP on the street is there a way to put a financial holder on in the RFP?)
- Comments by John Condon
(We have an option of a 5 year extension or re-procurement; anticipate in the future cost of that plant the obligation does service the debt that is outstanding including escalation.)
- Comments by Councilor Sullivan
(Could Veolia subsidize a portion of the 7.8?)
- Comments by John Condon
(Yes we could ask them to do that in the negotiations. We have a fair amount of flexibility on that and I am not sure if we do it directly on that cost or to seek concessions to the extent that we know what that cost is and to seek concessions to offset those in the new contract.)
- Comments by Councilor Nicastro
(Would like to reassure the tax payers that there is nothing coming up anytime soon to address this debt.)
- Comments by John Condon
(Nothing in the near future which is going to affect their sewer bills.)

Having considered the same, Motion by Councilor Nicastro to report FAVORABLE, 2nd by Councilor Asack. Motion carried by a hand vote.

5. Ordered: 1. The City Solicitor or his designee shall appear before a committee of the City Council to provide all relevant information on the city's criteria and process for review and approval of Host Community Agreements. 2. Copies of all Host Community Agreements approved by the mayor prior to the date of this Order be provided to the City Clerk for distribution to the City Council. 3. For Host Community Agreements approved by the mayor or any other proper person or entity after the date of this Order, a copy of the agreement(s) shall be forwarded to the City Clerk within seven (7) days of approval. All agreements shall be made available for inspection in the Office of the City Clerk by any person, with proper notice at least twenty-four (24) hours in advance of such inspection.

Invited: Philip Nessralla, City Solicitor

Comments by Councilor Farwell

(What criteria has the City established for reviewing these host community agreements?)

Comments by Philip Nessralla

(Law Department was asked to form a template with questions or inquires of potential candidates or applicants. Reached out to the CCC (Cannabis Control Commission) and communities like North Hampton and Worcester to see what process and procedure they used. Identify the applicant, reputation and character, business experience, who their associates and affiliates would be in the business, if they have any liaison with growers and cultivators, if they have been in the business or skilled business people who were adept at developing a business, where the facility would be located. Another criteria would be the financial stability of the applicant, the source of where the funds are coming from. The soundness of their proposal, what kind of community benefit would be derived from the proposal. We passed it back to the Mayor's office and they proceeded from that point.)

Comments by Councilor Farwell

(Who made the determination for the 10 that were assigned?)

Comments by Philip Nessralla

(The Mayor did.)

Comments by Councilor Farwell

(Singularly or with a committee?)

Comments by Philip Nessralla

(Singularly.)

Comments by Councilor Farwell

(Should have a screening committee or our City Solicitor present; concerned having one person have that degree of power.)

Comments by Councilor Beauregard

(There are legal ads about public meetings, without having a Host Agreement?)

Comments by Philip Nessralla

(I have heard the same and do not have the answer.)

Comments by Councilor Eaniri

(Concern or personal opinion, not in favor of being the licensee to these; that's why we have a license commission.)

Comments by Councilor Farwell

(Is the Mayor open to signing additional agreements from reputable legitimate applicants?)

Comments by Philip Nessralla

(I do not know. The sense I have received was to stop at the point so we were not inundated.)

Comments by Councilor Farwell

(In your opinion, do you think it is wise to limit the number to 10 agreements when you could have a viable business or entity come in with a stellar track record of business and investment and finance and we say no, we have 10 we are not going to consider you?)

Comments by Philip Nessralla

(I don't think it's a legal question I think that is a business decision. It does not create a legal liability for the City.)

Having considered the same, Motion by Councilor Sullivan to report FAVORABLE, 2nd by Councilor Beauregard. Motion carried by a hand vote.

Motion was made by Councilor Farewell to take Items 6 & 7 collectively, 2nd by Councilor Sullivan. Motion carried by a hand vote.

6. Ordered: in order to fund the agreement between the City and the Brockton City Employees Union regarding a compensation and position reclassification study, hereby recommends that the City Council authorize the appropriation of \$73,000 from the Stabilization Fund To various departments (as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Employees Union).

Invited: Sandra Knight, Director of Human Resources

Troy Clarkson, Chief Financial Officer

Aileen Bartlett, Assistant City Solicitor

7. Ordered: In order to fund the agreement between the City and the Brockton City Hall Employees Union regarding compensation and position reclassification study, the City Council authorize the Appropriation in the amount of \$42,000
From: The Stabilization Fund To various departments(as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Employees Union).

Invited: Sandra Knight, Director of Human Resources

Troy Clarkson, Chief Financial Officer

Aileen Bartlett, Assistant City Solicitor

Having considered the same, Motion by Councilor Farwell to report FAVORABLE, 2nd by Councilor Nicastro. Motion carried by a hand vote.

Comments by Councilor Eaniri

(Received information from the CFO's office of a couple scriveners' errors pertaining to items 6 & 7.)

Comments by President Rodrigues

(The amendments for items #6 & 7 need to be made at City Council.)

9. Resolve: to invite Rob May, Director of Planning, to inform the city council as to what is transpiring with the Ganley Building since we were told over a year ago that we would be seeing a demolition and new structure in place. Businesses located in the same city block have expressed serious concerns.

Invited: Rob May, Director of Planning

Comments by Councilor Beauregard

(Still anticipating the Department of Unemployment will be there?)

Comments by Rob May

(Department of Unemployment Assistance is supposed to be the anchor tenant, 90% of the whole building.)

Comments by Councilor Beauregard

(Do we have dates for the demolition and do we have dates?)

Comments by Rob May

(Anticipated this calendar year and DCAM has hired Jones and Associates an architectural firm. State passed a new capital bond bill that included money for the construction of this building. Authorizing DCAM to hire the construction manager at risk.)

Comments by Councilor Beauregard

(Do we have any renditions of the anticipated design?)

Comments by Rob May

(DCAM will be making an announcement mid spring.)

Comments by Councilor Sullivan

(From a planning perspective what are we going to put into place when the building is being demolished? Is there going to be a way to beautify it?)

Comments by Rob May

(As quickly as the building comes down they start construction. There will be scaffolding and the façade of the building pictures.)

Comments by Councilor Nicastro

(Would love to see the building look like the Ganely building.)

Comments by Rob May

(The briefing that was given to the architectural firm, they did a lot of studies of our downtown, and what that building looks like how it fits in with the rhythm of the architecture.)

Having considered the same, Motion by Councilor Farwell to report FAVORABLE, 2nd by Councilor Lally. Motion carried by a hand vote.

10. Resolve: to invite Rob May, Director of Planning, to inform the city council as to what is transpiring with the Historic Commission since the Ordinance Committee of 2018 had voted to create such an entity to protect our historic locations throughout the city. I wish to bring this before council since the primary advocate for our city's history Carl Landerholm is no longer with us and I believe we should continue his work.

Invited: Rob May, Director of Planning

Ron Bethoney, New England Brass Refinishing

Comments by Ron Bethoney

(Spoke of his knowledge of the History of Brockton and South Street's history and work he has done in the City.)

Comments by Councilor Farwell

(Are there any appointments forthcoming for Historic Commission, or do you know where we are with that?)

Comments by Rob May

(Merged the two boards, started the nomination process, state law requires someone representing the Board of Realtors, Historic Society, and local architects. We will have nominations to you. If there are people that would like to serve, resumes can be emailed to Planning.)

Comments by Councilor Beauregard

(You are waiting for the realtor to confirm, you have the architect?)

Comments by Rob May

(We need an architect and we need to have a Brockton Historic Society nominee.)

Comments by Councilor Beauregard

(Do you need an attorney?)

Comments by Rob May

(Not necessary but helpful.)

Comments by Councilor Asack

(Can you explain how the Commission can apply for grants?)

Comments by Rob May

(There are grants that are available through the Mass Historical Commission to do additional inventory work that we would like to be able to do that, of course requires a local match. We would like to inventory the shoe baron homes.)

Comments by Councilor Sullivan

(The Historic Society up on North Pearl, they are not a City entity. They do not get any funding. The Historic Commission is going to be working in tandem but I think that is a great idea cataloging all the shoe baron homes.)

Having considered the same, Motion by Councilor Lally to report FAVORABLE, 2nd by Councilor Sullivan. Motion carried by a hand vote.

11. Resolve: to invite Dan Evans, current chair of the Brockton 21st Century Corporation to inform the city council as to what is transpiring with this organization since the departure of the executive director late in 2018.

Invited: Dan Evans, President Brockton 21st Century Corporation

Having considered the same, Motion by Councilor Beauregard to report FAVORABLE, 2nd by Councilor Asack. Motion carried by a hand vote.

Meeting adjourned 9:40 PM