

## FINANCE COMMITTEE MINUTES

The Standing Committee on Finance met on *Monday October 21<sup>st</sup>, at 7:00 PM* in the *Council Chambers, Brockton City Hall, 45 School Street*, with President Sullivan presiding, 9 councilors present, Councilor Monahan absent, to consider the following:

1. Of Eric S. Smith as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

Invited: Eric Smith

Steven Williamson, Acting Chief of Police

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Asack. Motion carried by a hand vote.

2. Re-appointment of William Scharnick, 82 Main Street, P.O. Box 941, Marion, MA as a Constable in the City of Brockton for a term of three (3) years.

Invited: William Scharnick

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Asack. Motion carried by a hand vote.

3. Reappointment of Carlos Varela, 40 Briarcliff Rd., Brockton to the Brockton Community Cable Television Board for a term of three years, to fulfill the unexpired term ending September 2021.

Invited: Carlos Varela

Mark Linde, BCA General Manager

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Asack. Motion carried by a hand vote.

4. Order: An Order for the City to Seek Authorization for the Acceptance of Streets in the City of Brockton. Purpose: Common convenience and necessity requires the acceptance of streets in the City of Brockton as public ways for purposes of public access, repairs, snow removal, emergency vehicle access, maintenance, and care of all roads in the City of Brockton.

Invited: Lawrence Rowley, DPW Commissioner

Comments by Lawrence Rowley:

(Asked if Howard Newton could speak on this.)

Comments by Howard Newton:

(Speaks of the procedure of making a private way public which is covered by Mass State Law.)

Comments by Councilor Cruise:

(The way we do things now is proper and legal. The idea of doing them all at once?)

Comments by Howard Newton:

(Would be an impossibility. A public hearing has to be held and every single abutter has to be notified of the time and the place of the public hearing. So doing these in mass would be next to impossible. Once the Council accepts that those streets each of those council orders have to be recorded at the registry of deeds, we have 30 days after the passage by the council to record those and obviously it is an expensive proposition to do.)

Comments by Councilor Lally:

(A lot of these roads do not have the proper survey, and the cost of the survey is not something the city can really afford.)

Comments by Howard Newton:

(There is no way for me to calculate what it would cost. I put together a list of all the private ways in the city and I've noted there that an asterisk beside that street means that it must be surveyed and must have a plan, a plan is a requirement of state law in a city it's not in a town but in a city it's a state law. You would be accepting dozens and dozens of what they call paper streets; these are streets that were created on a plan back in the 1890's the early 1900's, prior to the adoption of the subdivision control law, a lot of those streets of paper they exist only on that plan. There is nothing on the ground so why would you want to accept it. When you accept these streets you've accepted liability if there are deficiencies in the street you are liable for them.)

Comments by Councilor Beauregard:

(I filed this to begin the dialog because the number one request by property owners is to have their streets paved. This went in front of planning and what was discussed there was maybe beginning a joint committee or task force to address this situation.)

Comments by Howard Newton:

(Accepting these streets doesn't increase our state aid in any significant way it's a very small amount it's not one for one. There is a complicated formula the state uses to calculate what the city gets in Chapter 90 funds.)

Comments by Councilor Eaniri

(The method we have is working. In order to keep paving these streets we need more money from Chapter 90.)

Comments by Councilor Farwell:

(Frustration is tax payers pay the same if you are private way or a public street.)

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Asack. Motion carried by a hand vote.

\*President Sullivan called for a two minute recess\*

**Reconsideration** of Item #4 made by Councilor Farwell, 2<sup>nd</sup> by Councilor Lally. Motion carried by a hand vote.

Having considered the same, Motion by Councilor Farwell to report UNFAVORABLE, 2<sup>nd</sup> by Councilor Lally. Motion carried by a hand vote.

5. Ordered: that sum of \$4,900,000 is appropriated to pay costs of sewer system rehabilitation work, including, but not limited to, projects designed to address sources of exfiltration, infiltration and inflow, and sections of undersized pipe, and for the payment of all 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, §§7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

Invited: Troy Clarkson, CFO

Lawrence Rowley, DPW Commissioner

David Norton, Water/Sewer Contract Administrator

Comments by Lawrence Rowley:

(Money will go to the cleaning of 25 miles of street and sewer man hole work; 3 years of work. Stage it in 3 phases; open cut work, dig and replace under sized mains of the Brookfield section of the city.)

Comments by Councilor Cruise:

(Should be paid out of the sewer enterprise fund correct?)

Comments by Troy Clarkson:

(Yes.)

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Lally. Motion carried by a hand vote.

6. Ordered: That the City Council amends the Water Purchase Agreement, which originated on May 22, 2002 and was amended on September 6, 2018, between the City of Brockton and Aquaria, LLC.

Invited: Honorable Mayor Moises Rodrigues

Troy Clarkson, CFO

Philip Nessralla, City Solicitor

Lawrence Rowley, DPW Commissioner

David Norton, Water/Sewer Contract Administrator

Moises Pariente, General Manager, Aquaria Water, LLC

Comments by Honorable Moises Rodrigues:

(\*Mentioned Moises Pariente no longer works at Aquaria. Mr. Ramon and Mr. Alfredo are here\*. Proposing that rather than getting \$450,000 it would be \$500,000 from them, also another \$140,000 from them as we will no longer need this gunder boom system they have in place. The city is bound to get about \$80 million gallons of water a year.)

Comments by Councilor Nicastro:

(What was the average daily water usage in 2018?)

Comments by Lawrence Rowley:

(Do not know the exact figures; we didn't use it a lot. This year we are taking a million and a half a day.)

Comments by President Sullivan:

(Thanks the Mayor for work on this and for being here as well as Aquaria. Asked Aquaria how they are doing as far as marketing to other municipalities?)

Comments by Aquaria:

(Answered that they are not marketing to other municipalities at this time.)

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Nicastro. Motion carried by a hand vote.

7. Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, approve the request of a Right of Easement for National Grid as approved by the Park Commission in its meeting of September 12, 2019, as stipulated.  
Invited: Timothy Carpenter, Superintendent of Parks  
Peter Ng, National Grid

Comments by President Sullivan:

(Joe Cardinal from National Grid emailed and apologized he had a conflict and could not make it tonight.)

Comments by Tim Carpenter:

(Easement for aboveground equipment at GAR Park as part of the commitment from National Grid to ease the manhole issue in the city.)

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

\*Councilor Farwell motions to wave the reading of Item # 8. Motion carried by a hand vote.

8. Ordered: A copy of all legal documents executed between the city and the Brockton 21<sup>st</sup> Century Corporation related to the transfer of control for these properties to the city, and the outstanding promissory note signed by the corporation, be provided to the City Council. (1) A summary of all outstanding contractual agreements, outstanding invoices for services or goods, or any other liability which was the responsibility of the Brockton 21<sup>st</sup> Century Corporation and which now may be incurred by the city be provided to the City Council. (2) If payments from public funds have been made for charges formerly required of the corporation, such information shall be provided to the City Council. (3) Documents and information requested shall be provided within fourteen (14) days of the date of this Order.

Invited: Michael Gallerani, Executive Director, Brockton 21<sup>st</sup> Century Corporation

Dan Evans, President, Brockton 21<sup>st</sup> Century Corporation

Philip Nessralla, City Solicitor

Troy Clarkson, Chief Financial Officer

MaryLynn Peters-Chu

Brent Warren, Attorney, B21

Having considered the same, Motion by Councilor Farwell to report to POSTPONE to the second Finance Committee meeting in November, 2<sup>nd</sup> by Councilor Cruise. Motion carried by a hand vote.

9. Ordered: Acceptance and expenditure of the total grant funds in the amount of \$9,997.05  
From: Massachusetts Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant  
To: Brockton Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant Fund.  
Invited: Troy Clarkson, CFO  
Stephan Hooke, Director, BEMA

Comments by Stephan Hooke:

(Competitive grant up to \$10,000 from FY 2018 funding.)

Having considered the same, Motion by Councilor Asack to report FAVORABLE, 2<sup>nd</sup> by Councilor Cruise. Motion carried by a hand vote.

10. Ordered: Acceptance and expenditure of the total grant funds in the amount of to \$12,000  
From: Massachusetts Department of Public Health, Bureau of Substance Abuse Addiction Services (BSAS)-FY2020 First Responders Naloxone Grant  
To: Brockton Police Department-FY2020 First Responders Naloxone Grant Fund  
Invited: Troy Clarkson, CFO  
Steven Williamson, Acting Chief of Police  
Michael Williams, Chief of Fire

Having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2<sup>nd</sup> by Councilor Asack. Motion carried by a hand vote.

11. Ordered: That pursuant to the provisions of M.G.L., Ch. 268A, the City Council hereby designates the position of Outside Counsel to the City Law Department and the City Clerk's Office as a Special Municipal Employee.  
Invited: Philip Nessralla, City Solicitor  
Anthony Zeoli, City Clerk

Comments by Philip Nessralla:

(Had brief discussion with the City Clerk about this and think it is meritorious looking at it from the aspect of the Law Department. Since becoming City Solicitor one of my objectives was to engage in empire, as outside lawyers some of our very talented pool from Plymouth County but are reluctant that they would be conflicted from going before any of the administrative boards if they are working on a case for the city. This alleviates the problem where I can negotiate with local council and a better price range than I could without this particular provision.)

Comments by Councilor Farwell:

(To give us a three line order with no backup material aside from your presentation on a sensitive matter; I think it doesn't reflect well towards what role the counsel plays and makes it look no one had the interest or wanted to expend the effort to bring something forward. Spoke to the State Ethics Commission today; the special municipal employee designation ordinarily would go to an employee in that same classification in that category would automatically fall in that special employee designation category. This appears to be aimed at outside counsel whom you may hire and the Ethics Commission said by all means you have every right to say who are you talking about and what is the legal matter to which you think that this applies and is necessary. I am not interested in giving every attorney in Plymouth County who may or may not work for the city special municipal employee status.

Comments by Philip Nessralla:

(Point is well taken. I do not know how this was drafted or who drafted it, or what the intent was. My comments were in relation to my office. Do not know what brought rise to this; it wasn't our office that created this. While it was on the agenda, it serves a double purpose, helping the law department bring in another attorney because the term special municipal attorney does not refer to an attorney it refers to a class of employees. If there is some other purpose related to another department or office, I can't help you on that.)

Comments by Councilor Farwell:

(I think the real issue is to reorganize the law department, and to hire more full-time assistant city solicitors who have specialized training and experience.)

Comments by Councilor Cruise:

(When we have done this in the past it has been for an individual. I am not comfortable with the blanket idea without knowing a little more about this.)

Having considered the same, Motion by Councilor Farewell to report to TABLE, 2<sup>nd</sup> by Councilor Cruise. Motion carried by a hand vote.

Meeting adjourned at 8:05 PM