

## FINANCE COMMITTEE MINUTES

The Standing Committee on Finance met on *Monday, April 4<sup>th</sup>, 2022 at 7:00 PM* in the *Council Chambers, Brockton City Hall, 45 School Street*, with Councilor Lally presiding, to consider the following:

\*Councilor Asack makes a motion to postpone item 1 until the end of the meeting, 2<sup>nd</sup> by Councilor Nicastro. Motion carried by a hand vote.

2. Appointment of Wayne Lake, 56 Short Street, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years.

Invited: Wayne Lake

\*Councilor Nicastro clarifies that Mr. Lake is being re-appointed for the third time as a Constable rather than appointed for the first time. She goes on to note a deficiency in Mr. Lake's application; according to state law, an attorney is subject to serve as a recommendation/reference. Mr. Lake's application lacks an attorney's signature. Councilor Nicastro suggests postponing this appointment to the next finance committee meeting to allow Mr. Lake to obtain an attorney's signature to follow state law. Mr. Lake comments that the new application did not have this law on it, but Councilor Nicastro reiterates the fact that it is state law.

\*Mr. Lake tells the council that his current appointment as a constable expires on the sixteenth of April. Council President Lally notes that as everything stands, when Mr. Lake's term runs out, he will still hold the position unless someone is appointed in his place.

\*Councilor Nicastro states that she will speak to the City Solicitor in the morning to see if someone in her office is willing to sign his recommendation.

\*Councilor Asack moves to make a motion to pass this to the full City Council on Monday, April 11<sup>th</sup> for a final vote to allow Mr. Lake to obtain a signature in the next week.

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

3. Appointment of Derby Joissaint of 23 Florence Street, Apt 2, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Invited: Derby Joissaint

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

4. Appointment of Bernie Hassan of 26 Reese Circle Brockton, MA 02302 to the Parking Authority for a five-year term, ending March 2027.

Invited: Bernie Hassan

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

5. Appointment of Jamie Hodges of 17 Stebbins Ave Brockton, MA 02301 to Zoning Board of Appeals Alternate Member for a three-year term, ending March 2025.  
Invited: Jamie Hodges

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

6. Appointment of Dr. Larry Green of 937 Pleasant Street, Brockton, MA 02301 as an alternate for the Council on Aging for a three-year term, ending March 2025.  
Invited: Dr. Larry Green

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

\*Councilor Thompson makes a motion to take item 13 out of order, 2<sup>nd</sup> by Councilor Rodrigues. Motion carried by a hand vote.

13. Ordered: That pursuant to M.G.L. Chapter 40, Section 4, the City Council authorizes the Mayor to execute an Intermunicipal Agreement with the Town of East Bridgewater for treatment of wastewater.

Invited: Mayor Robert Sullivan  
Patrick Hill, DPW Commissioner  
Troy Clarkson, Chief Financial Officer  
David Sheedy, Board of Selectman Chair  
Peter Spagone, Board of Selectmen Vice Chair  
John Haines, DPW Director  
Jason Trepanier, Water and Water Division  
Fran Yanuskiwicz, Weston and Sampson  
Steve Pedersen, Weston and Sampson  
Chris Kenny or John Clifford, Clifford & Kenny, Town Counsel  
Charlie Seelig, Town Administrator

\*Mayor Sullivan notes an error that the City Solicitor was not invited to speak on this item. He goes on to tell the council that this intermunicipal agreement is similar to the one recently brought before them for the town of Avon. This agreement began being discussed and negotiated when the late Mayor Bill Carpenter was in office. Mayor Sullivan notes that as the Mayor of Brockton he has asked to be assured that the constituents of the city are benefited with this agreement as well. He notes he received a letter assuring him that any conversation that was had before his term in office will not take away from the City's sewer or water resources. The mayor concludes that he supports this endeavor as it makes sense for not only the town of East Bridgewater, but for the City of Brockton as well.

\*Mr. Spagone notes that this has been a long process for East Bridgewater as they started this project in 2018. The delay was due to the pandemic. He believes that the town has a very solid plan regarding this order.

\*Mr. Seelig states that this intermunicipal agreement will be providing services of a sewer connection from the City of Brockton to the Town of East Bridgewater to allow an increase in commercial development along Route 18 and housing which will benefit both communities. The City of Brockton will see a sustained revenue stream to assist in helping support its sewer system with spreading the cost out now to more rate payers. He estimates about a quarter of a million dollars a year in terms of revenue along with another \$150,000 one-time connection fee.

\*Mr. Pederson displays his first figure to the council that is an overview of the area being talked about. The red boundary is the proposed sewer district in East Bridgewater. The intent is to have a pump station near Route 18 near the Whitman town line. He goes on to say that the gravity sewers within the area collect flow from Highland Street to the pump station. The dotted line in the figure is a force main, which is how wastewater is going to be transported to the Brockton system. To sum up, Mr. Pederson states that the gravity sewers will collect the wastewater at the pump station where the flow will be collected, then it will be metered on its way out of the pump station, and forced through the force mains where it makes its way to Thatcher Street where the City's connection is. From here, it will make its way to the treatment facility. He goes on to say that the total force main is about 14,000 feet, and the only section that is in the City of Brockton is that last 1,400 feet on Thatcher Street just to get the wastewater from the city line into the existing sewers. Mr. Pederson notes that all of the infrastructure will be installed and funded by the Town of East Bridgewater under the City of Brockton's regulations.

\*Mr. Pederson switches to the second figure in this presentation which is an aerial photo of the section of Thatcher Street that is being talked about.

\*Mr. Pederson displays his third figure to the council. The figure defines the properties within the proposed sewer district. The Town of East Bridgewater is looking to hold a vote regarding this sewer district at their town meeting on May 7, 2022. Mr. Pederson goes on to note that this will provide housing and jobs for people in the area. This commercial district is very limited with what they can build on this land and that is why the need for a sewer system is so large.

\*Councilor Thompson states that after reading the agreement, he realizes that the town is looking for 27.4 million gallons over a 12-month rolling period, which works out to about 75,000 gallons per day. Mr. Pederson states that 75,000 gallons per day is what they are looking for initially, which is what the IMA will allow at this point, with the ability to come back if the town wants additional flow as things develop.

\*Councilor Thompson asks if there is an expectation that this sewer district will expand to which Mr. Pederson notes that while the district boundaries are outlined, if additional development happens within the district, it is possible that this will require more flow. Mr. Pederson goes on to say that they could potentially double the amount if development continues. The 75,000 gallons a day is a start, to be sure the town does not take more than needed. Councilor Thompson asks if in the event that the town requires a higher daily usage rate, if they are required to come back to the Council to request it, to which Mr. Pederson states that that is correct.

\*Councilor Thompson notes that the IMA provides for a \$10,000 penalty if the town goes over the 12-month rolling average, if any month is over the current projected gallon usage. He goes on to clarify that the \$100,000 connection fee that Mr. Pederson brought up is a one-time fee paid to the City of Brockton for simply connecting to the wastewater main.

\*Councilor Thompson asks where exactly on Thatcher Street the two connections will meet. Mr. Pederson tells the council that it is near Massasoit Community College, closer to the East Bridgewater line. DPW Commissioner Hill tells Councilor Thompson that the connector runs from Crescent Street to the rear of Massasoit, across Thatcher Street to the pumping station which is located near the rear driveway of Everett's. Councilor Thompson goes on to ask if any of the hookup requires tearing up Thatcher Street to access the connector. Commissioner Hill says yes, there will be a portion of Thatcher Street, to the south of Everett's that gets torn up. Given the current condition of Thatcher Street at the East Bridgewater town line, Councilor Thompson asks what to expect from the repair of the road. He asks if it will be the regular three-foot patch, or if it will be a full repaving. Commissioner Hill replies that the restoration will be the entire street. Councilor Thompson follows up to ask if the Town of East Bridgewater will be responsible for the repair, to which Commissioner Hill tells him that that is correct.

\*Councilor Thompson asks when the formula that is used to calculate how much the town will pay the City is determined, and wants to know when exactly the council will find out what fees are being paid under this IMA. Commissioner Hill tells him that typically these bills are done at the end of the calendar year.

\*Councilor Thompson asks that the City Council gets the number at the end of the year what the total amount of fees are. Commissioner Hill and CFO Clarkson agree that they can get the council that information.

\*Councilor Thompson asks what the benefits are for the City of Brockton and if there are any premiums to this or if we just go by the highest block rate, to which Commissioner Hill tells him that it's based off the highest block rate. We get a percentage of flow which helps contribute to the improvements done at the plant. The town also pays a service fee per unit and per meter.

\*Councilor Thompson asks Commissioner Hill that in his opinion if the City of Brockton has the capacity to fulfill this agreement, to which Commissioner Hill tells him that he does believe that the city has the capacity.

\*Councilor Thompson states that in the IMA, it reads that East Bridgewater will contribute to capital improvements of the wastewater treatment plant to which Commissioner Hill states that all of that is rolled into the formula. Councilor Thompson asks if there will be any direct contributions for the improvement of the plant, specifically the sludge drying issue, separate from the final bill billed at the end of the calendar year. Commissioner Hill states that the capital improvement money East Bridgewater will contribute goes toward anything to do with compliance issues. Considering the sludge drying process is a compliance issue, it will go toward that as well.

\*Councilor Thompson mentions the future East Bridgewater town vote about the sewer district and the proposed development. He asks if the town still move forward with this IMA if the down votes the development down. Mr. Pederson tells him that at the May 7<sup>th</sup> town meeting, the town will be voting an article regarding construction of the project. He goes on to say that whatever ends up getting built at the site, even if it's not what is

proposed today, he believes the town will still go through with this IMA. Councilor Thompson clarifies that this IMA is not contingent on the vote passing in May, and Mr. Pederson assured him that he is correct.

\*Councilor Nicastro states that she understands that the plant has a capacity of 18.5 million gallons per day, and the City of Brockton currently uses 17 million gallons per day on a rolling average. She goes on to say that there is space in the plant to sell and to be good neighbors.

\*Councilor Nicastro refers to a summary memorandum prepared by Weston and Sampson in January of 2021 for the benefit of the East Bridgewater Board of Selectmen.

\*Councilor Farwell raises a point of information. He notes that most councilors do not have a copy of the agreement or the memorandum, as the information came out two hours before the meeting. He goes on to say that after speaking to Mr. Seelig, his preference would be that the town makes their presentation and the City Council asks the questions that they may have at this time. He goes on to note that the City Solicitor was not invited to this item, and she should have been given the fact that this is a binding legal document. He encourages his fellow councilors to proceed with their questions, but to keep in mind that many of the councilors do not have these documents in front of them to follow along with what they are referencing. Council President Lally notes that there was an error with the distribution of these materials, and it is something that will be worked on in the future.

\*Councilor Nicastro asks if at the time that the memorandum was prepared in 2021 if the 40B housing project was planned or if it was new to the plans. She notes that the memorandum seems to only address industrial land. Mr. Pederson states that there was knowledge that there would be some type of housing development within the district. She goes on to ask about the blue area on the figure, and what that land is intended for. Mr. Pederson tells her that it is vacant town land that is land locked. They are not sure what the town's intentions are at this time. Councilor Nicastro clarifies that it is zoned industrial, and Mr. Pederson agrees.

\*Councilor Nicastro goes on to ask about the purple area on the figure. Mr. Pederson mentioned a 120-bed hospital facility. Councilor Nicastro asks what sort of hospital this is. Mr. Spagone touches on Councilor Nicastro's question about the housing development and tells her that the original plan for the residential area was limited because of the wetlands. He goes on to tell her that when the town proposed the idea of potentially converting to sewer, it changed the whole scope of the project. The town is working with the developer for a "friendly 40B", meaning that the town has some say on what is done there as well.

\*Mr. Spagone goes on to say that as far as Compass Medical goes, they were originally looking at doing another 100,000 sq. feet of building. When they started finding out what the septic system would be, it limited them to what they could do on the property. With the potential sewer system, they may go back to their original thought. They are reaching out to other companies to negotiate with them to hopefully partner with them as hospitals are very overcrowded. It is still very early in this project to have definite answers.

\*Councilor Minichiello refers to the blue area on the figure, which is the land locked area that Councilor Nicastro mentioned previously. He notes that the soil on this land is not up to par to be developed on. He goes on to ask if the landscape of the land can be changed to be able to develop on if this project is approved. Mr. Pederson tells him that it would

provide the town with the opportunity to entertain options to do something with that land within the zoning that they have.

\*Councilor Minichiello follows up to ask what the zoning is and what the acreage is that would be developable in the future if sewerage is available. Mr. Spagone tells him that there are smaller projects amongst the larger ones that involve a sports facility with baseball fields and basketball courts. In regards to this land, Mr. Spagone tells him that the town has talked about the potential of developing this area and utilizing this space for whatever goes in there. The town isn't sold on anything in particular to put on this land, they are just waiting to see what the need is for the land and utilize it to the best of their ability. He goes on to say that the acreage of the developable land is between 30 and 35 acres.

\*Councilor Minichiello asks if the infrastructure maintenance and the maintenance of the pipes and pumps will be paid by East Bridgewater if anything needs to be fixed. Mr. Pederson tells him yes, this is the case.

\*Councilor Farwell states that personally, and on behalf of the constituents, he would like to read an agreement that the council will recommend favorably or not recommend. Given the fact that the materials hadn't gotten to the councilors until two hours before the meeting, and that the City Solicitor wasn't invited to speak on this item, he wanted to move to postpone this item to the next finance committee meeting. He believes that this would be beneficial because it would give the City Council an ample amount of time to read the materials and ask any questions they may have to the City Solicitor.

\*Councilor Farwell makes a motion to postpone item 13 to the next Finance Committee Meeting and invite the City Solicitor to be present, 2<sup>nd</sup> by Councilor Mendes.

\*On the motion, Councilor Rodrigues addresses President Lally and states that while he understands where Councilor Farwell is coming from, the final decision rests with the full City Council next Monday. He goes on to say that the council will have an entire week to ponder on this item and get the adequate information that they would like to have. He plans to make a motion to invite the City Solicitor to the City Council meeting on April 11 to answer any questions and provide any additional information. He goes on to say that given the fact that this began being talked about and negotiated 2.5 years ago, it is unfair to everyone involved for the city to drag their feet. He talks about how amazing of an opportunity this is, and that the City Council should realize that.

\*The motion on the floor by Councilor Farwell was to postpone this item to the next Finance Committee Meeting, 2<sup>nd</sup> by Councilor Mendes. Motion carried by a hand vote. Motion failed.

\*Councilor Rodrigues makes a motion to report favorably back to the full City Council, 2<sup>nd</sup> by Councilor Asack. On the motion, Councilor Farwell addresses Councilor Rodrigues to reiterate the idea that he does understand how timely this is. He goes on to say that this has been pending for years, and a two-week delay to allow the council to receive and read the documents that are the basis on which they are voting is not an outlandish idea. He tells the councilors that he does not plan on voting "yes" on something that he hasn't read.

\*On the motion, Councilor D'Agostino tells the council that he shares Councilor Farwell's frustration with the fact that the documents did not come through in a timely manner, but he realizes that this is not the final vote. If it was, he would be more likely to

vote for postponement. He also notes that if there are still unresolved issues come the City Council meeting on Monday, there is always a chance to postpone it then.

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

7. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$1,300.00. From: The Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program-FY22 Community Safety Projects Grant Program \$1,300.00

To: City of Brockton Police Department-FY22 Community Safety Projects Grant Program Fund

\$ 1,300.00 These grant funds will be used for the Brockton Police Department Safety Projects Education program.

Invited: Steven Williamson, Acting Police Chief  
Michelle St. James, Grant Coordinator, BPD  
Troy Clarkson, Chief Financial Officer

\*Ms. St. James states that this is the third year that they've received this grant. The first year they received it they also received a kiosk to receive unused and expired medication. These funds are used to pay officers to dispose of these medications and to add drug takeback days in Brockton. In the last year, the city has brought over 200 pounds of medication to the site to dispose of them.

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

8. Corrected Order: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$75,000 From: Election-Personal Services-Other Than Overtime \$20,000 and Auditor- Purchase of Services \$55,000 To: Auditor Mail- Purchase of Services \$75,000 (This transfer is necessary due to large mailing for the two elections that were held this past year.)

Invited: AnnMarie Raymond, Interim City Auditor  
Cynthia Scrivani, Executive Director of Elections  
Troy Clarkson, Chief Financial Officer

\*CFO Clarkson tells the council that this is a previously approved transfer and that there is not a second transfer on the table. He goes on to say that there was an error in the wording for the actual location of the transfer. They are asking to correct the previous order and the City Clerk recommended that the best remedy for that would be to resubmit the corrected order.

\*Councilor Nicastro asks what exactly is being corrected and what the previous order stated. Mrs. Raymond states that the order was accidentally written that the money was coming out of Election – Purchase of Services instead of Election – Personal Services.

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

9. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$1,000,000. From: Commonwealth of Massachusetts Executive Office of Housing and Economic Development-Legislative Earmark Funding Grant To: Council on Aging

(This Earmark will be used to expand the Council on Aging Facility to provide better social distancing within an enclosed structure and updated ventilation improvements.)

Invited: Janice Fitzgerald, Director of Council on Aging

Troy Clarkson, Chief Financial Officer

\*CFO Clarkson tells the council that the city intends to couple these funds with ARPA funds for a more robust renovation project to make an addition to the senior center.

\*Ms. Fitzgerald states that this is long overdue. The needs of older adults are always changing. She states that they are living longer and looking for more programs and services. She goes on to say that the building is aged and needs to be renovated.

\*Councilor Nicastro states that after reading the back-up for this item, she realizes that this is a \$5,000,000 project, therefore this is only 20% of the project. She asks what is being for \$5,000,000, and how much space they expect to expand to. CFO Clarkson answers that they will be expanding a significant amount. He goes on to say that with the ARPA money they have hired an expert in buildings and public construction. The designer that they have hired will be the one who will tell the city all of the measurements including the amount of square footage, the size, and the scope of the building. Ms. Fitzgerald adds to the CFO's answer by saying that there are over 16,000 older adults in the city and their needs are changing, and so is the role of the Council on Aging. They have already expanded their outreach in the city to be sure that the older adults are getting their needs met. She goes on to say that they are the smallest COA in the area for the number of older adults in the city, so she believes that it's time to step up the game and give these people a nice center that they can be proud of.

\*Councilor Thompson notes that this project will have to go through all of the necessary boards to get each step of the planning process approved, so there will be ample opportunity to take a look at these plans. Ms. Fitzgerald agrees, and tells the council that they are hoping to do a needs assessment where the seniors will have a lot of input about this project.

\*Through the chair, Councilor Thompson asks Mayor Sullivan if there will be a working committee or something like this to work together on the development of this building to which Mayor Sullivan states that the COA has board members and that they are working to conduct a citizen survey. Mayor Sullivan goes on to say that whatever can be done to address the needs of the COA should be done.

\*Councilor D'Agostino asks CFO Clarkson if the construction of the building would be problematic in terms of using the ARPA funds considering the guidelines and terms of these funds. CFO Clarkson states that it would not be problematic because the additional space will provide more space for the seniors to socially distance should they need to. He

is very comfortable that it would be deemed appropriate to use the ARPA funds for this project.

\*Councilor Tavares expressed her thanks to Ms. Fitzgerald for how amazing she and her team has been to the seniors of this community. She tells Ms. Fitzgerald that if there is anything that she can do to let her know.

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

10. Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$250,000 From: Retirement-Contributory  
To: Plymouth County OPEB Trust Program (PCOT)  
Invited: Troy Clarkson, Chief Financial Officer

\*CFO Clarkson notes that during the last legislative session the council approved the request of the mayor to enter into the OPEB trust. This is a regional trust that was set up by Plymouth County to act as a cooperative vessel to hold funds for Other Post-Employment Benefits which is different from the retirement obligation which under the leadership of the mayor the council supported addressing last year. OPEB is essentially healthcare costs for retirees. This is an unfunded liability that the city needs to address. CFO Clarkson states that the city joined the Plymouth County OPEB trust last year and told the council then that they would come back in front of them with some of the budgetary funds from that time to be transferred into the OPEB trust. CFO Clarkson concludes that the city is seeking \$250,000 out of the retirement line item in the budget to the Plymouth County OPEB trust to address the unfunded liability. He states that it will have a positive impact on the city's financial statement for next year.

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

11. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$150,000. From: Commonwealth of Massachusetts Marketing Partnership/Massachusetts Office of Travel & Tourism-Legislative Earmark Funding Grant  
To: Mayor's Office (This Earmark will be used for the creation and installation of the 'Marvin Hagler Statue.')  
Invited: Mayor Robert Sullivan  
Troy Clarkson, Chief Financial Officer

\*Mayor Sullivan takes the time to thank State Representative Cassidy for getting the city this earmark for this statue. He states that this statue will be situated at the beginning of Marvelous Marvin Hagler Way. He goes on to say that he wants to create a pocket-park that reflects Mr. Hagler and that is where the statue will be. There has also been a committee formed which includes Mr. Hagler's mother, John Merian, Robert Jenkins and

Chief of Staff, Sydne Marrow. This committee is helping to work with Mike Morris who will put this out to bid. A lot of artists have already reached out about this statue; all of which expressed to the Mayor that there is a delay on some materials amongst many other things. He goes on to say that \$150,000 for a statue is a lot of money, but if ARPA funds need to be used, he will find a way to use that as well to create a tribute for Mr. Hagler.

\*Councilor Thompson states that reading the contract, it states that all funds must be spent by June 30<sup>th</sup>, 2022. He expresses his concerns that June is only three months away and isn't sure these funds can be spent that fast. Mayor Sullivan tells him that the city has already acquired \$75,000 which is half of the money. He states that he spoke to State Representative Cassidy about his concerns regarding the delay in materials that may delay the project as it stands. He tells the council that State Rep. Cassidy will go back to the legislators to see if they'll grant an amendment.

\*Councilor Thompson states that the contract reads that if the money is not spent by June 30<sup>th</sup>, 2022, the city has to refund the money to the Commonwealth which is something that he doesn't want to happen. Mayor Sullivan states that the \$75,000 that the city already has will definitely be spent because an RFP has already been put out to obtain the services of an acclaimed artist.

\*Councilor Thompson goes on to ask where the city is in this process, and if the city has spent even \$1 of this money yet. Mayor Sullivan says no, we have not and it is because of the procurement process.

\*Mayor Sullivan states that the biggest thing right now is to accept the money from the Commonwealth and find the qualified artist to begin to undergo this process.

\*Councilor Thompson asks if there is any expectation as to when the RFP will be done to acquire an acclaimed artist to which Mayor Sullivan states that as of now it is out there and people are responding, but ultimately it is being handled by the Director of Procurement, Mike Morris.

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

12. Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$1,400,000 From: Certified Retained Earnings – Water To: Department of Public Works- Water- Other Contracted Services

Invited: Patrick Hill, DPW Commissioner

Troy Clarkson, Chief Financial Officer

\*CFO Clarkson states the retained earnings in an Enterprise Fund are like profits in a private business. The certified retained earnings available for transfer or for use for another purpose in the Water Enterprise Fund was a bit over \$7,000,000. With this money, the city's financial obligations to complete a project will be fulfilled.

\*Councilor Asack asks if the CFO or the Commissioner know exactly where this money came from. CFO Clarkson states that a portion of this money was in the approved budget and was unspent. Typically, unspent money is encumbered for a capital project like this but the request for encumbrance didn't occur. Because of this, the \$1.4 million flowed

into the retained earnings. The rest of the retained earnings are revenues in excess of projected revenues, and budgeted expenses not incurred.

\*Councilor Asack goes on to ask if the additional fees added this past year to the water/sewer bills are included into these retained earnings to which CFO Clarkson states that these retained earnings are from the previous fiscal year, before the fees in question were implemented.

\*Councilor Thompson mentions that CFO Clarkson stated that the retained earnings have been certified at \$7.1 million, and questions if the \$1.4 million is part of that. CFO Clarkson tells him that that is correct, and that there will be approximately \$5.7 million to spend. He recommends that during the budget process they use a small portion of the \$5.7 million to balance the Enterprise Fund.

\*Councilor Thompson asks what the expectation would be for the retained earnings to fill the enterprise fund gap. CFO Clarkson says that while they are still in the process of finalizing the FY23 proposed budget, but he hopes that it'll be \$1,000,000 or less.

\*Councilor Thompson clarifies that the \$1.4 million is to cover the cost of Thomas St., Thomas Circle and Morris Ave. Commissioner Hill agrees. Councilor Thompson follows up to ask when the top coat will go down on Thomas Street and Thomas Circle to which Commissioner Hill tells him that it'll be when the paver becomes mobilized, which is usually between July and August.

\*Councilor Farwell asks if there are findings that there is a significant amount of surplus in the water enterprise fund come the end of FY23, would there be relief on the fees paid by taxpayers. CFO Clarkson states that there are plans to have an ongoing set of projects on an annual basis to continue to improve the city's infrastructure. He goes on to say that relief is an option, but on an annual basis himself and Commissioner Hill will be before council to discuss the projects proposed versus the use of the retained earnings.

\*Councilor Minichiello mentions that he and CFO Clarkson had a conversation regarding a possible credit for taxpayers. He goes on to ask if the funds being discussed would have an impact, in any way, or be impacted by these items being discussed at this time. CFO Clarkson states that depending on the final wording of a proposed ordinance, this could be the case. He goes on to say that the legislative intent was to use federal funding for that. He tells them that using this money for that reason is not something that he would recommend because of the infrastructure needs already talked about. Ultimately with the help of the Mayor, the City Council holds the power to make this decision.

\*Councilor Minichiello asks what this money do for infrastructure around the city, if the council decides to use the funds for infrastructure. Commissioner Hill is hesitant to give a direct answer due to the ever-changing rates of materials. He goes on to say that projects are growing in cost anywhere from 25%-30%.

\*Councilor Farwell asks if the city is looking at more federal money for infrastructure in the future. CFO Clarkson says that that is correct, and they are working to secure these funds. He states that he is very confident that additional funds will be available.

\*Councilor Farwell notes that it is so important that ARPA funds are spent correctly and carefully and hopes that there are more funds coming through to see what can be done for the people.

\*Councilor Minichiello notes that once the funds that the city is to receive is finalized, it is crucial to revisit this money and prioritize how the funds will be spent.

\*Councilor D'Agostino asks how long a re-done, freshly paved road lasts. Commissioner Hill tells him it could be anywhere between 8-15 years. Councilor D'Agostino concludes that redoing our roads is a long-term investment.

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

\*Councilor Asack makes a motion to move item 1 from the end of the meeting and to hear it out of it's new order, 2<sup>nd</sup> by Councilor Thompson. Motion carried by a hand vote.

1. Appointment of Eddy Sanon of 228 West Chestnut Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.  
Invited: Eddy Sanon

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

14. WHEREAS, World events have caused a significant increase in prices for ordinary goods and products consumed by residents in all communities, including the City of Brockton, and,

WHEREAS, For the Fiscal Year ending last June 30, 2021, the state reported the following: "...surplus of more than \$5.86 billion in tax revenue." (State Comptroller)

WHEREAS, On March 18, 2022, The Commonwealth of Massachusetts issued a mid-March, 2022, report indicating significant revenue beyond that which was received the prior year period, as follows:

1. \$75 million in regular sales tax, up \$27 million versus the same period in March 2021.
2. \$27 million in meals tax, up \$16 million versus the same period in March 2021.
3. \$51 million in motor vehicle sales tax, up \$6 million versus the same period in March 2021.

ORDERED: That the City Council respectfully requests our state legislative delegation file and support legislation which will reduce or suspend the twenty-four cent (\$0.24) tax on a gallon of gasoline to provide relief to residents of the city and the commonwealth. Provided further, that, upon approval, the City Clerk shall forthwith transmit to members of the legislative delegation a copy of this Order.

Invited: Troy Clarkson, Chief Financial Officer

\*Councilor Farwell notes that on or about March 24, the governor said that he would not be opposed to suspending the gasoline tax for a period of time. Since surrounding states

have implemented this, he believes that the service stations on the border of the states are at a disadvantage and believes that our state legislature should adopt this as well. He goes on to say that he simply asking his fellow councilors to respectfully request the legislative delegation to file legislation to reduce or suspend the gas tax.

\*Councilor Asack asks Councilor Farwell why this item is before council in the form of an order. She notes that it sounds great, but wonders why it wasn't filed in the form of a resolve.

\*Through the chair, Councilor Farwell tells Councilor Asack that after a discussion with the clerk, they concluded that it's very rare something comes from a resolve, as a resolve has no legal standing whatsoever. He goes on to say that an order expresses the will of the City Council to say that this is what they would like done.

\*Councilor Mendes notes that both the House and the Senate rejected the gas tax suspension. She goes on to say that suspending the tax on gasoline doesn't ensure that this savings will go directly to the consumer. She states the working on a better public transportation system will help the consumer directly as they do not have to buy gas if they are using public transportation.

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

15. Ordered: That the City hereby accepts as a gift from Route 24 Realty Trust 3.5 acres of land, which is situated just east of Route 24, north of the City of Brockton boundary and west of the Brockton Reservoir, on South Street, Avon, MA, pursuant to M.G.L. Ch. 44, § 53A1/2. The Mayor is authorized to execute any and all documents necessary to effectuate such gift.

Invited: Megan Bridges, City Solicitor  
Troy Clarkson, Chief Financial Officer

\*Assistant City Solicitor Anthony Donegan speaks in place of City Solicitor Bridges.

\*Assistant Solicitor Donegan states that T.L. Edwards donated this piece of land to the city. He goes on to say that the land is not worth a lot of money, and requires very little property taxes. He tells the council that the benefit to the city is this piece of land provides a buffer between the highway and the reservoir at DW Field Park. He states that this is a water source protection move.

\*Councilor Asack thanks T.L. Edwards from the City of Brockton for this generous donation.

\*Assistant Solicitor Donegan tells the council that there isn't much to do with the land due to the fact that it is land-locked and that it abuts Route 24. He states that this could be a spot for the school systems to take the students on a field trip to talk about water source protection.

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

Meeting Adjourned: 8:57pm