

FINANCE COMMITTEE MINUTES

The Standing Committee on Finance met *Monday, September 19th, 2022 at 7:00 PM* in the *Council Chambers, Brockton City Hall, 45 School Street*, with Councilor Lally presiding, Councilor Minichiello absent, to consider the following:

1. Appointment of Police Officer Daniel Leonard of 22 Highland Ave, Bridgewater, MA, 02379 as a Special Police Officer.
Invited: Daniel Leonard

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

2. Appointment of Devondar Goods of 15 Bridge St., Brockton, MA, 02302 to the Diversity Commission for a three-year term ending in August 2025.
Invited: Devondar Goods

*Mr. Goods is not present at tonight's meeting.

*Councilor Thompson makes a motion to postpone this item until the end of the meeting, 2nd by Councilor Nicastro. Motion carried by a hand vote.

3. Appointment of Aliyan Turner of 94 Provost St., Brockton, MA 02302 to the Diversity Commission for a three-year term ending in September 2025.
Invited: Aliyan Turner

*Ms. Turner is not present at tonight's meeting.

*Councilor Asack makes a motion to postpone this item until the end of the meeting, 2nd by Councilor Rodrigues. Motion carried by a hand vote.

4. Reappointment of William Scharnick, 82 Main Street, P.O. Box 941, Marion, MA, 02738 as a Constable in the City of Brockton for a term of three (3) years.
Invited: William Scharnick

*Mr. Scharnick is not present at tonight's meeting.

*Councilor Asack makes a motion to postpone this item until the end of the meeting, 2nd by Councilor Thompson. Motion carried by a hand vote.

5. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of a donation of 468 cases of water bottles from C Carney Environmental to City of Brockton Fire Department.

Invited: Brian Nardelli, Fire Chief
Troy Clarkson, Chief Finance Officer

*Chief Nardelli states that this donation totals over the \$50 threshold given by the Ethics Commission for donations and that is why this order is in front of the Council. He states that this is the second year that Mr. Carney has done this.

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

*Councilor Farwell makes a motion to postpone item 6 until the end of the meeting, 2nd by Councilor D'Agostino. Motion carried by a hand vote.

7. Resolve: **BE IT RESOLVED**, that Members of the Brockton School Committee, Superintendent of Schools Michael Thomas, Mayor of Brockton Robert Sullivan, Chief Financial Officer Troy Clarkson, Chief Financial Officer for the School Department Aldo Petronio, or their designees, be invited to come before the Finance Committee to discuss athletic facilities in the community, funding, and the need for development of fields and upgrades for recreational uses in the City.

Invited: Mayor Robert Sullivan
Michael Thomas, Superintendent of Schools
Troy Clarkson, Chief Financial Officer, City of Brockton
Aldo Petronio, Chief Financial Officer, Brockton School Department
Joyce Asack, Vice-Chair, Brockton School Committee
Tony Rodrigues, Brockton School Committee Member
Tim Carpenter, Superintendent of Parks

*Mayor Sullivan states that when he was on the council, he helped support a \$1.7 million bond authorization dedicated to soccer fields. He states that it was voted on again and was signed by himself as Mayor this past February. ARPA funds will be used as well to accomplish the building and upkeep of these fields. He goes on to say that the Poliseno Field is the main focus of the \$1.7 million. This money will go toward a turf for this field as many high school teams play there. Mayor Sullivan states that the proposed cost for playgrounds all over the city will be in the millions of dollars.

*Mayor Sullivan states that the city will more than likely be the recipient of federal earmark money that will be dedicated to the East Side Cosgrove Pool. This is a subsidy to any ARPA money.

*Superintendent Thomas states that Athletic Director Kevin Karo and Jonathon Charwick from Activitas, civil engineer is also with him tonight. Mr. Charwick moves to give a presentation about the field behind Asiaf, Poliseno field, as he is the one who designed the plans.

*Mr. Charwick states that a majority of the work that Activitas does is for municipalities and their outdoor spaces. The scope of work is going to entail three major items; the

existing conditions of the field, project programming, & a 3D rendering. All of these are important as the cost will be an important factor in the design process.

*Mr. Charwick states that there are different synthetic turf systems that the school department will be taught about as they all have pros and cons. He also states that there will be some education on sports lighting to ensure that this facility is catered to the school and is built with everything they need to be successful.

*He goes on to state that the most important thing will be figuring out what the budget is. He states that a project of this nature is a 6 to 9-month project. The first step, the existing conditions survey will more than likely take place 10/11-11/18/2022, the second, conceptual design options will take between November and December, and the third, the 3D rendering will also hopefully take place by the end of December.

*Councilor Thompson asks Superintendent Thomas to discuss the need for the athletic fields to be upgraded. Superintendent Thomas states that there is a desperate need for them. He tells him that there is one turf field in a city of over 100,000 people (Marciano). He talks of getting all the teams who need the field on the field and how hard it is to do so. He states that for a city this size there is a desperate need for at least one more, with an expectation to get at least one in the four sections of the city down the road.

*Councilor Thompson agrees, and notes that there will still be a conversation down the road about all of this, as this is only the beginning stages of the conversation. He goes on to note that we are currently in the analysis phase of this field, and asks if the school also has the budget for the engineering phase as well. Superintendent Thomas tells him that they do. Superintendent Thomas states that in December they should have a solid estimate of how much money will be needed for the project broken down by line item.

*Council Thompson asks why Polisenno field was chosen specifically for this turf field and not anywhere else in the city. Superintendent Thomas tells him that that field was chosen because it would get the most use considering a lot of the need has been for the high school. He goes on to say that it would be accessible for the high school sports, but also for the youth of the city, and the semi-pro teams as well. He notes that the facilities crew at the school already know how to take care of a turf field as well as if needs to be groomed and taken care of.

*Councilor Thompson asks who would maintain the field, and who would be responsible for permitting it. Superintendent Thomas states that it would be the responsibility of the School Department. Athletic Director, Kevin Karo, would be the one to schedule it out for team use, and the facilities department would schedule any outside team use. He notes that the school committee's policy is to make sure that first dibs go to youth programs, and any openings would then go to adult use. This field would follow the same process.

*Councilor Thompson asks if the school department would need to hire more personnel to take care of this field or if their existing staff could manage, to which Superintendent Thomas tells him that what they currently have would be fine to manage it.

*Councilor Thompson notes that there is already an appropriation of \$1.7 million dollars for this field and asks if there is any ARPA money eligible specifically for this field. Mayor Sullivan tells him that he does expect some ARPA money to go toward this field. He goes on to say the city will continue to receive money from the County for ARPA funds and this field will benefit from the money. He tells the council that he realizes that this will take more than the original \$1.7 million, and recommends the city to go back to Plymouth County and put in a recreational request for more money.

*With the money from the county that passed a few weeks ago, 6 out of the 9 million dollars are already accounted for. Councilor Thompson goes on to ask if there is an expectation that the additional three million will be used for this field or if the city is waiting for some further tranche of money. Mayor Sullivan states that time is of the essence under federal guidelines and if the money is not spent soon, they will take it back. He states that they need to do what they have to do to not lose the money. Any funds used for this field would not raise any taxes and would be from the Feds.

*Councilor Thompson asks approximately when shovels will be in the ground for this project to which Mayor Sullivan tells him June of 2023 at this time with an estimated completion time of late fall 2023 as long as all goes well.

*Councilor Thompson asks Tony Rodrigues, Chair of the Athletic, Music and Arts subcommittee for the Brockton School Committee, to give his opinion on this matter. Mr. Rodrigues states that he has been advocating for synthetic turf fields for the city for over 19 years. He states that there is a huge need to invest into our youth. As far as scheduling goes, he notes that Mr. Karo has a problem doing this and it is nearly impossible to get everyone on fields. He states that these fields are dangerous for kids to be playing on because of their conditions and it is embarrassing. It is specifically embarrassing when Brockton's athletes go to other communities where they are playing on turf fields, but can't have the same luxury at home.

*He goes on to note that none of the fields have lights because they weren't replaced. He states that every ball park in the city should be lit to get more usage out of them. Lights will help scheduling issues as well. He states that he understands that they have to start somewhere, but they need to address the city as a whole.

*Councilor Thompson asks if Superintendent Carpenter has anything to add or anything that he would like to say. Superintendent Carpenter states that he only oversees natural grass fields right now, and these take a long time to recover after heavy use. He believes that an addition of a synthetic turf field will ease the burden of the heavy usage and will allow for a systematic rotation of temporary closures to allow fields to recover. He believes that this is a hugely beneficial project.

*Councilor Farwell asks if the School Committee has discussed what they would like to see at Poliseno field as they will be the driving force behind the design implementation and scheduling. Superintendent Thomas tells him yes, and once the design is finished it

will go back to the Facilities subcommittee for the school committee to discuss what the project would look like before being sent to the full school committee for a vote.

*Councilor Farwell then asks if there are any environmental issues that they are aware of to which Superintendent Thomas tells him that all of that would be taken care of through the design process with the civil engineers and the surveyors.

*Councilor Farwell states that he has full faith and trust that the school committee working a long side the city will do the right thing. He urges them not to skimp as the city has been burned in the past trying to build things cheap.

*Councilor Farwell also notes that at this time the city has so many opportunities to spend all this money being given from sources, but is careful to say that it hasn't always been like this. He states that in defense of prior superintendents and prior school committees, there just wasn't enough money. He talks of painful decisions to be made when the city was barely staying afloat, like layoffs.

*Councilor Farwell notes that many people tonight talked about the fields being dangerous to play on, and he doesn't want the parents to think their kids are playing in particularly dangerous conditions. He states that he hopes what they mean is that the fields are less advantageous than they should be. He goes on to ask Mr. Karo if there is a better way of describing the state of the fields. Mr. Karo tells him that the best way to describe them are less than favorable conditions. He notes the drought over the summer allowed for a lot of bare spots on the grass fields and when it does rain, they get muddy. He concludes by stating that a turf field would alleviate a lot of problems.

*Councilor Rodrigues states that he would like the City Council to have hand in the decision making as well. He states that one of the reasons this money has been put aside for this project was to facilitate community use of fields in the city. He states that his fear is this field going to far too the school department to the point where the community will not be able to use the field as well. He wants to keep this in mind so they can continue a true partnership with the decision making. He states that he agrees that the youth of the community need facilities, but also urges everyone not to forget about the 19, 20 and 21-year-old people in the community who are not quite adults but they're also not quite children. He worries that they are being overlooked in terms of facility usage. He states the he doesn't want to take care of one injustice while creating another. He concludes that they need to invest something into the future of the city.

*Councilor Rodrigues asks for some sort of merged committee of sorts that includes school committee personnel, and some city councilors just to be a part of the whole process. Superintendent Thomas states that he believes that it is a great idea and wants to move forward with that.

*Councilor D'Agostino states that this need has been here for a while and he is glad to see that the city is finally moving forward with this. He goes on to ask what the typical life of a turf field is to which Superintendent Thomas tells him that it is 8-12 years. He goes on to ask if there will be any kind of security measures that go along with this field

because if the city is going to make this investment he wants to be sure that it is protected as best as they can. Superintendent Thomas tells him that there will be emergency lighting, and motion lighting connected to surveillance cameras used by the school department that are tied back to the Brockton Police Department. He notes that it will also be fenced in well enough as well.

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

8. Resolve: **BE IT RESOLVED:** To have Superintendent Michael Thomas appear before a Finance Committee of the Brockton City Council to give an update on the new Brockton Public School 5 Year Strategic Plan and the Superintendents' Proficiency Commitment.

Invited: Michael Thomas, Superintendent of Schools

Aldo Petronio, Chief Financial Officer, Brockton School Department

Troy Clarkson, Chief Finance Officer, City of Brockton

*Superintendent Thomas has created a PowerPoint for the councilors and is displayed on the screens. He states that this past May the School Committee approved unanimously the new 5-year strategic plan. He states that over 250 stakeholders became involved across the city to develop said plan.

*The first objective of this plan is to have a high-quality learning experience for students. The second is access to learning opportunities that enhance all students' access to learning opportunities that meet their educational, cultural, recreational, and social needs. He notes that there is also an early college program. Brockton Public Schools has a partnership with Massasoit, Bridgewater State and UMASS. Students will be given the opportunity to take early college classes.

*The third objective is to make sure that there are welcoming and inclusive environments amongst the entire school community. The fourth is family and community partnerships. Superintendent Thomas states that this is incredibly important. The fifth objective is equitable resources. He reminisces on past budgets that had been cut due to inadequate amounts of funds. He notes that curriculum always was cut first, as well as technology to try to save employees. Now that there is money in the budget and they have the opportunity to spend money on these things, he wants to be sure that they provide equitable access for all students.

*Superintendent Thomas states that this strategic plan is founded on turning words into actions. He stresses that it is a five-year plan, but it will not be a plan that just sits on the shelf. He notes that this is a living document that he knows will come to life.

*Superintendent Thomas has created a second PowerPoint to highlight his proficiency commitment in terms of his strategic plan. His focus areas are effective instruction, active reading and writing and positive relationships. He notes that at the end of this five-year strategic plan, 90% of students will be proficient in English language arts (ELA) and

math. This is what families can expect from BPS. He states that about 28% of students currently are proficient in both ELA and math.

*Superintendent Thomas states that by proficiency, he is not just talking about MCAS or standardized testing. To measure proficiency, they will use MCAS results, other benchmarks and student performance in the classroom. Superintendent Thomas talks about the small gains in the classroom as well, and is sure to note that in a world where standardized testing seems so important, BPS is more concerned with every day learning.

*Superintendent Thomas talks of two crucial truths within the Brockton School System; students can achieve proficiency at every grade level and graduate from high school ready for college and a career, and that Brockton educators are strong enough, creative enough, and love the children enough to figure out how to overcome obstacles and provide the instruction to get them there.

*Superintendent Thomas states that we have to understand the challenges students come to us with, and support them through the learning process instead of making any excuses.

*Councilor D'Agostino talks about turn-around plans from each school that were so in depth, and they needed to be simplified and more focused. He asked the Superintendent to weigh in on that. Superintendent Thomas states that those plans led to the three focus areas noted in his presentation. These plans were reworked and focused on instruction and positive relationships. A few examples of improvement are middle school students all learning the same way, and bilingual students having the same access to learning as students who have English as their first language. Bilingual students now have access to their neighborhood school due to ESL programs in all schools, and are being monitored to be sure that when they're ready they can make their way out of the bilingual program.

*Councilor D'Agostino asks if the Department of Elementary and Secondary Education (DESE) is on board with this idea that that proficiency is more than standardized testing to which Superintendent Thomas tells him that they have actually just recently increased the passing rate for high school students starting in 2026. As far as the superintendent is concerned, he feels as though DESE is going in the opposite direction as far as testing.

*Councilor D'Agostino asks what is being done as far as supporting parents as well. Superintendent Thomas states that they are up to 14 parent liaisons across the district that speak all languages. They also opened a community center that never stopped working all through COVID. This center runs all kinds of activities for families voluntarily. The schools are also welcoming parents into the schools and making them feel comfortable enough to ask questions and advocate for their children.

*Councilor Mendes asks how the performance rates are following the return to school post COVID. Superintendent Thomas tells her that this year is a much better start than last year. He states that the feel in the building is a lot better this year. He states that MCAS scores are a little higher than the past, not by much, but still up. He believes that this year there will be even more of an improvement.

*Councilor Mendes asks if the early college program has been implemented yet this year to which Superintendent Thomas tells her yes. She asks how many students are participating in this program, and he tells her right now there are 400 students in either dual enrollment or early college. He projects to have at least 2000 students in all high schools by the end of three years. She asks how the school department is spreading the word to let people know about this opportunity. The superintendent tells her that there have been a lot of community meetings about it.

*Councilor Thompson comments on the idea of 90% proficiency in math and ELA and states that that is an ambitious goal. He asks if there is any accountability built into the plan where we are evaluating our students, but wants to know if we are also evaluating our teachers. He follows up to ask what may happen if the 90% isn't hit. Superintendent Thomas tells him that if the schools continue to decline, the state could take them over. He states that the 90% has nothing to do with DESE, and is something self-imposed. He goes on to say that there is a great working relationship with the unions and clear evaluation goals that every teacher has. He states that evaluations are not just about catching teachers when they're doing something wrong, but it's about finding what their deficiencies are while supporting them and putting things in place to make them even better. He concludes by telling them if the state does not see an adequate improvement over the next three years especially that they feel is a steady increase in achievement, they could take the school system over.

*Councilor Asack touches on the idea that so many good things happen in Brockton Public Schools and there are a lot of misinformation out there because of the size of the school system. She goes on to talk about how parent participation is key into making a successful student. She thinks that getting parents more involved is crucial.

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

2. Appointment of Devondar Goods of 15 Bridge St., Brockton, MA, 02302 to the Diversity Commission for a three-year term ending in August 2025.

Invited: Devondar Goods

*Councilor Farwell states that retired police officer Daniel Leonard who appeared in front of council for his appointment earlier in the night received his invite letter the same day and believes that these other invitees may have not seen their mail or invites.

*Councilor Rodrigues makes a motion to take items 2, 3 and 4 collectively to report favorably back to the full City Council.

Having considered the same, motion by Councilor Rodrigues to report FAVORABLE, 2nd by Councilor D'Agostino. Motion carried by a hand vote.

3. Appointment of Aliyan Turner of 94 Provost St., Brockton, MA 02302 to the Diversity Commission for a three-year term ending in September 2025.
Invited: Aliyan Turner

Having considered the same, motion by Councilor Rodrigues to report FAVORABLE, 2nd by Councilor D'Agostino. Motion carried by a hand vote.

4. Reappointment of William Scharnick, 82 Main Street, P.O. Box 941, Marion, MA, 02738 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 Rodrigues to report FAVORABLE, 2nd by Councilor D'Agostino. Motion carried by a hand vote.

6. Ordered: That the City Council hereby rescind the Amendment to the Order declaring the City owned parcel at West Elm Street, Brockton, MA (known as Keith Field), Assessor Map 58, Route 71-1, Plot 56, being the same premises shown on "Plan of Land in Brockton, June 12, 1920, Hayward & Hayward, Surveyors, 28 Main Street, Brockton, filed with Plymouth County Land Court Records, as surplus and available for disposition. The Amendment reads as follows: *To include in the order that the transfer of land shall be subject to a deed restriction which provides that the City shall have the right of first refusal, which shall be subject to City Council approval, to execute an option to purchase the land at the purchase price provided for in the transfer made pursuant to the order. Said option shall be executed upon the expiration of one hundred and twenty days upon receipt of notice to the City, for the option to purchase back the transferred land in the event the purchaser elects to sell the land transferred in this order.* This Order shall only rescind the language of the Amendment so that the land remains declared as surplus without the restriction contained in the Amendment.

Invited: Megan Bridges, City Solicitor
Rob May, Director of Planning & Economic Development
Shannon Resnick, Legislative Council
Mike Morris, Chief Procurement Officer
John O'Donnell, Chairman Board of Assessors

Executive Session: To comply with, or act under the authority of any general or special law or to consider the purchase, exchange, lease or value of real property, known as Keith Field, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the governmental body.

*Councilor Farwell raises a point of parliamentary inquiry. He states that he would like to settle with the Attorney Bridges and Attorney Resnick if it would be appropriate to go into Executive Session or not as he feels as

though that should be addressed head on. His point of parliamentary inquiry is to ask what the answer is to the question “would it be appropriate for this body to go into executive session under any certain circumstances?”

*Attorney Resnick states that she did confer with the City Solicitor prior and states that it depends on the type of inquiries that are going to be made. If they are legal in nature, there is a catch-all exception, or if it is about the value of the land, it falls under section 6. Both of these types of inquiries can allow the council to go into executive session. She states that without knowing what they’ll be talking about, there are two avenues for the reason to go into executive session.

*Councilor Farwell states that considering the request for proposal (RFP) has been made available to the public and all interested parties, the value of the land has already been determined. He asks if this is a moot question to consider the value of the land. Attorney Resnick tells him that this is not necessarily true because the restriction that is on the original order could potentially change the value of the land.

*Councilor Rodrigues asks if the council can go into executive session and then come back and discuss the item to which Attorney Resnick tells him yes, but they have to make that determination before going into executive session. There has to be a clear declaration to the public whether or not the council will be coming back to speak in open session.

*Motion by Councilor Rodrigues for the Finance Committee to go into executive session to discuss the item, and then to resume public session, 2nd by Councilor Nicastro. Motion carried by a reverse roll-call vote. Motion passes.

*Council President Lally states to comply with, or act under the authority of any general or special law or to consider the purchase, exchange, lease or value of real property, known as Keith Field, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the governmental body, we will enter executive session.

Meeting entered executive session at 8:56pm
Meeting concluded executive session at 11:00pm

*Motion by Councilor Farwell to report FAVORABLE, 2nd by Councilor Nicastro.

*On the motion, Councilor Thompson thought there would be a discussion in public session before any motions were made. Through the chair, Councilor Thompson asks Councilor Farwell to withdraw his motion so the discussion can continue.

*Councilor Farwell withdraws his motion.

*Motion by Councilor Thompson to amend the current surplus order for the language submitted to the clerk, 2nd by Councilor Tavares.

*City Clerk Tim Cruise reads the submitted amendment aloud. The amended language is as follows:

The City shall have the right to enter upon the Property and revest title back to it upon the occurrence of any of the following events:

(1) The Grantee ceases to exist or function for the purposes of providing educational and recreational services to persons under the age of 18.

(2) The Property is conveyed or transferred without the written consent of the Council.

Notwithstanding the foregoing or any general or special law to the contrary, the City of Brockton, acting by and through its Mayor, is hereby authorized to subordinate the City's reversionary right, as related to the surplus declaration and restrictions related thereto, to a conventional lender to fund the development of a youth services facility in an amount not to exceed ten million dollars (\$10,000,000.00). This action shall take the form of a subordination authorization agreement. The form and content of any documents shall be acceptable to the Mayor excepting that any subordination agreement executed by the Mayor shall contain a provision that any surplus funds (after payment of principal, interest and expenses) resulting from any foreclosure sale be paid to the City of Brockton. The authorization to subordinate the City's reversionary right shall be limited to one subordination and any further subordinations shall be subject to approval by the City Council.

*On the motion, Councilor Thompson states that in 2020, this council voted unanimously to declare a certain parcel of land on Keith Field as surplus with the intent of this land to be used to provide educational and recreational services to persons under the age of 18. After this land went out to bid, the Boys and Girls Club was selected as the most advantageous bidder. After talks with the council and the Boys and Girls Clubs lawyers, it was determined that the surplus order's deed restriction, which provides the City of Brockton with the right of first refusal, to reacquire the land if it's no longer used for its intended purpose at the original purchase price. This restriction did not give any potential lender the proper security that they require to lend funds to construct a recreational and educational facility. The Boys and Girls Club are getting donations, but these donations do not come all at once, therefore they need a loan. The donations come, but they are spread out over a period of years. To build this facility, the Boys and Girls Club must have 100% financing ready to go, or no contractor will agree to build it. They need the ability to acquire a loan, which brings the amendment to fruition. He concludes by asking if this council amends the deed restriction allowing for a borrowing, or does it not, essentially killing this project before it begins. Councilor Thompson states that it is important to note, that if this amendment is accepted, this land must go back out to bid and the RFP process must start again. This new deed restriction protects the city and allows the new developer of this land to seek financing from a bank to begin construction

of the building. In layman's terms, this deed restriction does the following: restricts the use of this land for the purpose of providing educational and recreational services to persons under the age of 18, prevents the selling or transferring of this land without the consent of the City Council, and grants the city authorization to enter into a subordination agreement with the developer allowing them to borrow up to \$10,000,000 to start the construction. Councilor Thompson continues to state that this council decided to declare certain land at Keith Field as surplus to allow more children in Brockton a safe place to go after school. He asks all Councilors to vote this amendment favorably back to the full City Council.

*Councilor Nicastro states that she is uncomfortable with subordinating to a mortgage of \$10,000,000. She states that she was understanding that the bidder that was accepted already had over five million dollars raised. She states that she would like to reduce the ten-million-dollar mortgage to seven million dollars.

*Council President Lally tells her that that would be up to the sponsoring Councilor, Councilor Thompson. Councilor Thompson states that he appreciates her concern. He goes on to say that he understands the risk. He states that this amendment would be for any developer for any future RFP on this matter, but the likelihood of the current selectee being again the next selectee is very high as no other organization has shown interest. Councilor Thompson states that the likelihood for the Boys & Girls Club ceasing to use this land for its intended purpose is slim to none, as is the likelihood of selling or transferring the land. The likelihood of the Boys & Girls Club to disband in the next 20 years is also slim to none, in his opinion. In evaluating the risks, he states that the likelihood of the city being on the hook for \$10,000,000 is almost zero. He reiterates that he does understand the concern, but doesn't really see the difference in ten million dollars and seven million dollars when the likelihood of the harm befalling the city is extremely low. He would like to have vote on the amendment as is, with no changes to the amount.

*Councilor Nicastro states she respectfully disagrees. She goes on to say that they wouldn't be entertaining deals like this if there was no likelihood of anything happening. She states that to protect the city's interest, they should go forward with this amended language, but reduce the amount of money that the mortgage would contain.

*Councilor Thompson states that he would like a vote on the motion as made.

*Councilor Farwell states that he does not appreciate getting an amendment to an order already passed at 11:00pm and be expected to coherently and legitimately discuss it without having the opportunity to ask questions and digest it completely. He goes on to say that he understands that they passed an order that the Boys & Girls Club doesn't particularly like that impacts their ability to finance the expansion of their building.

*Councilor Farwell states that they should go back to the drawing board and draft language that adequately protects the citizens of Brockton. He notes that one of the criteria for being able to bid was that the company or organization had to be within 2000ft of the property, which he believes was targeted in one direction, as it is incredibly particular. He goes on to say that he also believes that this land is worth more than \$139,500.

*Councilor Asack asks what the biggest difference between the original order to rescind language, and the amendment in front of them currently. Attorney Resnick tells her that the order to rescind goes back to the original order in which the city declared the land surplus. That declaration states that if the bidder ever tried to sell the land, the city would

have the right of first refusal to buy it back at the purchase price. The current order before the Finance Committee takes away that purchase price condition. The amendment creates three new conditions that would be subject onto the deed. The first would be the use restriction, which means that the bidder needs to use the land for the use underlined, and only for that. In this case it is for educational and recreational services for persons under 18 years of age. If they do not comply with this, the title and deed go back to the city. Another new condition is the subordination language. She states that this condition is anticipatory that if there is going to be a lender on this process, the council needs to approve subordination. What this means is that the lender would have priority should a foreclosure or default on the loan occur. The last condition is that the land can't be transferred without approval or consent from the City Council.

*Councilor Asack goes on to ask if the bidder changes use, would there be an expectation that the city has to pay anything out. Attorney Resnick tells her no. She goes on to ask Attorney Resnick if in her professional opinion, if the city were to vote this amendment down, if there would be a better amendment that the city could potentially come up with. Attorney Resnick tells her that it depends on which risks they don't want to take. She goes on to state if they are worried about this land not being used for youth services, this amendment is a better protection than the purchase price order.

*Councilor Asack states that her biggest concern is that if the city sells this, and the buyer turns around and sells it, the city would have lost money and property. Attorney Resnick states that in the even that that does happen, the second use would be subject to approval by this council and the use condition is still there.

*Councilor D'Agostino states that he liked Councilor Nicastro's proposal to make the cap seven million dollars, and goes on to say that he would be even more comfortable with a five-million-dollar cap. He states that the number worries him the most.

*Councilor Mendes asks if this amendment would automatically have the RFP process start over, to which Solicitor Bridges tells her that whether they vote on the amendment in front of them, or vote on the original order, the affect of both would be the same. Both orders are enough to affect the procurement process, therefore, they would both trigger a rebid.

*Councilor Rodrigues states that they were told that this organization has already raised over five million dollars as of last year, therefore, he would like to bring the number down to five million dollars to cut the city's responsibilities in half. He states that if the city is being asked to take a risk, then everyone should take a risk. He states that he would like to offer the same amendment with a five-million-dollar cap.

*Councilor Thompson states that this ten-million-dollar figure didn't come out of thin air. This came up after consultation with the Boys & Girls Club and they stated that this is the amount that they will need to borrow to build this building. He states that if they want to move forward with the construction of this building, they're going to need to borrow the amount of ten-million-dollars outlined in the deed restriction. He continues no to say that if this number is reduced, the Boys & Girls Club will not have the money that they will need in order to build this building.

*The motion by Councilor Thompson to amend the current surplus order for the language submitted to the clerk, 2nd by Councilor Tavares is still on the floor. Motion carried by a roll-call vote. Motion fails; 4 yays, 6 nays.

*Motion by Councilor Rodrigues to amend the amendment order to reduce the amount of liability to the city to \$5,000,000, 2nd by Councilor Asack.

*On the motion, Councilor Farwell states that whichever way the council votes, there will need to be a whole new process regardless. He suggests that the council votes no, and goes back to the beginning and do it right rather than going through amendments over and over again.

*On the motion, Councilor Thompson states that if the council allows for a subordination agreement that only allows for a borrowing of five-million dollars, it would be in contradiction of what the developer is actually looking for, and probably ends the project. He concludes that they should remove the subordination language from the deed restriction, and move forward with the other two conditions that protect the city. He states that in the future, the Boys & Girls Club can come in front of Council to make a borrowing of exactly what they need after they acquire and own the land.

*On the motion, through the chair to Councilor Farwell, Councilor D'Agostino states if the current motion were to pass, it would go back out for a brand-new RFP as well. Solicitor Bridges states that for the RFP to be awarded with modified restrictive covenant language, it has to go back out to bid.

*On the motion, Councilor Rodrigues states that there was an RFP put out a few years ago that was answered. The answering entity said that they were willing to do everything. In 2021, the Council passed an amendment to this that would benefit the city. Currently, the council is being asked by the bidder to change the amendment because it doesn't suit their needs. He states that if this entire process goes belly-up, it should have nothing to do with the council, because they originally agreed to the RFP. He states that he is proposing to reduce the amount of money to send them, and everyone else a message that the city isn't going to put up with any decisions that people who go back on their word propose. He reiterates the fact that they answered the RFP, and that's on them. He concludes that he doesn't want all other winners of RFPs to think they can change things. He believes that they are opening a can of worms.

* Councilor Rodrigues states that the Boys & Girls Club made this proposal to the city, not the other way around, therefore it should be what the city wants. He states that it is their project, not the city's project. If they so choose to pull the plug on their project, that's also on them.

*On the motion, Councilor Thompson states that there is a fundamental misunderstanding of the RFP process. He states that what the bidder "wins" is the ability to negotiate with the city to determine whether they are going to purchase the property or not. They enter into an exclusive negotiating position with the city to hammer out some of the final details of whether they're going to purchase the property or not. One of the questions asked in the negotiation process was if the bidder could modify

the RFP, and the city told them yes. Through the reliance on that language, they started moving forward.

*Councilor Thompson asks that this motion is voted down, and that they move forward with eliminating the subordination language and move forward with the other conditions outlined in the amendment.

*Motion by Councilor Rodrigues to amend the amendment order to reduce the amount of liability to the city to \$5,000,000, 2nd by Councilor Asack. Motion carried by a roll-call vote. Motion passed; 6 yays and 4 nays.

Having considered the same, motion by Councilor Asack to report FAVORABLE AS AMENDED, 2nd by Councilor Nicastro. Motion carried by a roll-call vote.

Meeting Adjourned: 11:43PM