

FINANCE COMMITTEE MINUTES

The Standing Committee on Finance met *Monday, October 17th, 2022 at 7:00 PM* in the *Council Chambers, Brockton City Hall, 45 School Street*, with Councilor Lally presiding, Councilor Minichiello and Councilor Teixeira absent, to consider the following:

1. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$568,038.00.
From: Commonwealth of Massachusetts Executive Office of Public Safety and Security State 911 Department- FY23 State 911 Department Support and Incentive Grant Program
To: Brockton Police Department – FY23 State 911 Support and Incentive Grant Program Fund
(These grant funds will be used to backfill ETD and police dispatcher wages and fund overtime. Funds will also be used to purchase dispatch equipment for the Brockton Police Department. There is no match required for this grant.)
Invited: Brenda Perez, Chief of Police
Steve Williamson, Captain, BPD
Troy Clarkson, Chief Financial Officer

*Chief Perez is unable to attend and Captain Williamson will be presenting in her absence.

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

2. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$298,148.94.
From: Commonwealth of Massachusetts Executive Office of Public Safety and Security State 911 Department- FY23 State 911 Department Training Grant Program
To: Brockton Police Department – FY23 State 911 Department Training Grant Program Fund
(These grant funds will be used to reimburse overtime for ETDs, police officers and Fire Department Emergency Medical Dispatch personnel to attend sixteen hours of mandatory E911 continuing education training for annual certification, to pay State 911 Department approved certified training vendors to conduct classes at the Brockton Police Department, to purchase training materials and to pay the class fees for officers to conduct online training if necessary. There is no match required for this grant.)
Invited: Brenda Perez, Chief of Police
Steve Williamson, Captain, BPD
Troy Clarkson, Chief Financial Officer

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

3. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$125,000.

From: Commonwealth of Massachusetts Department of Public Health's Bureau of Substance Addiction Services-FY23 Massachusetts Collaborative for Action, Leadership, and Learning 3 (MassCALL3) Substance Misuse Prevention Grant

To: Mayor's Office- FY23 Massachusetts Collaborative for Action, Leadership, and Learning 3 (MassCALL3) Substance Misuse Prevention Grant Fund

(These grant funds will be managed by the Brockton Area Prevention Collaborative (Brockton High Point Treatment Center). This funding will be used to support and continue programs that aid in preventing substance use within youth, through educational programming and opportunities. This funding will also be used to prevent opioid specific misuse and addiction through training community entities and business on overdose prevention and the administration of Naloxone. The city will not be supplying a grant match.)

Invited: Mayor Robert Sullivan
Jazmine Bradsher, Director of Social Services
Troy Clarkson, Chief Financial Officer

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

4. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$112,500.

From: Commonwealth of Massachusetts Department of Public Health's Bureau of Substance Addiction Services-FY23 Prevention in Early Childhood SOR Grant Program

To: Mayor's Office- FY23 Prevention in Early Childhood SOR Grant Program Fund

(These grant funds will be managed by the Brockton Area Prevention Collaborative (Brockton High Point Treatment Center). This funding will be used to support and continue multi-faceted prevention services that are directed to the age range of children from prenatal to 5 years, that have a parent or caregiver with a history of substance use/addiction, including those currently in treatment and recovery, the parents and caregivers of these children, pre-school and/or school settings, as well as social service and early childhood service providing agencies. The city will not be supplying a grant match.)

Invited: Mayor Robert Sullivan
Jazmine Bradsher, Director of Social Services
Troy Clarkson, Chief Financial Officer

*Councilor Nicastro asks for an example of how these funds are used specifically. CFO Clarkson tells her that Ms. Bradsher couldn't be here today but he will do his best to explain what he may know. CFO Clarkson tells her it is for intervention and education services for families at risk to provide them pathways to substance use treatment.

*Councilor Asack refers to the past Ordinance Committee meeting where they passed an ordinance to create an account for money coming in through class-action lawsuits due to opioid addiction. She asks how this may affect this and Mr. Clarkson tells her that these are two different monies. Mr. Clarkson tells her that these monies are strictly from the Department of Public Health.

*Councilor Tavares asks if this grant has been advertised to these families, to which Mr. Clarkson tells her that he doesn't know, but he will get them that information. Councilor Tavares asks who the point of contact is to which Mr. Clarkson tells her that it is Jazmine Bradsher, Director of Social Services. She goes on to say that she believes that Ms. Bradsher should work with the organizations amongst the community to spread the word better. She goes on to ask if these monies are available to community organizations to which Mr. Clarkson tells her that he is unsure, but he will get that information for the Council as well.

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

5. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$4,777,416.16.

From: Federal Emergency Agency (FEMA)-FY23 Staffing for Adequate Fire and Emergency Response (SAFER) Grant

To: Brockton Fire Department- FY23 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Fund

(These grant funds will staff sixteen (16) new firefighter positions for the next three years through the Federal FEMA funds. This is a non-matching grant with no cost to the city.)

Invited: Brian Nardelli, Fire Chief

Troy Clarkson, Chief Financial Officer

*Chief Nardelli states that this grant has been changed, and that is why they've applied for it this year and not years in the past. He states that the Brockton Fire Department's call volume has increased greatly over the past twenty years and while they have filled positions in the past, these sixteen positions will be groundbreaking. He notes that after the three years, the city will be responsible for paying these firefighters.

*Councilor Nicastro asks if there will be \$1.6 million dollars to staff these firefighters yearly at the end of three years. Chief Nardelli tells her that he hopes they will be able to get to that point given the state of the city now with the tax revenue and how it's climbing.

*Councilor Thompson asks if there is an expectation that some firefighters will be leaving the force over the next three years and if this will allow more money for these new firefighters to be paid. Chief Nardelli tells him that it is possible, but he is looking to crunch the numbers with the same amount of firefighters he has now as those are the stipulations of the grant. Councilor Thompson goes on to ask if there is an expectation that they'll be hiring more firefighters in the future, or if these sixteen firefighters will suffice. Chief Nardelli tells him that he probably would not be adding more positions. He states that these sixteen firefighters cannot fill attrition gaps during the first three years.

*Councilor Farwell states that he doesn't foresee a problem funding these positions given the new growth of the city.

*Councilor D'Agostino refers to the increase in the call volume, and notes how big the increase is. He asks if he knows what the reason may be to which Chief Nardelli tells him

that there are numerous factors that have added to the call volume increase including more fires, car accidents and an increase in population to name a few.

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

6. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$157,300.

From: Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs-FY23 Commonwealth's Municipal Vulnerability Program

To: Planning and Economic Development Department-FY23 Commonwealth's Municipal Vulnerability Program Fund.

(These grant funds will be used to prepare 30% design documents and drawings for nature-based flood control measures along Trout Brook in furtherance of the Trout Brook Urban Renewal Plan. This grant will require a local match of \$54,000.)

Invited: Rob May, Director of Planning & Economic Development
Troy Clarkson, Chief Financial Officer

*Mr. May states that this grant will go toward infrastructure improvements regarding the flood zone along Trout Brook.

*Councilor Farwell states that he doesn't disagree that there is a need to mitigate the flooding in Trout Brook given the data in the report provided. He states that the area in which this grant targets is the issue that bothers him above all else. He goes on to talk about the Community Resilience Building Group and how they've worked on numerous projects all over the city, not just this one. He asks if it would be fair to say that it was an all encompassing endeavor for the group, to which Mr. May tells him yes. Mr. May states that it was a city-wide plan that was put together by many stakeholders led by DPW and the consulting team.

*Councilor Farwell states that in the report given, there were 47 people invited to be part of the workshop to work on this city-wide plan. He notes that there were zero city councilors and zero school committee members. He states that the only elected official was a Plymouth County Commissioner. He doesn't understand why none of the elected officials in the city were part of this group. Mr. May tells him that he doesn't have an answer for that as it was not his report or his grant. He goes on to say that he only participated, he was not in charge of this group. Councilor Farwell asks him if when he noticed that there were no elected officials, if he stood up and mentioned anything regarding that to which Mr. May said that he did not. Councilor Farwell notes the same about the Community Resilience Project team.

*Councilor Farwell states that this was a very comprehensive endeavor, but continues to emphasize the idea that there were no elected officials present even though they are the ones who would be held accountable.

*Councilor Farwell asks Mr. May if he is familiar with the Community Resilience Building Risk Matrix. Mr. May tells him that it has been a long time since he's seen it.

*Councilor Farwell asks the status of the Trout Brook property and clarifies that this is the property owned by CSX Railroad. Mr. May tells him that this grant covers 90% of the

property that is owned by the City of Brockton including the Court St. culvert, Plymouth Street sidewalks, and a potential leavy on the southside of Trout Brook from Court St. to Manchester St. He notes that the city doesn't owe all of these properties, but the city does own several in the area. The city would have to negotiate for access easements for properties that they do not own.

*Councilor Farwell clarifies that 90% of the work would be on city property and the other 10% is going to be on the CSX Railroad's property to which Mr. May states that there are four owners of the property on the north side of Trout Brook. Councilor Farwell refers to the Trout Brook renewal project and asks if we are anywhere near conservating a deal with CSX Railroads to acquire the property. Mr. May tells him that this work benefits 21 property owners who are currently in a flood zone along Trout Brook. He states that the Mayor has met with officials from the CSX Rail corporation and they have had decent communications with them. They've developed a plan to acquire the land with a grant that they've received in the past from MASSDevelopment.

*Councilor Farwell notes all of the hot spots and risks lined out in the report and states that none of the streets Mr. May talked about earlier were on this list. He goes on to say that he is not prepared to approve this grant and spend money for this project until they have what was referred to in an email from the City Engineer.

*In the email from the City Engineer, he indicates that he wasn't included in the original email but it eventually got to his attention. He mentioned a section of Trout Brook that was included in a study and completed last year. He went on to say that a study of the whole city is currently being conducted. The City Engineer wrote that he would not recommend implementation of the recommendations of any study until this study is completed. He writes that it is his professional opinion that they wait for the remainder of the study before doing anything else.

*Councilor Farwell states that in his opinion there are a whole host of things that could be done in this city, and Trout Brook is the last one he is going to worry about. He is more worried about the flooding of constituents' properties and businesses.

*Mr. May talks of a separate memo regarding Trout Brook and the Salisbury Plain River, called Task 8. He goes on to point out that he also has an email from the City Engineer that reads other than Task 8, that deals with Trout Brook flood control, he doesn't think that it's in the city's interest to implement the recommendations of the first study without further modeling of the entire city to maximize flood control especially toward the upstream at the intermittent downstream area of West Gate Mall. He wrote of the city-wide study, and wrote that Mr. May may want to pursue the storm water for the Trout Brook development study area results implemented.

*Mr. May states that that email proves that the City Engineer thought it made sense for the city to move forward with this.

*Mr. May states that he believes that there is more than enough information to pursue this, and money has been allocated through the regular budgetary process to match this grant.

*Councilor Thompson asks if this grant was available for any other area in the city, to which Mr. May tells him that it could've been used anywhere in the city, but per his email with the City Engineer, the City Engineer chose not to pursue it at the time and chose to proceed with Trout Brook.

*Councilor Thompson clarifies that while Mr. May put together \$54,000 for this grant, it is possible that the EPA may match this with another grant therefore no money will come from the city. Mr. May tells him that that is correct.

*Councilor Thompson clarifies that this funding is to fund 30% design. He goes on to ask what the expectation is to accomplish the rest of the 70%. Mr. May states that at some point in time they can apply for a “brick grant” from FEMA to be used for flood control and flood mitigation. Councilor Thompson asks if this grant is a prerequisite for the FEMA grant to which Mr. May states that there needs to be some sort of design and a cost benefit analysis for part of this work.

*Councilor Thompson asks if after the design is finished if there are any additional grants to actually do the work. Mr. May tells him that the brick grant would pay for construction and there are other state funds and different programs available for flood capacity. These grants are more than likely come with a match attached to them.

*Councilor D’Agostino asks if there is an urgency that made the City Engineer decide that this project was a priority to which Mr. May stated that based on his email response, he felt that the rest of the Salisbury Brook/Salisbury Plain River and the other rivers that are in the city should be added into a new model. Mr. May goes on to say that he was concerned that without that model it would be difficult to move forward. The City Engineer concluded that with the exception of Trout Brook they should wait on other areas.

*Councilor D’Agostino asks if a postponed item would have a negative impact on the community, and Mr. May tells him yes. Mr. May states that a postponement would make them not finish the study in time, as it expires June 30, 2023. He goes on to say that it would mean that any future grant application that the city would like to make would be delayed by that amount of time. He concludes that when comparing the other brooks, it’s like comparing apples to oranges. Councilor D’Agostino notes that this is a time sensitive matter as it was awarded in July of 2022.

*Councilor Rodrigues states that because the City Engineer sent an email stating that he is concerned about this, it is something that needs to be taken care of. His concerns worry the Council. He goes on to ask if postponing this for two weeks would make a big difference, to which Mr. May tells him that two weeks probably wouldn’t affect it. The City Engineer sent an email to the City Council stating the concerns he had, but Mr. May states that he also has an email from the same stating that he should apply for this grant.

*Councilor Rodrigues notes that given this idea that there isn’t a guarantee that the grants for construction will come through, it is like they are “shooting in the dark”. He fears that this study will end up as just a study, and never begin construction. He goes on to say that he is concerned about the next steps and how much actually needs to be done.

*Mr. May talks about the development of the city and how all of that development is a product of these studies. He notes that because there is a match for this grant already in the works, no city money will be spent. He notes that without the study, they’ll never get to the next step, which is implementation.

*Councilor Rodrigues asks if the Trout Brook plan is the top priority when it comes to flood mitigation in the city, to which Mr. May tells him that it is a piece of the whole. Councilor Rodrigues notes of the Bipartisan Infrastructure bill coming down the pipeline, and states that there should be priorities in line to be done with this money to better the

city as a whole. Mr. May states that they are creating a capital improvement program. This program prioritizes the different projects from all of the departments across the city.

*Councilor Nicastro refers to the report Councilor Farwell read from prior. She notes that the number one hotspot for flooding is in her ward. She asks why the grant wasn't written for the number one hotspot instead. Mr. May states that the grant was written by himself, with the consultation of the City Engineer, on the Trout Brook area because it deals with something that is an economic development project that the city is working on.

*Councilor Nicastro notes that the email that Mr. May received from the City Engineer was dated in May, and the one Councilor Farwell received was dated in October. She states that if this gets postponed, they will invite him to be in front of council to address this.

*Councilor Minichiello asks for a list of the most affected residencies and properties that are negatively impacted by floods. Mr. May tells him that the properties along the Salisbury Brook/Salisbury Plain River and Trout Brook are fairly well documented in the reports that were provided. He states that as for other properties in the city, he believes that they are beginning to be documented in a plan from 2018. He believes that they would have to ask the City Engineer.

*Councilor Asack asks how they can work on getting other studies done for other flood zones in the city as they are all a priority. Mr. May tells her that there is a city-wide study as previously mentioned which will help them do more analysis.

*Councilor Farwell states that he wants to ensure that the priorities are handled first. He notes that the report reads that this project in question is reported to be optional.

Having considered the same, motion by Councilor Asack to report POSTPONED TO THE NEXT FINANCE COMMITTEE MEETING, 2nd by Councilor Thompson. 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 \$14,500.
From: Executive Office for Administration and Finance- FY23 Best Practices Compact Program Grant
To: Human Resources Department- FY23 Best Practices Compact Program Grant Fund
(These grant funds will be used by the Human Resources Department for the costs associated with the holding a supervisory training program for city employees. This is a non-matching grant with no cost to the city.)
Invited: Sandra Charton, Director of Human Resources
Troy Clarkson, Chief Financial Officer

*Ms. Charton states that this particular grant would be for six sessions of department head training.

*Councilor Rodrigues asks about the staffing issues in Human Resources. Ms. Charton comments on how they've been searching for people.

*Councilor Asack asks if this training will be mandatory to these department heads, to which Ms. Charton tells her yes. She goes on to ask what the training actually entails. Ms.

Charton tells her that it is quite intensive with a variety of modules regarding all aspects of being a department head.

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

8. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$33,300.

From: Executive Office for Administration and Finance- FY23 Best Practices Compact Program Grant

To: Human Resources Department- FY23 Best Practices Compact Program Grant Fund

(These grant funds will be used by the Human Resources Department for the costs associated with customer service training programs for city employees. This is a non-matching grant with no cost to the city.)

Invited: Sandra Charton, Director of Human Resources
Troy Clarkson, Chief Financial Officer

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

*Motion by Councilor Asack to take item #11 out of order and hear it now, 2nd by Councilor Rodrigues. Motion carried by a hand vote.

11. RESOLVE: Resolved to have Cynthia Pendergast of NeighborWorks Housing Solutions, or her designee, appear before the Standing Committee on Finance of the Brockton City Council. Ms. Pendergast will give a brief overview of the services currently offered to the residents of Brockton by NeighborWorks Housing Solutions and introduce a new down payment assistance opportunity specifically for first time home buyers who are residents of Brockton.

Invited: Cynthia Pendergast

*Ms. Pendergast speaks about the homeownership education program. Since December they've been operating the homeowner assistance fund which is specifically for homeowners in the city who were impacted by the COVID crisis and got behind on their mortgage. Neighborworks was designated as the counseling agency for anybody that applies for this money in the Southeastern Mass. MassMortgageHelp.Org is the website to visit to apply for this assistance. These homeowners can get up to \$50,000 if their application is accepted and they meet all of the criteria.

*Councilor D'Agostino asks if there are any educational aspects to the first time homeowners programs that Ms. Pendergast will mention. She tells him yes, they make sure that they understand what the buyers are getting themselves into. She goes on to say that she works with the numerous minority groups in the city, and offers classes in different languages to ensure that those who do not speak English as their first language are also getting the resources that they need.

*Ms. Pendergast moves to speak about MassDreams, a program made to help first time homebuyers. Residents who live in Brockton that qualify for a Mass Housing Loan or a Massachusetts Housing Partnership can join this program. MyMassHome.org is the website that lays out this program, and gives them the opportunity to complete a pre-eligibility screening.

*Councilor Mendes asks if this only qualifies for single family homes, or if it can be used for multi-family homes as well. Ms. Pendergast tells her that this is for single family, multi-family and condominiums.

*Councilor Mendes refers to the first program and the foreclosure prevention work that they're doing and asks if there is anything that can be provided for renters who are behind on rent. Ms. Pendergast tells her that RAFT is available, and the cap is \$10,000.

*Councilor Nicastro refers to the down-payment assistance and notes that on the website it reads that it is for single and two-family residents only. She asks Ms. Pendergast to clarify. Ms. Pendergast tells her that that is the city's down-payment assistance program, not the one from Neighborworks.

*Councilor Nicastro asks what the funding sources are for MassDreams, to which Ms. Pendergast tells her that it is all ARPA money. She notes that it is a forgiven grant the day of the closing.

*Ms. Pendergast notes that the website for Neighborworks is NHSMass.Org and her personal email is CPendergast@NHSMass.Org. She tells the Council that she can be called at (617) 770-2227 EXT 346.

Having considered the same, motion by Councilor Asack to report FAVORABLE, 2nd by Councilor Nicastro. 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 \$441,149.57.

From: Massachusetts Emergency Management Agency- Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program Grant

To: Department of Public Works- Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program Grant Fund

(The FEMA Public Assistance (PA) program reimburses approved applicants for the federal share of eligible costs incurred during the Severe Winter Storm and Snowstorm that occurred from January 28-29, 2022.)

Invited: Patrick Hill, DPW Commissioner

Troy Clarkson, Chief Financial Officer

*DPW Commissioner Hill states that this money will cover 75% of all of the expenditures taken during this time period.

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

*Motion by Councilor Farwell to dispense of the reading other than the polling places, 2nd by Councilor Asack. Motion carried by a hand vote.

10. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Election will be held on Tuesday, November 8, 2022 in the following designated Polling Places:

| | | |
|------------|------------|--------------------------------------------|
| Ward One | Precinct A | Housing Authority, 70 Hawley St |
| Ward One | Precinct B | West Middle School, 271 West Street |
| Ward One | Precinct C | Hancock School, 125 Pearl Street |
| Ward One | Precinct D | Hancock School, 125 Pearl Street |
| Ward Two | Precinct A | Barret Russell School, 45 Oakdale Street |
| Ward Two | Precinct B | Manning Towers, 45 Goddard Road |
| Ward Two | Precinct C | Senior Center, 10 Father Kenney Way |
| Ward Two | Precinct D | War Memorial Building, 156 West Elm Street |
| Ward Three | Precinct A | South Middle School, 105 Keith Avenue Ext |
| Ward Three | Precinct B | South Middle School, 105 Keith Avenue Ext |
| Ward Three | Precinct C | John F. Kennedy School, 900 Ash Street |
| Ward Three | Precinct D | West Side Library, 540 Forest Avenue |
| Ward Four | Precinct A | Gilmore School, 150 Clinton Street |
| Ward Four | Precinct B | Gilmore School, 150 Clinton Street |
| Ward Four | Precinct C | Davis Elementary School, 380 Plain Street |
| Ward Four | Precinct D | Campello High Rise Apts, 1380 Main Street |
| Ward Five | Precinct A | East Side Library, 54 Kingman Street |
| Ward Five | Precinct B | East Middle School, 464 Centre Street |
| Ward Five | Precinct C | Downey School, 55 Electric Avenue |
| Ward Five | Precinct D | Caffrey Towers, 755 Crescent Street |
| Ward Six | Precinct A | Brookfield School, 135 Jon Drive |
| Ward Six | Precinct B | Ashfield School Gymnasium, 225 Coe Road |
| Ward Six | Precinct C | Brookfield School, 135 Jon Drive |
| Ward Six | Precinct D | Brookfield School, 135 Jon Drive |
| Ward Seven | Precinct A | North Middle School, 108 Oak Street |
| Ward Seven | Precinct B | Belair Street High Rise, 105 Belair Street |
| Ward Seven | Precinct C | Sullivan Towers, 140 Colonel Bell Drive |
| Ward Seven | Precinct D | Raymond School, 125 Oak Street |

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M.

Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named offices, viz: Governor; Lieutenant Governor; Attorney General; Secretary of the Commonwealth; Treasurer; Auditor; Representative in Congress for the 8th Congressional District; Governor's Council for the 4th Councillor District; State Senator in General Court for the 2nd Plymouth and Bristol Senatorial District; State Representative in General Court for the 9th, 10th, and 11th Representative District; District Attorney in Plymouth County; Sheriff in Plymouth County; County Commissioner in Plymouth County; Southeastern Regional Vocational Technical School Committee; And the following questions

QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again, on June 9, 2021 (yeas 159 – nays 41)?

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

A YES VOTE would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A NO VOTE would make no change in the state Constitution relative to income tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health

Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

QUESTION 4: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

A YES VOTE would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

A NO VOTE would repeal this law.

Invited: Cynthia Scrivani, Executive Director of Elections

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

Meeting adjourned at approximately 9:04pm

This meeting may be accessed via YouTube on the Brockton Channel at <https://www.youtube.com/watch?v=iu6luEjm3ng&t=3386s>