

FINANCE COMMITTEE MINUTES

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

*Motion by Councilor Thompson to take item #4 out of order and hear it first, 2nd by Councilor D'Agostino. Motion carried by a hand vote.

4. RESOLVE: **BE IT RESOLVED**, that Mary Waldron of the Downtown Brockton Business Association and Amanda Glennon, Chairwoman of the Brockton Holiday Celebration and Parade, or their designees, be invited to come before the Finance Committee to discuss the Brockton Holiday Celebration and Parade to be held on Saturday, November 26, 2022.

Invited: Mary Waldron
Amanda Glennon, Chairwoman

*Ms. Waldron mentioned the Veteran's parade will be held Friday, November 11, 2022. Ms. Waldron thanked John Merian for years of assisting with the holiday parade. This will be the first year since Covid where we have had a full parade

*Ms. Waldron informed council of the four main points on the day of the holiday parade. The first point will be located in the basement of City Hall and is being organized by the staff in the Mayor's office. The events at City Hall will be from 9:30 am to 12:30 pm. Multiple vendors will be onsite, along with Santa, photographer, and crafts. The second location will be behind the amphitheater outside of City Hall. In this location will be local merchants, small businesses, and entrepreneurs. The food court for the event will be located in the Old Colony Elder Services parking lot. There are currently 11 food trucks coming to the event. The fourth location will be at the Brockton Public Library, where they will have activities including a blow-up planetarium.

*Ms. Waldron mentioned the city organizations that have been involved with the planning of the event: Fire Department, Traffic Commission, Public Properties/Building Department, Department of Public Works, Parks Department, BEMA, Parking Authority, and Police Department. She is also reaching out to all 26 schools in the city, local community groups, the Latino Women group, NAACP, and many others.

*Ms. Waldron informed everyone that they are still looking for nominations for Parade Marshall. Currently, they have 13 nominees.

*Ms. Glennon asked for everyone to share information about the event as they are still in search of volunteers for both the planning process and on the day.

*Councilor Thompson thanked Ms. Waldron and Ms. Glennon and stated that the theme of this holiday event is "back together again" for the holidays.

*Councilor Thompson asked how many floats are going to be in the parade. Ms. Glennon answered that there are currently 6 floats. She also stated that there will be marching bands, community groups, and dance performances in the parade. Councilor Thompson asked how one would nominate a Parade Marshall. Ms. Glennon answered that there is a nomination form and

information about it in the packet given to the Council. She also said she would follow up with an email about how to do it online. Councilor Thompson then asked what number year of the parade this parade will be. Ms. Waldon responded and said Mr. Merian informed her it will be the 35th year of the parade. The last full parade was in 2019. In 2020 there was no parade. In 2021 there was a downsized version of the parade.

*Ms. Waldron reiterated the schedule of events for the day. City hall will open at 9:30 am, vendors at 10:00 am, and the parade will step off at 1:00 pm.

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

1. 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: \$1,500,000

From: Overlay Surplus

To: Law Department- Court Judgements

Invited: Megan Bridges, City Solicitor

Troy Clarkson, Chief Financial Officer

Executive Session: To discuss matter relating to active litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares.

*CFO Clarkson explained the Overlay fund that is factored into the yearly budget to cover the money written off from abatements and exemptions. The remaining money at the end of each year remains in the fund unless it is moved into the Overlay Surplus, which is an account separate from the overlay account that represents money that is no longer needed for abatement and exemption purposes, and once it has been voted on, it sits in a separate fund. Once moved, the money can be used for any municipal purpose. The Board of Assessors voted at the request of Mayor Sullivan, based on money that was no longer needed for its original purpose, to release \$1.5 million from Overlay to Overlay Surplus.

*Councilor Nicastro asked what the balance of the Overlay fund sits at after moving the \$1.5 million. CFO Clarkson responded that the Overlay fund still contains \$1,413,926.

*Councilor Thompson mentioned the common misconception of the Overlay Surplus account, as constituents often believe it is created from an overcollection of taxes and should be refunded to the residents. He asked CFO Clarkson to clarify. CFO Clarkson explained that the money in this account is approved through Council each year with the intent of using it to process abatements and exemptions.

*Motion by Councilor Asack to report FAVORABLE, 2nd by Councilor Thompson. Motion carried by a hand vote.

*On the motion, Councilor Farwell explained that he knew nothing about the court case at hand or the settlement. He stated that in his experience, when settlements are negotiated everyone goes in Executive Session and are presented with the information by the City Solicitor.

*Councilor Asack withdrew her motion.

*Motion by Councilor Minichiello for the Finance Committee to go into executive session to discuss the item, and then to resume public session, 2nd by Councilor Thompson. Motion carried by a roll-call vote. Motion passes. Ten in the affirmative.

*Council President Lally states that the chair has determined that discussion of the agenda item in open session may have a detrimental effect on the litigation position of the public body. Under MGL Chapter 30A, Section 21, the City Council may move to Executive Session. The purpose and subject of the executive session us with respect to transfer of \$1,500,000 from Overlay Surplus to Law Department – Court Judgements.

Meeting entered executive session at 7:29pm
Meeting concluded executive session at 8:17pm

Having considered the same, motion by Councilor Asack to report FAVORABLE, 2nd by Councilor Nicastro. 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 \$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
Chike Odunuwke, City Engineer
Julianne Bass, Fuss & O'Neill
Dean Audet, Fuss & O'Neill

*Motion by Councilor Farwell to report POSTPONED, 2nd by Councilor Rodrigues. Motion carried by a hand vote. Motion failed.

*CFO Clarkson explains the grant the city has applied for. Mr. May continues by explaining the project and the benefits of the work that will be completed. Councillor Farwell questions Mr. May's involvement in the project as he is a Planner and not in the DPW. Mr. May explains that he has been part of this project from its inception.

*Mr. Odunuwke is asked to speak to the councilors, and he explains the planning for excavation that will be completed with the funding provided in this grant.

*Councilor Asack says that she would never turn a grant away. She asks what the plan is for other areas. Mr. Odunuwke states that once this is completed, it will set a base for all other areas in the city.

*Mr. Hill explains that this time of year is difficult to keep the flooding down. He also states that there is no way to be sure of where the exact problem is coming from but this is a good starting point. Catch basins are full of leaves. Street sweepers are having a hard time keeping up. The DPW is getting calls from the public. This will help to minimize settling in the street.

*Councilor Minichiello asks if this area is a priority. It has been said already in the meeting that everyone is unsure of the answer. He questions if the application for funding was premature. Mr. Odunuwke explains that the flooding will not be resolved until the whole city has been completed. It is asked if this is a good investment. It is confirmed that none of the money is coming from the city. All funding will be from state and federal grants.

*Councilor D'Agostino asks if the grant must be specific to this project. Mr. Odunuwke explains that this was the project listed on the application.

*Councilor Rodrigues asks how the remaining work will be completed once we have completed this first part. Mr. Odunuwke explains that once funding is being used, it is easier to obtain grants for the remaining work. The city has proven they will do as they set out to do.

*Councilor Farwell notes that no one from Council was part of the group or committee making this decision. He continues to question the representative from Fuss & O'Neill about why this location was not included in her original research. She goes on to explain that during the original research, he discovered that the target area was not the problem and highlighted this new area being discussed tonight.

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

*Motion by Councilor Farwell to take item #5 out of order and hear it before item #3, 2nd by Councilor D'Agostino. Motion carried by a hand vote.

5. WHEREAS, The Massachusetts legislature enacted Chapter 59, section 5 (C) allowing for residential property tax exemptions for certain properties, and,

WHEREAS, The Department of Revenue published information about this exemption and the types of communities which adopt the exemption, noting:
Large cities or towns with many nonowner-occupied properties like
apartment buildings," adopt this program, and,

WHEREAS, The City of Brockton does not currently offer this exemption, and,

WHEREAS, It is appropriate to discuss and evaluate whether this annual exemption would be of benefit to owner-occupied, residential property in the city;

NOW, THEREFORE, BE IT RESOLVED:

The Chair of the Board of Assessors appear before a committee of the Brockton City Council to discuss the residential tax exemption program, how it would affect the amounts collected from owner-occupied properties, and to prepare a written summary of how the city could implement of MGL Chapter 59, Section 5C, with various exemption amounts which could be included in any such program.

Invited: John O'Donnell, Chair of the Board of Assessors

*Councilor Farwell starts by stating a perfect storm is headed our way with the increases in the cost of property, food, and more. He is expecting to see significant increases by the end of this fiscal year.

*Mr. O'Donnell begins to explain that the residential exemption is only used in areas with a high number of apartments or seasonal rentals.

*Councilor Farwell comments on the lack of commercial property in the city and the talks of rezoning more areas. He thinks it is crazy to do this.

*Councilor Minichiello states that this would pit residents against each other.

*Councilor Thompson states this is a bad deal for Ward 5. This will negatively impact seniors, who put their homes in trusts to protect them.

*Councilor Minichiello states that with the current market, many houses will be above the threshold.

*Councilor Farwell reminds everyone this was just a resolve for research. He wanted to be prepared when residents get their taxes.

*Councilor Nicastro asks why the evaluations have increased. Mr. O'Donnell explains the increased was based on approximately 800 sales of single family homes.

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

3. WHEREAS, The Brockton City Council granted licenses to individuals and corporations for the retail sales of marijuana, and,

WHEREAS, The licenses were issued pursuant to business plans and official representations made to the council when applicants appeared to participate in the licensing process, and,

WHEREAS, The city has an economic interest in ensuring that licensees are open and actively engaged retail sales;

NOW, THEREFORE, BE IT RESOLVED:

(1) The City Clerk shall provide a list of all retail marijuana licenses approved by the council with a notation as to which licensees are open and actively engaged in retail sales.

(2) The city's chief legal officer (solicitor) and legislative counsel to the city council be invited to appear at a finance committee meeting to discuss legal options available to the city council relating to those licensees who have failed to open and are simply holding a license.

Invited: Tim Cruise, City Clerk

Megan Bridges, City Solicitor

Shannon Resnick, Legislative Counsel

*Clerk Cruise states that the list of licenses has been passed out to Council before turning the discussion over to the Attorney Bridges and Attorney Resnick present.

*Councilor D'Agostino states there are 5 licenses without open retail stores producing revenue for the city. Clerk Cruise states that there are 6, however 1 never moved forward. Attorney Bridges states the 1 received a certificate from the Mayor, but it has expired. Councilor D'Agostino questions if there is a time limit in place for when a store should have opened. Attorney Bridges states that is the "million dollar question". She goes on to list the 5 licenses without open retail stores. All on them have a different issue date and were issued during the height of Covid, July 2020 to July 2021. Attorney Bridges explains the License Commission would like all renewals on the same schedule. A notice was sent out in February 2022, and 8 of the licenses were renewed between March and April of 2022. Since renewal, 1 location has opened and another is expected to open by the end of the year. Councilor D'Agostino states he has no problem with retail marijuana. It was voted on by the people. However, he does have a problem with the licenses not being used and doing nothing for the city. He doesn't want the licenses to remain dormant while someone else may be able to use them.

*Attorney Bridges explains that these licenses were looked at in stages. She goes on to state 2 of the license holders did not respond to the letter sent out. Councilor D'Agostino asks if the licenses can be revoked. Attorney Bridges answers that can't happen until the License Commission takes actions. She continues to explain the License Commission can correspond with Council and plan to have those holding a license come in for a show-cause hearing. The Council is not authorized to decide on this matter. Attorney Resnick explains this was put into place after the initial discussion with Council. Only the License Commission has authority to revoke and enforce expectations. Councilor Farwell agrees that he is also concerned that there are people ready and waiting. He goes on to state that the people holding licenses did not follow through with their original promise.

*Attorney Bridges states that she can supply council with an update at the end of the year and a plan for 2023.

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

Meeting adjourned at 10:06pm

This meeting may be accessed via YouTube on the Brockton Channel at

<https://www.youtube.com/watch?v=UB2h3d-vZ-M&t=4715s>