

FINANCE COMMITTEE MINUTES

Notice is hereby given that a meeting of the standing committee on Finance was held on Monday July 15, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00 PM with seven members present. With Councilor Rodrigues presiding, Councilors Asack, Minichiello, Nicastro and Tavares absent.

1. Acceptance of the minutes of the June 10, 2024 Finance Committee Meeting.

Accepted and placed on file.

2. Appointment of Retired Police Officer Daniel Leonard to the role of Special Police Officer.

Invited: Mr. Daniel Leonard

Councilor Lally motioned to push item to the end of the agenda.

Motion to push item to the end of the agenda was properly seconded.

3. Appointment of Mr. Justin Talbot, of 25 Fairview Avenue, Brockton, MA, 02301, to serve on the Brockton Conservation Commission for a three (3) year term, ending July 2027.

Invited: Justin Talbot

Clerk Cruise stated that communication was received from Mr. Talbot that he would not be able to attend due to a prior planned family vacation.

Councilor Farwell stated that, while acknowledging the lack of substance due to the need of all councilors to vote, he knows Mr. Talbot and his family well, and that he believes he is deserving of this appointment.

Councilor Farwell motioned to recommend favorably. Motion was properly seconded and later carried by a hand vote.

4. Resolve: From Finance Meeting June 10, 2024 Councilor Farewell motioned to amended Order # 287

Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows:

Appropriation of: \$3,000,000

FROM: WATER REVENUES – RAISE AND APPROPRIATE \$3,000,000

TO: DPW WATER – DESAL FIXED CHARGED	\$2,100,000
DPW WATER – CAPITAL	\$900,000

To the amended appropriation \$900,000 and was properly seconded. The motion carried by a hand vote. Having considered the same, motion by Councilor Lally to report Favorable as amended and was properly seconded. The motion carried by a hand vote. The order passed in City Council June 24, 2024 as amended. At the meeting of the Finance Committee June 10, 2024 Councilor Farwell asked to have Aquaria come before the City Council and get more information about the Desal Contract from Aquaria before he would accept the Desal fixed charge of \$2,100,000.

Invited: Mr. Ramon J. Diaz, Aquaria General Manager
Mr. Alfredo Andres
Patrick Hill, DPW Commissioner
Troy Clarkson, Chief Financial Officer
Megan Bridges, City Solicitor

Councilor Farwell began by requesting to hear from City Solicitor Megan Bridges regarding the City's belief years ago that Aquaria was in breach of their contract.

Solicitor Bridges explained that the conversations Councilor Farwell is referencing was related to claims by the City of breach of contract for non-performance. Councilor Farwell then asked what specifically caused these conversations to start to which Solicitor Bridges responded with failure to provide water and unmet maintenance obligations.

Councilor Thompson asked Solicitor Bridges, with regard to the City requirement of having a secondary water source, if it defined as just a requirement to have a hook up to another water source, or if there is a certain quantity that has to be reached. Solicitor Bridges explained that the same question was asked to the DEP during the breach of contract conversations, to which the DEP responded by stating that the city has a minimum requirement of water distribution/availability.

Councilor Thompson asked DPW Commissioner Patrick Hill whether the city receives water from Aquaria every day. DPW Commissioner Hill responded by explaining the city does not receive water daily from Aquaria and that it usually requests water from Aquaria once the water levels at Silver Lake hit below a certain point.

Councilor Farwell asked Mr. Ramon Diaz and Alfredo Andres if any of the originally placed pumps at the facility that were placed in 2008 have been replaced to which the response was yes. Councilor Farwell responded by stating Aquaria's most recent annual report for the Department of Public Utilities, which was published in 2023, states that all pumps are from 2008. Mr. Diaz responded by stating he is sure that some pumps have been replaced and he would gladly get that information over to Councilor Farwell.

Councilor Farwell asked, regarding their production of water, if the pipelines between Dighton and Brockton are checked for defects. Mr. Andres responded by stating the pipelines are checked every two weeks and that every time Aquaria discharges in Brockton a crew comes to check the point of connection, as well as valves being checked every other week.

Councilor Farwell asked the Aquaria representatives if any other municipality has tried to enter a contractual agreement with Aquaria to purchase water. Mr. Andres responded by stating years ago they did but that no municipality wanted to come to a firm agreement.

Councilor Thompson asked what efforts Aquaria makes to sell their water to other cities and towns to which Mr. Andres responded that Aquaria has done so many years ago, and that many neighboring communities have a stop created ready for connection but have not made any effort to connect to the pipeline.

Councilor Thompson asked if Brockton was in need for more than the originally contracted agreement of 3.81 million gallons of water one day, if Aquaria was able to provide it. Mr. Andres responded by stating Aquaria is only required to provide the 3.81 million gallons but Brockton could acquire more water if needed with the plant expanding. Councilor Thompson then asked if Aquaria has plans on expanded to which Mr. Andres replied if they receive new clients they would.

Councilor Thompson asked if, in regard to the PFAS issues within water, if Aquaria believes they will be able to benefit as a plant without PFAS issues. Mr. Andres responded by stating PFAS has become a major issue, and to have a water plant that is not having PFAS issues, is a major factor in selling water, especially in the next few years. Councilor Thompson also inquired about the possibility of Brockton acquiring the 3.81 million gallons and then selling some water to other cities looking for water clear of PFAS, to which Mr. Andres responded with confirmation that there is no issues with Brockton doing such.

Councilor Teixeira stated he has questions for DPW Commissioner Patrick Hill. Councilor Teixeira stated that five years ago, the City of Brockton was close to acquiring Aquaria for about \$59,000,000 as well as how the current contract runs through 2028 at about a roughly \$8,900,000 cost annually. Councilor Teixeira then asked what the estimated price would be for the sale of Aquaria today, to which Commissioner Hill responded by stating he doesn't believe he is the one to ask such question.

Councilor Teixeira highlighted how buying Aquaria for the \$59,000,000 would have been better than spending the money annually on the contract, as well as highlighting that if the purchase was made, neighboring cities would be interested in buying water from Brockton. Councilor Teixeira also made the point that purchasing Aquaria would also eliminate the city's requirement for a secondary water source, as they would always have one.

Councilor Derenoncourt asked Aquaria representatives, how much an estimated number was for the cost of running the plant annually. Mr. Andres explained that there are 3 major costs listing staff, which is a fixed cost, as well as electricity and chemicals which depends on how much water is produced, explaining that a good rough estimate would be between \$3,500,000 to \$4,500,000. Councilor Derenoncourt then went on to explain how it is more than just purchasing the plant itself, but also important to consider the funds it would require to maintain the plant.

Councilor Farwell proposed the idea of potentially pooling together with neighboring communities to create a water resource that could supply multiple communities.

Councilor Lally motioned to recommend favorably. The motion was properly seconded and carried by a hand vote.

5. Appointment of Retired Police Officer Daniel Leonard to the role of Special Police Officer.

Invited: Mr. Daniel Leonard

Councilor Farwell motioned to recommend favorably. Motion has been properly seconded and carried by a hand vote.

Councilor Lally stated the idea of having both Mr. Daniel Leonard and Mr. Justin Talbot come in front of Council their next meeting, to which President Rodrigues and Clerk Cruise stated it would be best to just have councilors reach out on their own with their individual questions or concerns.

President Rodrigues adjourns the meeting.