

FINANCE COMMITTEE MINUTES

Notice is hereby given that a meeting of the standing committee on Finance was held on Monday August 19th, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:10PM with ten members present. With Councilor Rodrigues presiding, and Councilor Asack absent.

1. Acceptance of the minutes from Budget Hearings June 17th, 18th, and 20th Finance Committee Meetings.

Accepted and placed on file.

2. Acceptance of the minutes of the July 15th, 2024 Finance Committee Meeting.

Accepted and placed on file.

- 3 Reappointment of Mr. Martin S. Brophy, of 15 Morse Avenue, Brockton, MA, 02301, to the position of Treasurer/Tax Collector for a three (3) year term, expiring August 2027.

Invited: Treasurer Martin S. Brophy

Councilor Lally motioned to recommend favorably. Motion was properly seconded and 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 \$500.

FROM: EASTERN BANK FOUNDATION \$500

TO: COUNCIL ON AGING \$500

Invited: Director Janice Fitzgerald
Chief Financial Officer Troy Clarkson

Clerk Cruise stated that Director Janice Fitzgerald would not be able to attend tonight due to a prior commitment.

CFO Troy Clarkson explained that Ms. Fitzgerald stated this grant would be spent on exercise equipment such as weights and yoga mats.

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

5. 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: \$63,473.91

FROM: FINANCE – PERSONAL SERVICES NON-OT \$63,473.91

TO: HUMAN RESOURCES – PERSONAL SERVICES NON-OT \$63,473.91

This transfer will be to cover the salary of an employee being moved from the Finance Department to the Human Resource Department.

Invited: Chief Financial Officer Troy Clarkson

CFO Troy Clarkson explained that there are sufficient funds from the Finance Department due to a position that was proposed and funded but not approved.

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

6. Ordered: Raise and Appropriate the sum of \$390,000.

TO: LAW – COURT JUDGEMENTS \$390,000

This appropriation will be to fund a court settlement for a recently settled lawsuit.

Invited: City Solicitor Megan Bridges
Chief Financial Officer Troy Clarkson

Solicitor Bridges explained she is requesting the \$390,000 due to a court settlement for a case from October 2018, which was a case regarding excessive force. Solicitor Bridges explained that a Brockton Police Officer was forced to release his K-9 unit on a plaintiff on a third domestic violence call of the day. Ms. Bridges explained that there was force used by the police officer to protect himself and the K-9 as the plaintiff has admitted to resistance. Ms. Bridges states that the course of events had left the plaintiff with permanent injuries.

Councilor Thompson stepped out.

Councilor Derenoncourt asked Solicitor Bridges if there was another settlement if the Council should expect her to request more money to which Ms. Bridges replied by stating it is always a possibility as you cannot predict lawsuits.

Councilor Tavares asked if this Lawsuit was going to effect taxpayers to which Solicitor Bridges responded by stating it is the use of municipal funds, but she does not expect any impact or affect on municipal services. Councilor Tavares then asked if there is a budget for this type of money. City Solicitor Bridges responded by stating this money is available to be appropriated and it is not coming from another department. CFO Troy Clarkson then explained that it is money that is not coming from another department's budget, but is money that has been reduced that is now available for spending elsewhere, which is also the case for the funding source of the next two items as well.

Councilor Derenoncourt motioned to recommend favorably. Motion was properly seconded. Carried by a hand vote.

On the motion, Councilor Minichiello asked for both pros & cons regarding why this matter should be handled this way. Solicitor Bridges explained that if taken to trial and unsuccessful, the plaintiff would be awarded attorneys fees, and multiplied damages. Solicitor Bridges also provided background surrounding the plaintiff's version of the incident.

7. Ordered: Raise and Appropriate the sum of \$584,678.

TO: LIBRARY - PERSONAL SERVICES NON-OT	\$393,753
TO: LIBRARY – PURCHASE OF SERVICE	\$172,850
TO: LIBRARY – GOODS AND SUPPLIES	\$18,075

This appropriation will fully fund the Brockton Public Library for Fiscal Year 2025.

Invited: Library Director Paul Engle
Chief Financial Officer Troy Clarkson

Library Director Paul Engle thanked everybody and explained that this request would fully restore the Library's FY25 budget as well as allowing level functioning for the library.

Councilor Derenoncourt motioned to recommend favorably. Motion was properly made in second. Carried by a hand vote.

8. Ordered: Raise and Appropriate the sum of \$275,000.

TO: MAYOR – PERSONAL SERVICES NON-OT	\$275,000
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This appropriation will help fund the full-time salaries of employees in the Mayor's Office for the entire fiscal year.

Invited: Mayor Robert F. Sullivan
Chief Financial Officer Troy Clarkson

Councilor Derenoncourt motioned to postpone this item to the next Finance Committee meeting. Motion was properly seconded.

On the motion, Councilor Lally stated that with the Mayor and his staff being present, he thinks it would be best to allow the mayor to speak.

On the motion, Councilor Nicastro stated that the Mayor's Office has made great efforts and are present ready to go, leaning her to feel as if there should not be a postponement, additionally explaining that there seems to be a lack of reasoning behind the postponement.

On the motion, Councilor Derenoncourt stated his belief in the postponement is due to the fact that there seems to be an inadequate number of votes to pass the item.

On the motion, Councilor Farwell stated that if it is known that there are not enough votes then there has been a lot of behind the scenes maneuvering, to which he explained he is not a fan of, preferring entirely public & open group discussion. Councilor Farwell also stated that he is against the postponement of this item due to the fact that if it is continued to be pushed down the line, the Mayor will not be able to adequately support his staff. Also referencing the belief that this amount is not an excessive amount for the City of Brockton's Mayor's staff as well as the fact that the Mayor was elected by the voters of this city and with that he is allowed to bring in whoever he chooses to work for his staff.

On the motion, Councilor Tavares explains that she agrees with Councilor Farwell, and does not agree with postponing this item. Councilor Tavares stressed her desire to not postpone this item and to also vote favorably on it.

On the motion, Councilor Nicastro states that she does not fully understand what is going on, but selfishly feels this item cannot be postponed and that she would like it to go through as she receives a large amount of phone calls from constituents, and if it wasn't for the Mayor's Office, she would receive even more as they always assist constituents with any questions or issues.

On the motion, Councilor Derenoncourt stresses that there is no retaliation in regard to his vote, and that his motion of postponement is not out of malice. Councilor Derenoncourt then requests a motion to postpone this item to the next Finance Committee meeting, to which President Rodrigues stated he cannot make a motion on top of his previous one that was already properly seconded.

On the motion, Councilor Lally explained that his one question regarding this item is that he wants to know specifically, what conversation/discussions need to be had between the Mayor's staff and councilors.

Mayor Sullivan began by thanking everyone, and then specifically stressed thanking his staff. Mayor Sullivan then named his entire staff, as well as their positions & titles. Mayor Sullivan then stated how, due to his previous time serving on the council over the years, he would support their decision to postpone this item, but also wanted to stress that the \$275,000 that is being requested is a compromise from him, as he could have asked for the entire \$300,000 that was cut. He also highlighted that he is aware during his time as a councilor he had cut money from Mayor's, but stresses that he never cut money that would affect/fire other people.

Councilor Farwell stated that he would like to discuss and know what portion of the \$275,000 is objectionable, expressing that if the issue is that the Mayor isn't doing something that they like, they should not be punishing his innocent staff as a result.

Councilor Thompson began by stating he appreciates the Mayor's advocacy for his staff, and that that is what a leader does. He then states that he is not a proponent of postponing this item as he believes any discussion that needs to be held on the topic can be finished within the week that is remaining before the ultimate vote is decided.

On the motion, President Rodrigues explained that he agrees with Councilor Thompson, and that they can positively vote and push this forward, and have discussion throughout the week leading up to the final vote at the next Council Meeting.

Councilor Farwell requests a roll call vote.

Councilor Derenoncourt requested to speak, President Rodrigues requested that he removes his motion before speaking.

Councilor Derenoncourt removed his previous motion to postpone the item. He then states that he would like to make it clear that no one is trying to get anyone fired.

Councilor Lally motioned to recommend this item favorably. Motion was properly seconded and carried by a hand vote.

9. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$50,000.00

From: The Estate of Francis X. McDonnell

To: The Brockton Parks and Recreation Department

Invited: Superintendent of Parks Tim Carpenter
Chief Financial Officer Troy Clarkson

Superintendent of Parks Tim Carpenter began by briefly explaining the background regarding the donation of the \$50,000.

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

10. Ordered: That the City of Brockton appropriate the amount of Forty-Eight Million Dollars (\$48,000,000) for the purpose of paying additional costs of designing, constructing and equipping a public safety complex to house the Police, Fire, and Information Technology departments, as well as the Brockton Emergency Management Agency, including the payment of costs of designing and improving roadways and utilities in the vicinity of the public safety complex, making improvements to enhance traffic flow, and for the payment of all costs incidental or related thereto. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under G.L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

Invited: Mayor Robert F. Sullivan
Treasurer Martin S. Brophy
Chief Financial Officer Troy Clarkson
Procurement Officer Mike Morris
City Solicitor Megan Bridges
Fire Chief Brian Nardelli
Police Chief Brenda Perez
Mr. Joseph Sullivan from CHA
Mr. Kevin Sullivan from CHA

Mayor Sullivan began by giving some background regarding the Public Safety Building.

Joe Sullivan gave a brief introduction regarding the presentation that both him and Kevin Sullivan are going to present to the Council. Kevin Sullivan also explained that the council will be hearing from DPW Commissioner Patrick Hill regarding the two-way as well.

Kevin Sullivan and Joe Sullivan presented a PowerPoint to the Council regarding the Public Safety Building's construction, including increase in additional funds that would be needed to complete the project, as well as an update as to how far along it is currently.

Kevin Sullivan called for a member of the Suffolk team, Ms. Kendy Power-Koch to speak.

Ms. Kendy Power-Koch provided an update for the construction site, explaining that 95% of the structural steel has been completed as well as 100% of the HVAC in the lower level. Plumbing is at about 85% complete and most stair wells are complete. She then explained that she grew up in Brockton, and that her family still lives here, so this project means a lot to her.

Chief Nardelli explained that they have been trying to find ways to create savings through any avenue possible. Chief Nardelli also explained that when the discussions were taken place originally creating the plans for this construction, the two-way traffic was always an issue that was considered. He also stated his personal belief that the two-way traffic, and this building in general, would benefit the downtown of the city significantly.

DPW Commissioner Patrick Hill then spoke about the trafficking situation regarding the project, as well as touched on the stormwater modeling and construction. Mr. Hill then explained that the cost of certain things pertaining to the project have both gone up, as well as some have fallen.

Police Chief Brenda Perez began by stating she agrees with everything Fire Chief Nardelli said regarding the Public Safety aspects of the project. Chief Perez explained that this is not just a project, but for everything involved within the city, this is a necessity.

Joe Sullivan thanked those for their patience listening to everyone speak and then opened it up to questions from the councilors.

Councilor Minichiello stated that when he thinks about this project, he doesn't get as excited as he feels he should be due to this being a 50% cost overrun. Minichiello also stated that the majority of the overrun costs seems to be from site preparation from the foundation and the site itself. Minichiello also explained that there seems to be inadequate testing prior to the start of construction, as well as explaining that they are left with no choice but to finish the construction as they're not going to leave a giant unfinished building in the middle of the city. Joe Sullivan responded by stating that numerous tests were conducted, as well as not one construction drawing of the previous buildings showing that they were pinned on rock, as that was something they found out once they starting their digging.

Councilor Minichiello asked CFO Troy Clarkson if this would have any type of impact on Brockton High School's either new building or renovations. CFO Troy Clarkson responded by stating that when they are ready for the Brockton High renovations, it will require a debt exclusion, and a ballot vote. Mr. Clarkson also then stated that the City's bond rating has remained unchanged at the moment.

Councilor Griffin stated that he believes the construction's fence is blocking the landscape of the building, and that once construction is finished, it will greatly benefit the landscape of the city, specifically downtown. Councilor Griffin stressed the need to fix the homeless situation downtown, as well as improve the commercial development downtown. Councilor Griffin also stated the significant importance of Brockton becoming more business friendly for more commercial businesses to want to come to the city.

Councilor Thompson stated he believes the project was a gross miscalculation. Councilor Thompson then stated that he understands the increase in needed funds due to the pandemic but wanted more clarification on the due diligence before the project began. Joseph Sullivan stated that there was due diligence done on the site area, and that a lot of discovery wasn't made until after they began digging to which they realized that ledge encompassed most of the foundation of the building. Mr. Sullivan then explained that there was no way of knowing exactly what materials were buried and imploded at the site. Councilor Thompson then asked CFO Troy Clarkson what the new relationship would be with the taxpayers and the borrowing of funds for this project to which Mr. Clarkson replied that they are not requesting a debt exclusion for this project, and then stressed the city's need for creating additional new growth and tax revenue

President Rodrigues stepped out. Councilor Griffin acting president.

Councilor Derenoncourt stated how an additional 48 million dollars is a tough pill to swallow and also requested that both Mr. Joseph and Kevin Sullivan state that if granted the 48 million they would not come back and ask for more money to which Joseph Sullivan stated that he feels comfortable enough to say that he will not be returning for more money if granted the 48 million.

Councilor Teixeira asked how many companies showed up when the bid was placed. Kevin Sullivan explained that this project was done under chapter 149a construction manager at risk, and not the standard way, to which there were about seven proposals and four of them were interviewed. Joe Sullivan stated that when choosing the company, they focused on the most qualified as well as considering cost efficiency. Councilor Teixeira then asked what the rate of the additional \$48,000,000 would be to which CFO Troy Clarkson responded by stating that it is at 3.5%.

Councilor Farwell explained his view on the matter to be that he is not happy about the additional \$48,000,000 being needed, but he is happy to have started with a conservative number and then adding to it rather than starting with more significant number and over spending just because. Councilor Farwell then asked if the cost escalations are something that are more of a norm and other cities and projects have experienced to which Joseph Sullivan explained that the City of Brockton is not alone in this matter.

Councilor Nicastro asked who did the preconstruction survey to which Joseph Sullivan responded that the preconstruction survey is typically chosen by the architect to survey

existing conditions, as well as stating that the City could have avoided a lot of the issues if they would have done the abatement prior to the school being demolished.

President Rodrigues mentioned how asking for an additional \$48,000,000 makes the City of Brockton liable for the other original bidders as their initially higher bid would seem to be lower than what the bid-winner is now paying with the additional funds. Solicitor Megan Bridges explained that based on the folks in the audience it would be inappropriate to give a detailed answer on her response to the question, as well as stating that it is not only a price-based comparison.

Councilor Minichiello motioned to have the amount cut from \$48,000,000 to \$44,000,000.

On the motion, Councilor Farwell states that it would be a shame if they were to cut the \$4,000,000 and then the project need an additional \$2,500,000 for completion as the money will still be there if it is not spent.

On the motion, Councilor Derenoncourt asked Joseph & Kevin Sullivan what the potential impact would be if the \$4,000,000 was cut to which Joseph Sullivan explained that contractually it would cause issues as the project would no be able to engage in and finish the building.

On the motion, Councilor Tavares states that they should be given what they are asking for as they have been asked not to return if they are granted the funds that are requested.

On the motion, Councilor Lally asked if Highland Street needs to be done or if money can be recuperated there. DPW Commissioner Patrick Hill explained that it doesn't have to be done but that there would be additional issues surrounding the project's parking situation. Commissioner Hill also wanted to clarify that they have about \$1,980,000 in grants, not \$4,000,000.

Motion was carried to a roll call vote. Eight votes in the affirmative, two votes in the negative.

Councilor Lally motions to recommend favorably to the entire city council. Motion was properly seconded and carried by a hand vote.

11. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$151,670.

FROM: THE DEPARTMENT OF ENERGY \$151,670

TO: THE DEPARTMENT OF PUBLIC WORKS \$151,670

Invited: DPW Commissioner Patrick Hill
Chief Financial Officer Troy Clarkson

Commissioner Hill stated some background regarding the grant, as well as explaining that the funds would be used for the purchase of three electric vehicles.

Councilor Thompson asked why electric vehicles and not standard gas or diesel-powered vehicles. Commissioner Hill explained that this was a Department of Energy grant that was electric based.

Councilor Farwell asked, for the record, if these are working trucks to which Commissioner Hill responded that these are going to supervisors and will be replacing vehicles that are on the street every day.

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

12. Resolve: To invite Brockton Police Chief Brenda Perez to appear before the Finance Committee to discuss how the department is addressing the operation of vehicles at excessive speeds on City streets, the operation of off-road unlicensed vehicles on City streets, and the use of illegal fireworks in the City of Brockton, all of which affect public safety, and such other related matters as she may share.

Invited: Police Chief Brenda Perez and Designee(s)

Chief Perez began by explaining how the Police Department is addressing the operation of vehicles at excessive speeds, as well as off-road, unlicensed vehicles.

Captain Porcaro explained that since Chief Perez and himself have been looking at the City's traffic, that they have been tackling it in many different and creative ways.

Councilor Griffin wanted to make quick comments and thank you to Chief Perez and Captain Porcaro for all of their work on the traffic commission.

Councilor Teixeira asked what can be done regarding the dirt bikes and ATV's within the city. Chief Perez states that they have partnered with the Environmental Police, as well as the new Road Safety ordinance that has just been passed. Councilor Teixeira explained this past weekend he had saw about six individuals riding dirt bikes in the street, significantly over the speed limit, and asked if the police are allowed to chase after them. Chief Perez explained that the Police would not engage in a chase due to the fear of somebody getting hurt.

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

President Rodrigues adjourns meeting at 11:11pm.