

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON FINANCE
DATE: FEBRUARY 10, 2021
TIME: 7:04 P.M.
PLACE: HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G. L. C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A

PRESENT: COUNCILLORS LINDA MORAD, CHAIRPERSON; JOSEPH LOPES, VICE-CHAIRMAN; DEREK BAPTISTE (7:12); NAOMI CARNEY; HUGH DUNN; BRIAN GOMES; WILLIAM BRAD MARKEY

ABSENT: COUNCILLORS IAN ABREU; DEBORA COELHO; MARIA GIESTA; SCOTT LIMA

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Councillor Morad called the Finance Committee Meeting to order and took attendance. The Clerk read two Communications into the record, one from Councillor Abreu stating that he expected to be late and another from Councillor Giesta stating that she expected to be late. These Communications were received and placed on file by Councillor Lopes and seconded by Councillor Markey. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Carney – yes; Councillor Dunn – yes; Councillor Gomes – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Baptiste not present for vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Morad and Markey, requesting that City Solicitor Mikaela McDermott, Environmental Stewardship Director Michele Paul and Chief Financial Officer Ari Sky appear before the Committee on Finance to brief the Committee on the status of outside counsel representing the City of New Bedford in the proposed Parallel Products development in the New Bedford Business Park; and further the Committee on Finance be briefed on the City's plan of action with regard to Final Environmental Impact Report that Parallel Products recently filed with the Massachusetts Secretary of Energy and Environmental Affairs (Ref'd 01/28/2021) was received and placed on file by Councillor Markey and seconded by Councillor Lopes. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Carney – yes; Councillor Dunn – yes; Councillor Gomes – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Baptiste not present for vote. (1)

The Chair recognized City Solicitor Mikaela McDermott who gave an overview on the status of outside counsel representing the City as it relates to the proposed Parallel Products development at the New Bedford Business Park. She went on to explain that last year the City submitted a letter on the environmental impact report. As a result of this letter, the State asked Parallel Products to address the specific issues raised by the City. Parallel Products had until January 26, 2021 to respond to these concerns, and the City has until March 26, 2021 to review Parallel Product's responses. The response from

Parallel Products is well over 800 pages; the City has an environmental expert currently reviewing this report and will provide the City with a summary.

Attorney Mark Reich of KP Law was recognized by the Chair. Attorney Reich provided a general summary and status update. The project is currently in the MEPA (Massachusetts Environmental Policy Act) phase, which is a preliminary part of the process that the State requires, intended to address environmental consequences. The next step would be the site assignment process, where DEP would determine, under their regulations, if the proposed location is suitable. It is also the time that the State Department of Public Health should make comment. KP Law expects the DEP report to be issued in March. There will need to be a hearing no later than 30 days after the DEP report is received. July 21, 2021 would be the time for the site assignment decision to be issued, and the City's Board of Health will need to issue their decision by September. They expect numerous experts to be called in for comments on both sides. KP Law will bring in experts as needed.

Councillor Markey asked if concerns relating to Phase I of Parallel's project, which includes glass, could still be brought forward despite the fact that the project was moving into Phase II, which includes MSW (Municipal Solid Waste) and biosolids. He was told yes; all concerns could still be brought forward.

Councillor Lopes asked how long the Phase II litigation would be and what their firm's success rate was with other municipalities in situations similar to ours. He was told that there is pressure on the State to permit these types of establishments because there is a legitimate need for them. KP Law has been successful, however, there have been cases where some, if not all, the projects have been allowed. The litigation process can be quite lengthy due to the hearings themselves as well as the potential for extensions and appeals, so it is difficult to estimate when a final decision will be made.

Councillor Dunn asked Attorney Reich to unpack the appeal process. He was told if an appeal was submitted, it would be directed to the Superior Court.

Councillor Gomes asked if the City had approached Parallel Products with an offer to drop the litigation process entirely if Parallel Products would agree to solely carry out Phase I of their project. Attorney McDermott stated that this general topic of discussion would be considered negotiations, which she was not prepared to discuss in an open forum.

Councillor Morad stated that it sounded like the attorneys were indicating DEP would likely issue a Site Suitability permit for this project within the next several months. She asked for confirmation that her understanding was correct. Attorney Stephen Richmond of Beveridge & Diamond explained that DEP conducts an extensive technical review, but in the vast majority of applications, the permits are issued, although sometimes conditionally. It does appear likely that the State would approve the permit, and at that point, the proposal would move on to the City's Board of Health for a decision.

Attorney Richmond was asked what the steps were for public comment by Councillor Carney. She was told that there are three opportunities for public input:

1. The MEPA comment period is now open as it relates to the Parallel Products Report; this period ends March 26th. The Parallel Products website has an area where comments can be entered.

2. Site suitability report to Mass DEP is a 21-day opportunity.
3. Hearing before the local Board of Health where people will be able to register for the ability to comment.

On motion by Councillor Markey and seconded by Councillor Dunn, the Committee VOTED: To table the matter at this time. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote.

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Notice, City Clerk of reference of a COMMUNICATION, City Clerk/Clerk of the City Council, Dennis W. Farias, submitting copy of a letter sent to Patrick Higgins, Swansea, MA, in response to Mr. Higgins allegations that the City Council's Committee on Finance violated Open Meeting Law during its meeting of November 18, 2020 (Ref'd 01/14/2021) was read into the record. (2)

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To receive and place on file and follow the Chair's recommendation to request that the City Clerk respond accordingly. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote.

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Notice, City Clerk of reference of a COMMUNICATION, Councillor Morad, submitting an email and spreadsheet from CFO Sky regarding the City's current COVID-19 Expenses as of June 5th (Ref'd 06/25/2020) (10/19/2020 – tabled; updated spreadsheet requested from CFO Sky) (10/20/2020 – updated spreadsheet sent to all Councillors via email by CFO Sky) was removed from the table and the updated report dated 02/08/2021 was received and placed on file on motion by Councillor Lopes and seconded by Councillor Markey. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote. (3)

CFO Sky was recognized; he gave an overview of the City's Covid-19 expenses to date. The City has spent \$4.5 million dollars thus far. They have been reimbursed by FEMA and the State under the CARES act (\$2.3 million from the State and \$392,563 from FEMA). FEMA's payment is 50% of funds spent as of the first quarter through March of 2020. All in all, the full amount spent will be reimbursed. Since the inception of reimbursements, FEMA's structure has changed, and they will pay 100% for vaccine related expenses. There is a new relief package being discussed in Washington, and there are potential changes to State regulations.

Councillor Morad asked if the School Department is tracking their reimbursements. She was told they were and that he is in constant contact with Andrew O'Leary, the Business Manager for the school department.

On motion by Councillor Lopes and seconded by Councillor Dunn, the Committee VOTED: To table the matter at this time. This motion passed by a Roll Call

Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Morad, Abreu, Giesta, Council President Lopes, Councillors Carney, Lima and Markey, requesting that Chief Financial Officer Ari Sky appear before the Committee on Finance to discuss the Administration's intentions concerning another Tax Title sale for properties currently in arrears with regard to property taxes (Ref'd 12/09/2020) was received and placed on file by Councillor Lopes and seconded by Councillor Markey. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote. (4)

CFO Sky was recognized and gave an overview of the possibility of issuing another Tax Title sale for properties currently in arrears with regard to property taxes. Mr. Sky explained that the sale of tax titles has been successful for the City. In 2015 the City had \$23 million in uncollected taxes; since that original sale, that figure has decreased to just over \$11 million in 2019. The program was and is successful. However, the City has not focused on facilitating another sale due to the pandemic; the time is not right.

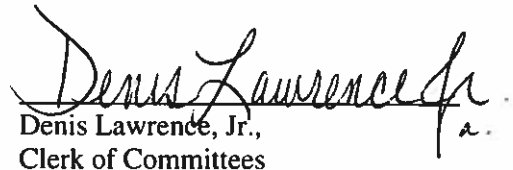
Councillor Lopes asked if the City has looked into the sale of surplus property to help with funds. He was told yes, that the City has looked at properties such as the Dunbar and Phillips Avenue Schools. They have asked Community Development to review and work to create RFP's.

On motion by Councillor Lopes and seconded by Councillor Dunn, the Committee VOTED: To take "No Further Action" and report out to the full City Council. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote.

Councillor Lopes made a motion to adjourn, which was seconded by Councillor Dunn. This motion passed by a Roll Call Vote of Yeas 6, Nays 0: Councillor Baptiste – yes; Councillor Carney – yes; Councillor Dunn – yes; Councillor Lopes – yes; Councillor Markey – yes; Councillor Morad – yes; Councillor Gomes not present for vote.

This meeting adjourned @ 8:39 p.m.

ATTEST:


Denis Lawrence, Jr.,
Clerk of Committees