



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 20, 2020  
REPORT OF THE FINANCE COMMITTEE

| Attendee Name                   | Title                     | Status  | Arrived |
|---------------------------------|---------------------------|---------|---------|
| Jefferson Thomas ("J.T.") Scott | Chair                     | Present |         |
| Katjana Ballantyne              | Vice Chair                | Present |         |
| William A. White Jr.            | City Councilor At Large   | Present |         |
| Mary Jo Rossetti                | City Councilor at Large   | Present |         |
| Wilfred N. Mbah                 | City Councilor at Large   | Present |         |
| Kristen Strezo                  | City Councilor at Large   | Present |         |
| Matthew McLaughlin              | Ward One City Councilor   | Present |         |
| Ben Ewen-Campen                 | Ward Three City Councilor | Present |         |
| Jesse Clingan                   | Ward Four City Councilor  | Present |         |
| Mark Niedergang                 | Ward Five City Councilor  | Present |         |
| Lance L. Davis                  | Ward Six City Councilor   | Present |         |

Others present: Khushbu Webber-Mayor's Office, Jill Lathan-Parks & Recreation, David Goodrich-IT, Fred Massaro-Capital Projects, Rich Raiche-Capital Projects & Planning, Rob Cassano-Capital Projects & Planning, Luisa Oliveira-OSPCD, Balkys Sicard-DPW, Cathy Piantigini-Library, Andrew Louw-Capital Projects & Planning, Ed Bean-Finance, Gareth Orsmond-Pierce Atwood, George Naslas-Weston & Sampson and Steve MacEachern-DPW

The meeting was held virtually and was called to order at 6:02 p.m. by Chairperson Scott and adjourned at 9:58 p.m.

### Misc. Items

**210699: Requesting approval to pay a prior year invoice totaling \$36,000 using available funds in the DPW Fleet Division Professional and Technical Maintenance Account for Stoneham Motor Company, for the rental of plow trucks.**

Councilor McLaughlin asked Ms. Sicard and Mr. MacEachern why this was not paid before it was discussed in council meeting. Ms. Sicard stated she was not aware of the outstanding invoice. The invoices were discovered in the fleet department on someone's desk. Councilor Rossetti questioned how many other invoices were found in the same pile. Mr. MacEachern stated they are trying to pull all the invoices together to give the council a final invoice amount and number. Mr. MacEachern stated they are still waiting to hear from vendors who have not been paid. Mr. MacEachern stated that expense was for 8 dump trucks and sanders which are \$4,500 per vehicle for a total of \$36,000.

Mr. MacEachern stated that Mr. Longhorn has been assigned to watch over the expenses and they are now doing electronic billing so that DPW knows when invoices come in and when to pay them. Councilor Rossetti asked if there will be an executive session to discuss the matter of the fleet department. Councilor McLaughlin stated this can be discussed at next Thursday's meeting.

Councilor Rossetti motioned and it was accepted for Mr. MacEachern to provide a report of total known expenses for FY20, FY19 and year to date FY21.

Mr. MacEachern stated that the truck rentals are for snow rentals and not part of the regular budget. Trucks are rented for four months for the snow season. The amount is the same for other vehicle rentals and may have been confused for this particular invoice that was missed. Councilor Ballantyne requested Mr. MacEachern to outline and reconcile the items that were approved in the FY20 budget along with total expenses and any other budget items.

Mr. Bean stated the auditor's office will verify this particular invoice. Some Stoneham invoices have already been paid. Chair Scott inquired about the workflow for receiving invoices which goes to the admins to check the contract and PO before submitting for payment. Mr. Bean was asked if there is a record to see if there a record outstanding.

Invoice flow through the departments, as per Mass General Law. The auditing clerks also check the invoices, if not correct are sent back to the departments.

Mr. Bean suggested the DPW clerical staff be retrained. He has a training module and will be meeting with staff for retraining. The Purchasing director will be doing the same on the purchasing side. Mr. Bean stated there is a protocol for end of year procedures, to make sure the vendors get their invoices in before the end of the fiscal year. Mr. Bean stated PO's are allowed to be kept open for about 3 months to get vendors paid. It's important the books are clear to pay out all liabilities.

Ms. Sicard talked to Stoneham Ford who had some turnover in his staff and was not aware that the invoices were not submitted to the city on time.

Councilor McLaughlin pointed out that the snow removal budget will have to be examined. It sounds like the fleet is not managed well. The councilors had requested to cut the fleet manager position, but the administration decided to cut the budget elsewhere.

Chair Scott asked Mr. Wright about what happens if invoices are not paid. Mr. Wright stated that if invoices are not paid, the vendor could pursue collection or an action against the city. The court could order the city to pay the invoices.

Chair Scott asked Mr. Wright if the discussion of strategy would be suitable for executive session.

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| <b>RESULT:</b> |
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| <b>APPROVED</b> |
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**210704: Requesting approval of a 5-year Lease to procure equipment for IT network upgrades.**

Mr. Goodrich wants to provide consistent network equipment across the city, not including school equipment. He stated that the wireless will be without support next year. Mr. Goodrich stated that previously the city purchased equipment and were not able to get the upgrades. He

would like to stop the email traffic before it's gets inside and prepare for some redundancy. Additionally, he stated there are a lot of buildings that are connected at 1 gig speed and want better network throughput at 2 gig. The city has been dealing with this vendor for years, their lease is under state contract. Leasing equipment for 5 years comes with an option to purchase.

Councilor White asked for life expectancy of equipment which is 7 years. Mr. Goodrich is looking at a 5-year lease with the option to purchase at fair market value. Vendor is a nation-wide firm.

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### **West Branch Library**

#### **210698: Requesting an appropriation and authorization to borrow \$1,440,000 in a bond for the renovation and construction of the West Branch Library.**

Mr. Massaro, director of capital projects for a year. The request is for three agenda items. The first is to borrow \$1,440,000 in a bond for the renovation and construction of the West Branch Library. The other two requests are for time extension for contracts. Please see attached slides.

Time only DesignLab until 4/30/21. The budget was \$12,849,000 with construction for \$11,450,000, contingency of 12.7%, OPM \$300K, and designer originally at \$1,099,000.

There was contaminated soil on site with dumping of coal ash and lead flaking from the building. Additionally, they uncovered the foundation with many voids, the condition was rough, foundation waterproofing, COVID delays, structural upgrades, street utility changes, addition of storm windows which were rotting, woodwork refinishing, acoustical treatment, sealant in the basement, permeable pavers, these conditions exceeded original contingency. Substantial completion is expected by end of November, final completion by December.

Councilor Ballantyne asked if there is flooding issues on the site. Mr. Massaro stated the building is an old structure. Mr. Raiche stated there was a lot of basement water and was not surprised about the water damage.

Councilor Ballantyne asked about the potential of future damage and the use of a sump pump in case of a flood.

Councilor Mbah asked about the possibility of using Design Build as an effort to save money. Mr. Massaro stated that Chapter 149 is for construction and Chapter 149A is contractor at risk. Mr. Massaro stated that Design Build does not guarantee saving any money.

Councilor Rossetti asked who made decision to put FF&E on same line as contingency line. Mr. Massaro believed it was his predecessor who combined the two lines. Mr. Raiche stated he was not involved and inherited after it had been bid. Mr. Massaro stated they did not want to cut corners and did hard negotiations with the contractors. They were able to negotiate a reduced the original price for the storm windows of \$15,000 down to \$8,000. Additional reductions for the huge bow in the floor that estimated at \$105,000 and negotiated down to \$60,000.

Councilor Rossetti asked how much COVID costs on this project. Mr. Massaro stated they are ongoing \$125,000. COVID money is also buried with the other contingencies.

Councilor White stated it's important to have comprehensive bids. In regards to the soil condition, Councilor White asked if the scope stated the contract take a sample of the condition

and examine the building. He believes this should have been thought about given the age and condition of the building. Mr. Massaro states this was not the contractor's responsibility for that level of observation. Councilor White stated that provision is usually in standard construction contract language. He urged them to work with the city solicitor's office to put this strong language in the standard contracts.

Councilor White also asked how other expenses were estimated and suggested there should be a general installation time. Mr. Massaro stated that the storm windows were negotiated down. There were 70 very large windows, \$1,000 or less per window for the style and durability. He felt they negotiated a good price.

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| <b>RESULT:</b> | <b>APPROVED</b> |
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**210705: Requesting approval of a time-only contract extension for Design Technique for construction administration at the West Branch Library through 4/30/21.**

See item 210698

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| <b>RESULT:</b> | <b>APPROVED</b> |
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**210706: Requesting approval of a time-only extension for Designlab for construction administration at the West Branch Library until 4/30/21.**

See item 210698

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| <b>RESULT:</b> | <b>APPROVED</b> |
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### **Conway Park**

**210645: Requesting an appropriation and authorization to borrow \$6,086,250 in a bond for the remediation and renovation of Conway Park.**

Ms. Oliveira shared slides for Conway Park. Mr. Wright, Mr. Orsmond, Mr. Naslas, Mr. Bean, Mr. Louw, Ms. Lathan, Mr. Sellers-Garcia were all in attendance to respond to the city councilors questions. Mr. Orsmond from Pierce Atwood and Mr. Naslas from Weston & Sampson have been working on this project since 2017 when they first discovered contamination. See attached slide presentation.

It was stated that the EPA will provide \$3M in cleanup work which is only remedial work. The AOC has been in effective since August. The EPA will not seek reimbursement for the \$3M. Negotiations of this agreement took several months. This work required approval by the DOJ. The AOC established certain deadline for final reports. Failure to meet deadline will result in penalties.

Ms. Oliveira provided an overview that found contaminated space in 2017. There were public meetings starting in March 2017, with other meetings in 2018 and 2019. There will be more meetings for the park design and some will include the EPA. Postings are on social media in multiple languages and on the city's website.

Councilor Niedergang asked about a previous clean up of this site. Why was the first clean up in 1996 a failure and was there any attempt to hold parties liable.

Ms. Oliveira believed there was clean up of the PCB and stated that regulars have changed since that time. Mr. Naslas could not find any documentation or information about the cleanup. Councilor Niedergang stated Ms. McWhinney referenced the clean up in many city documents. Mr. Naslas stated he found records referring to the site next door.

Ms. Oliveira stated the spending to date is more than \$1M on LSP which includes all the sampling. The project has 4 phases: City Enabling which includes demolition, EPA Remediation, City Remediation and City Construction of Field and Park. The estimate for this for the project is just over \$9M. The additional amount \$3.086 is for the retaining wall. Additionally, Ms. Oliveira stated how important it is to have 25% contingency for the total request \$6,086,250.

Mr. Orsmond stated this a complicated project and is one of the most difficult projects. He also stated it's very unusual for EPA to come in to remediate the site. EPA can only be used for remediation and will have a role through the project. Additionally, they have met with Verizon to move poles and DCR due to the location. There were also meetings to review the remediation strategy for EPA to remove the highest contamination spots, remove the hot spots and cap the site. EPA has oversight of the signed AOC in Phase 4.

There will be six public meetings for community outreach along with progress reports.

Ms. Oliveira provided an overview of the site for multi-use. The suggested product is plant-based and has been used in other schools such as: East Somerville, Winter Hill and Capuano schools.

There were 48 trees removed, mostly pin and red oak and the city will be planting 55 new trees. Ms. Oliveira stated that shade continues to be a priority for the community. She also stated that on February 13, the councilor approved design dollars, to remove 36 inches. See attached slides for details.

Chair Scott read the memo from the Somerville forestry committee on page 2, regarding concerns 18 inches not adequate. The Somerville Forestry Committee requested the city council reject funding for Conway park artificial turf.

Councilor Ballantyne asked for an explanation for the range of depth of soil that was tested. The LSP stated he did a grid across the whole site. If have to do additional 18 inches will require additional testing of the area. There is a risk that could find additional soil with greater portions of PCB and discuss who will pay for remediation. The current plan addresses the contamination of the site.

Councilor Davis asked what would happen if the councilors voted no. Ms. Webber stated if the councilor failed to approve the funding, the city would be exposed to millions of dollars of liabilities. She also stated that the city is not in a position to dig 18 inches deeper and do not have a Plan B. Ms. Webber also stated the city would be in violation of its obligation and would not be able to meet deadline as per the agreement.

Mr. Orsmond stated if the city does not convince the EPA that they are doing the work, EPA could take back the \$3M and force the city to do the work which could cost more. This could also include legal fees.

Councilor Rossetti asked to explain how to pick and choose 36 inches for trees and then only go 18 inches for the field itself. The LSP stated can dig a strip around the edge of the field for trees.

Councilor Ballantyne asked for Mr. Bean to talk about the city's finances and the debt services report. Mr. Bean gave a summary update to the debt summaries. Good news did borrow \$133M for high school at 2.5% very low rate. His big concern at this point, is reopening the school buildings requiring multimillion dollars for HVAC for schools. There are no guarantees funds will help with the request. Additionally, the school buildings need to be and well as the municipal buildings. The current requirements that the CARES be spent by December 30<sup>th</sup> and will not be able to spend in that time. The other point, did submit two other debt statements for \$6M also added \$3M for the extra digging. Need to factor in interest for the long term. The \$6M bond issue is, for \$12M project over the 20 years. Councilor Ballantyne stated the treasurer said that the cash flow for the city were being paid. Mr. Bean stated there has not been any changes and will be sending out tax bills in December. Not sure what will happen with state aid in the next year.

Councilor Ballantyne stated 3 points: 1. Inconsistent information about numbers from the city, 2. This area is the hottest in the city used for heat index, Union square was hotter than Davis Square, no green space in this area of the city, 3. Green new deal resolution, which says investing the natural ecosystem to create more green space. Councilor Ballantyne will not be supporting turf for Conway Park.

Chair Scott addressed procedural, there is no Plan B from the city. The vote to move forward was a free cash requires 6 votes. This is a bond request which requires 8 votes.

If the bond is rejected, it places the obligation on the administration. Believes there is another path. Does not view Lincoln Park grass field as a failure. The chair also stated he will not support this request.

Councilor Ewen-Campen motioned to approved.

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| <b>RESULT:</b>  | <b>APPROVED. [8 TO 2]</b>                                                        |
| <b>AYES:</b>    | White Jr., Rossetti, Strezo, McLaughlin, Ewen-Campen, Clingan, Niedergang, Davis |
| <b>NAYS:</b>    | Scott, Ballantyne                                                                |
| <b>RECUSED:</b> | Mbah                                                                             |

**210662: Urban Forestry Committee conveying a statement on the planned remediation of Conway Park.**

Councilor Mbah was recused from all discussion and votes on this item.

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| <b>RESULT:</b> | <b>PLACED ON FILE</b> |
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**210728: 2 residents submitting comments re: #210645, Conway Park remediation and renovation.**

Councilor Mbah was recused from all discussion and votes on this item.

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| <b>RESULT:</b> | <b>PLACED ON FILE</b> |
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**Handouts:**

- 20200930Conway\_Progress\_Set (with 210645, 210662)
- Conway Park\_ Oct 20 2020\_Finance Committee SLIDES (with 210645)
- debt-summary-10.15.20 City Council (with 210645, 210698)
- SCC WBL Additional Funding 2020Oct20FM (with 210698, 210705, 210706)