

1. Acceptance of the minutes of the January 14, 2019 City Council meeting.

REPORT:

2. Of the Finance Committee for its meeting of January 22, 2019.

HEARINGS:

3. An Ordinance Amending Chapter 27 of the Revised Ordinance of the City of Brockton concerning the regulations and taxation of Marijuana be it ordained by the City Council of the City of Brockton. Article III. General Regulations and Permitted Modifications, is hereby amended by adding the following Section 27-24.4 Adult use of marijuana. (FAVORABLE AS AMENDED IN ORDINANCE COMMITTEE).

COMMUNICATIONS:

4. From the School Department Chief Budget Officer requesting that the City Council authorizes the superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2019, for the Huntington Therapeutic Day School located at 1121 Warren Avenue., Brockton, MA., for consideration under MSBA priority category #5 “Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating, and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility”.
5. From the Mayor in accordance with M.G.L., Ch. 44, requesting that the City Council authorize Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2019, for the Huntington Therapeutic Day School located at 1121 Warren Avenue., Brockton, MA., which describes and explains the deficiencies and the priority category (s), as delineated on the addendum, for which an application may be submitted to the Massachusetts School Building Authority in the future: Huntington School- roof; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/ Regional School District to filing an application for funding with the Massachusetts School Building Authority.
6. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying that the City Council authorize the submission of the Statement of Interest Form (SOI) only, to the Massachusetts School Building Authority (MSBA) dated February 14, 2019, for the Huntington Therapeutic Day School located at 1121 Warren Avenue, Brockton, MA. The addendum describes and explains the deficiencies and the priority category(s), for which an application may be submitted to the MSBA in the future; Huntington School-roof; and hereby further specifically acknowledges that by submitting this Statement of Interest form, the MSBA in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the MSBA or commits the City of Brockton to filing an application for funding with the MSBA. Furthermore, the City Council and Mayor should be aware that MSBA regulations indicate that a SOI should not be submitted unless the community has the ability to fund the project within two fiscal years, This will entail appropriating funds for planning and feasibility as well as construction. At the present, these costs are unknown, but in his opinion, funding these costs most likely will have a negative impact on continuous provision of services, unless the City obtains a favorable vote on a debt exclusion.

7. From the Executive Health Officer requesting that the Mayor and City Council accept the sum of \$7,109.69 from the Massachusetts Association of health Boards (MAHB) for the purpose of building the level of volunteers and equipment for our area Medical Reserve Corp.
8. From the Mayor in accordance with M.G.L., Ch. 44, requesting that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$7,109.69 from the Board of Health-Massachusetts Association of Health Boards Grant to City of Brockton Board of Health-Massachusetts Association of Health Boards Grant Fund (these grant funds will be used for the purpose of building the level of volunteers and equipment for our area Medical Reserve Corp).
9. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of\$ 7,109.69 from the Board of Health-Massachusetts Association of Health Boards Grant to City of Brockton Board of Health-Massachusetts Association of Health Boards Grant Fund.
10. From the Chief Budget Officer of the School Department requesting that the City Council authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 11, 2019, for the North Middle School located at 108 Oak Street, Brockton, MA. The school should be considered under MSBA priority category #1 “Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists. If a district selects this priority, the MSBA must receive a hard copy of the engineering of other professional report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The report must be from an independent source that is nor under the control of the school district or the city/town. In addition to the independent report, the district must submit photographs of the conditions which caused the district to select Priority #1. In order to bring this school up to the standard requirements for a middle school, current state building codes and ADA (American with Disabilities Act) requirements, a total rehab is necessary. The school will require updates to electrical, heating, ventilation, bathrooms, fire coeds as well as student needs,
11. From the Mayor in accordance with M.G.L., Ch. 44, requesting that the City Council authorize Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 11, 2019, for the North Middle School, located at 108 Oak Street, Brockton, MA., which describes and explains deficiencies and the priority category(s), as delineated on the addendum, for which an application may be submitted to the Massachusetts School Building Authority in the future: North Middle School-full renovation; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Brockton to filing an application for funding with the Massachusetts School Building Authority.
12. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying that the City Council authorize the submission of the Statement of Interest Form (SOI) only, to the Massachusetts School Building Authority (MSBA) dated April 11, 2019 for the North Middle School located at 108 Oak Street, Brockton, MA. The addendum describes and explains the deficiencies and the priority category(s), for which an application may be submitted to the MSBA in the future: North Middle School-full renovation; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the MSBA in no way guarantees the acceptance or the

approval of an application, the awarding of a grant or any other funding commitment from the MSBA or commits the City of Brockton to filing an application for funding with the MSBA. Furthermore, the City Council and Mayor should be aware that MSBA regulations indicate that a SOI should not be submitted unless the community has the ability to fund the project within two fiscal years. This will entail appropriating funds for planning and feasibility as well as construction. At the present, these costs are unknown, but in his professional opinion, funding these costs most likely will have a negative impact on continuous provision of services, unless the City obtains a favorable vote on a debt exclusion.

13. From the Mayor in accordance with M.G.L., Ch. 44, in order to fund the agreement between the City and the Brockton City Employees Union regarding a compensation and position reclassification study, hereby recommends that the City Council authorize the appropriation of \$73,000 from the Stabilization Fund to

Auditors Dept.-Personal Services other than Overtime	\$872
Animal Control-Personal Services other than Overtime	\$18,138
DPW-Admin-Personal Services other than Overtime	\$52
DPW-Refuse Division-Personal Services other than Overtime	\$2,199
Information Technology-Personal Services other than Overtime	\$14,502
License Commission-Personal Services other than Overtime	\$52
Mayor's Office-Personal Services other than Overtime	\$3,000
Police-Personal Services other than Overtime	\$30,000
Veterans Services-Personal Services other than Overtime	\$1,462
Weights and Measures-Personal Services other than Overtime	\$2,244

(the letter of agreement is the result of lengthy bargaining between the City and the union over the Upgrade and Reclassification study conducted by D I Jacobs Consulting Company, Inc., the study was agreed to as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Employees Union).
14. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$73,000 for purposes of funding the Side Letter of agreement between the City and Brockton and Brockton City Employees Union. For future years, the agreement will place a modest financial pressure on the provision of services due to expected tight budgets. However, this agreement is fair to both City and Employees, and recommends funding it.
15. From the City Auditor certifying that the balance of the Stabilization Fund as of January 7, 2019 is \$4,561,629.99.
16. From the Mayor in accordance with M.G.L., CH. 44, recommending that the City Council authorize appropriation of \$80,000 from Stabilization Fund to Fire Department / Personal Services Non OT. In order to fund the cost provisions of the attached side letter between the City and the firefighters Union. Effective January 1, 2019, the hazardous duty stipend will be increased by 1%. The terms of this side letter of agreement state that all parties shall not be obligated to any additional bargaining over this issue during negotiations of the successor FY2019 through FY2020 collective bargaining agreement.
17. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$80,000 from Stabilization Fund to Fire Department/Personal Services Non OT. Future fiscal years will be slightly stressed by this additional cost.
18. From the Mayor in accordance with M.G.L., CH. 44, recommending that the City Council authorize appropriation of \$7,800,000 recommended by Attorney Richard Manley of Locke Lord, LLP, the City's bond counsel, in order to provide funding through borrowing said amount, to pay costs of making improvements to the City's Wastewater Treatment Facilities. Subsequent fiscal years may require additional rate increases to pay potential additional costs from the need to replace the current O&M

contract which is expiring. When the specific impacts of this become known, recommendations will be made.

19. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation and loan order of \$7,800,000 for purposes making improvements to the City's Wastewater Treatment Facilities. A rate increase of five percent will be necessary to ensure the continuous provisions of services. This percentage is comprised of the combined effect of the cost of debt service on the subject loan, plus the cost of the impact of shipping sewer sludge out of town rather than burning and land filling it on site. The present rate structure has not been adjusted for this change. This is a conditional certification which must appear on the loan order. Subsequent fiscal years may require additional rate increases to pay potential additional costs from the need to replace the current O&M contract which is expiring. When the specific impacts of this become known, recommendations will be made.
20. From the Mayor in accordance with M.G.L., CH. 44, recommending that the City Council authorize appropriation of \$42,000 from the Stabilization Fund to Assessors Dept-Personal Services other than overtime \$2,934, Auditors Dept-Personal Services Other Than Overtime \$7,740, Cemetery Dept-Personal Services other than overtime \$1,018, Council On Aging-Personal Services other than overtime \$1,166, DPW-Refuse Division-Personal Services other than overtime \$205, DPW-Water Enterprise-Personal Services Other than Overtime \$3,045, Elections Commission-Personal Services other than overtime \$2,924, Finance Dept-Personal Services other than overtime \$205, Fire-Personal Services other than overtime \$3,653, Board of Health-Personal Services other than overtime \$7,726, Police Dept-Personal Services other than overtime \$1,132, Procurement Dept-Personal Services other than overtime \$730, Public Property –Personal Services other than overtime \$3,653, Tax Dept-Personal Services other than overtime \$80, Treasurer Dept-Personal Services other than overtime \$3,870. In order to fund the agreement between the City and the Brockton City Hall Employees Union regarding compensation and position reclassification study. The letter of agreement is the result of lengthy bargaining between the City and the union over the upgrade and reclassification study conducted by D I Jacobs Consulting Company, Inc., the study was agreed to as part of the Memorandum of understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton City Hall Employees Union.
21. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$42,000 for purposes of funding the letter of agreement between the City and Brockton and Brockton City Hall Employees Union. For future years, the agreement will place a modest financial pressure on City and Employees, and he recommends funding it.

UNFINISHED BUSINESS:

22. Appointment of Tanya Tillman of 1092 North Main, Brockton, to the Elections Commission for a term of 4 years. (FAVORABLE)
23. Appointment of Carol Roberts of 755 Crescent St., #516B, Brockton, MA to the Brockton Housing Authority Board of Commissioners for a five year term. (FAVORABLE)
24. Appropriation of additional grant funds in the amount of \$175, 200
From: Executive Office of Public Safety and Security-FY19 Municipal Police Services Staffing Grant
To: City of Brockton Police Department-FY19 Municipal Police Services Staffing Grant Fund. (FAVORABLE)
25. Appropriation of the total grant funds in the

amount of \$125,000.00

From: Executive Office of Public Safety and Security Office of Grants and Research – SFY 2019 Massachusetts Municipal Public Safety Staffing Grant

To: City of Brockton Fire Department –SFY 2019 Massachusetts Municipal Public Safety Staffing Grant Fund. (FAVORABLE)

26. Appropriation of the total grant funds in the amount of \$544,527.37
From: Executive Office of Public Safety and Security-FY19 Senator Charles E. Shannon, JR Community Safety Initiative Grant
To: City of Brockton Police Department –FY19 Senator Charles E. Shannon, JR Community Safety Initiative Grant Fund. (FAVORABLE)
27. Appropriation of the total grant funds in the amount of \$9,253
From: Massachusetts Service Alliance (MSA)
To: Brockton Public Library
There is a \$10,405.92 match required. (FAVORABLE)
28. Appropriation of the total grant funds in the amount of \$13,586.00
From: Executive Office of Public Safety and Security/Department of Fire Services-FY2019 Student Awareness of Fire Education (S.A.F.E) Grant \$10,386
To: City of Brockton Fire Department-FY2019 Student Awareness of Fire Education (S.A.F.E) Grant Fund and \$3,200
To: City of Brockton Fire Department-FY2019 Senior Safe Grant Fund. (FAVORABLE)
29. Resolve: to invite the city solicitor or a representative from the law department to inform the city council and the public as to the new contract with Comcast or if the new contract has not been signed, information as to where we as a community stand on this issue. (FAVORABLE)

ORDERS:

30. Ordered: That the City Council authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form Dated April 11, 2019, for the North Middle School, located at 108 Oak Street, Brockton, MA. (relative to standard requirements for a middle school, current state building codes and ADA requirements).
31. Ordered: That the City Council authorize Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2019, for the Huntington Therapeutic Day School located at 1121 Warren Avenue., Brockton, MA (relative to roof repair)
32. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Baldwin Road, extending from Colgate Road westerly and northerly to Vale Street, for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton. (Approved. Revote required to be in compliance with 30 day timeframe for recording).
33. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Boundary Circle, extending from Randolph Avenue easterly and northerly to Brookville Avenue, for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton. (Approved. Revote required to be in compliance with 30 day timeframe for recording).

34. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Braintree Avenue, extending from Boundary Circle, westerly and northerly to Brookville Avenue, a distance of about 600.48 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton. (Approved. Revote required to be in compliance with 30 day timeframe for recording).
35. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Vale Street, extending from Norwich Road westerly to Upton Street, a distance of about 636.65 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton. (Approved. Revote required to be in compliance with 30 day timeframe for recording).
36. Ordered: That the sum of \$7,800,000 is appropriated to pay costs of making improvements to the City's Wastewater Treatment Facilities, including the payment of all planning and engineering costs, and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44 and/or M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in M.G.L. c. 29C, §1; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the ("Trust") established pursuant to M.G.L. c. 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("DEP") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with DEP, to expend all funds available for the project and to take any other action necessary to carry out the project. FURTHER ORDERED: Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20 of the General Laws, Thereby reducing the amount authorized to be borrowed to pay such costs by like amount. FURTHER ORDERED: That the City Treasure is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under M.G.L. c. 44A of the General Laws 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. Each order must be published at least 10 days prior to final passage and requires at least a two-thirds vote of all members of the Council. For each order, a certificate from you as the Chief Financial Officer is required by Section 5 of Chapter 324 of Acts of 1990 and should be filled prior to adoption of the loan order. If you do not give the required certification or if you are unable to make the certification without expressing qualifications or contingencies, the loan order may only be passed by the City Council if the absence of such certification or qualified or contingent nature of such certification is expressly noted in such order. If any funds are to be advanced for these purposes and reimbursed from bond proceeds, please note the requirements of M.G.L. c. 44ss 20A and the guidelines issued by the Director of the Bureau of Accounts.

37. Ordered: in order to fund the agreement between the City and the Brockton City Employees Union regarding a compensation and position reclassification study, hereby recommends that the City Council authorize the appropriation of \$73,000 from the Stabilization Fund To various departments (as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Employees Union).
38. Ordered: In order to fund the agreement between the City and the Brockton City Hall Employees Union regarding compensation and position reclassification study, the City Council authorize the Appropriation in the amount of \$42,000
From: The Stabilization Fund
To various departments
(as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Employees Union).
39. Ordered: The City Council hereby extends the Moratorium to prohibit retail stores from Operating and preventing any business license to issue in the City of Brockton relative to the sale of recreational marijuana for a finite period. To allow the City of Brockton Planning Department to convene and vote on the pending Ordinance relative to the Regulation and Zoning of Marijuana facilities, the Moratorium shall be extended for a brief period and be in effect through and including February 28, 2019, or until such time as the pending City Ordinances for licensing and zoning receive final passage, whichever shall be sooner, to ensure the final and proper passage of the pending City Ordinances.
40. Appropriation of the total grant in the amount of \$7,109.69
From: the Board of Health-Massachusetts Association of Health Boards Grant
To: City of Brockton Board of Health-Massachusetts Association of Health Boards Grant Fund
41. Appropriation of \$80,000
From: Stabilization Fund
To: Fire Department / Personal Services Non OT

All items on agenda are available in their entirety for review in the City Clerk's Office for all interested parties.

All council business as listed on the agenda have been emailed to the City Council members in their complete form, with exception of oversized material, such as maps, photos, etc.