

A regularly scheduled meeting of the City Council was held on Tuesday November 25, 2019 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. Councillor Sullivan presiding. The meeting was called to order at 7:00pm with eleven members present.

In City Council, November 25, 2019

The Council President recognizes Mayor Rodrigues and Councillors elect, Ward 5 Councillor to be, Jeff Thompson and Councillor-At-Large to be, Rita Mendes.

578 Acceptance of the minutes of the November 12, 2019 City Council meeting.

Accepted and placed on file

APPOINTMENTS

Councillor Lally motioned to take items **579** and **542-552** collectively and move under suspension of the rules and act on them tonight and was properly seconded. The motion carried by a hand vote.

579 Of Alexander Warren to the rank of Firefighter in the Brockton Fire Department

542 Of Raymond Gobbi IV to the rank of Firefighter in the Brockton Fire Department

543 Of Marquis Weaver to the rank of Firefighter in the Brockton Fire Department

544 Of Aaron Richardson to the rank of Firefighter in the Brockton Fire Department

545 Of John Francis to the rank of Firefighter in the Brockton Fire Department

546 Of Michael Fredericks to the rank of Firefighter in the Brockton Fire Department

547 Of Sean O'Reilly to the rank of Firefighter in the Brockton Fire Department

548 Of Eric Bergeron to the rank of Firefighter in the Brockton Fire Department

549 Of Richard Joyner to the rank of Firefighter in the Brockton Fire Department

550 Of Bryan Feeney to the rank of Firefighter in the Brockton Fire Department

551 Of Mitchell Papineau to the rank of Firefighter in the Brockton Fire Department

552 Of Julio Rodrigues to the rank of Firefighter in the Brockton Fire Department

Confirmed by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councillor Cruise absent.

Councillor McGarry motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

President Sullivan thanks the Firefighters for their service to the citizens of Brockton. As we just found out with Lt. Bernard of Worcester, it is a serious job. He wishes them safety and great careers in the future.

A two minute recess was called.

Back in session.

PETITIONS

Of Anna Haluch for a sign permit located at Music Studios, 630 Montello St., Brockton.

175
PETITIONS (cont'd)

Councilor Eaniri stated as Chair of Public Safety Committee, he motioned to vote on it tonight, as she has already contacted him in regards to the matter and was properly seconded.

Granted by a hand vote.

REPORTS

553 Of the Finance Committee for its meeting of November 18, 2019

Accepted and placed on file

554 Of the Ordinance Committee for its meeting of November 20, 2019

Accepted and placed on file

COMMUNICATIONS

555 From the Chief of the Fire Department requesting authorization to accept and expend a donation in the form of two (2) buses from Brockton Area Transit (BAT) to City of Brockton-Fire Department. The donation of the 2 buses are a total estimated value of \$7,600. The donation will be used to help familiarize its firefighters with bus construction, layout and components and conduct intensive extrication training; practicing skills using various hydraulic tools, rescue struts, air bags and saws. The type of training and donation offers invaluable training to the members of the department and allows them to obtain the hands on experience that is needed to be able to perform during an emergency. Also, Lynch's Towing has offered to donate their time and resources to relocate the buses.

Accepted and placed on file

556 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the form of two (2) buses from Brockton Area Transit (BAT) to City of Brockton-Fire Department. The donation of the 2 buses are a total estimated value of \$7,600. The donation will be used to help familiarize its firefighters with bus construction, layout and components and conduct intensive extrication training; practicing skills using varies hydraulic tools, rescue struts, air bags and saws. The type of training and donation offers invaluable training to the members of the department and allows them to obtain the hands on experience that is needed to be able to perform during an emergency. Also, Lynch's Towing has offered to donate their time and resources to relocate the buses.

Accepted and placed on file

557 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure of a donation in the form of two (2) buses from Brockton Area Transit (BAT) to City of Brockton-Fire Department. The donation of the 2 buses are a total estimated value of \$7,600.

Accepted and placed on file

558 From the Superintendent of Parks requesting that the City Council authorize the acceptance and expenditure of an appropriation of \$100,000 from the Commonwealth of Massachusetts for improvements to Hancock Playground and Timothy Holster Park.

Accepted and placed on file

559 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$100,000 from Department of Conservation and Recreation Grant to City of Brockton-Park and

COMMUNICATIONS (cont'd)

Recreation. The grant funds will be used for improvements to Hancock Playground and Timothy Holster Park.

Accepted and placed on file

- 560** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure of the grant award in the amount of \$100,000 from Department of Conservation and Recreation Grant to City of Brockton-Park and Recreation.

Accepted and placed on file

- 561** From the Superintendent of Parks requesting that the City Council authorize the acceptance and expenditure of grant funds related to the Department of Conservation and Recreation 2019 Trails Grant. Funds provided will assist in the detailed GPS mapping of trails and roadways in D.W. Field Park as well as the purchase of trailhead kiosks with maps. The \$8,000 match for the grant will be taken from proceeds of the D.W. Field Trust.

Accepted and placed on file

- 562** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$10,000 from Department of Conservation and Recreation 2019 Trails Grant to City of Brockton-Park & Recreation- 2019 Trails Grant Fund. The grant funds will assist in the detailed GPS mapping of trails and roadways in D.W. Field Park as well as the purchase of trailhead kiosks with maps. There is an \$8,000 match for the grant and will be taken from proceeds of the D.W. Field Trust.

Accepted and placed on file

- 563** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of the grant award in the amount of \$10,000 from Department of Conservation and Recreation 2019 Trails Grant to City of Brockton-Park & Recreation- 2019 Trails Grant Fund.

Accepted and placed on file

- 564** From the Mayor stating that effective November 18, 2019, James Plouffe has been appointed as Interim Superintendent of Buildings for the City of Brockton pursuant to M.G.L., Ch. 41, Section 61A.

Accepted and placed on file

- 565** From the Superintendent of Parks requesting that the City Council authorize the acceptance and expenditure of an appropriation of \$25,000 from the Commonwealth of Massachusetts through the Department of Conservation and Recreation for improvements at Perkins Park, Buckley Playground and the Cosgrove Pool.

Accepted and placed on file

- 566** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$25,000 from Department of Conservation and Recreation Grant to City of Brockton-Park and Recreation. The grant funds will be used for improvements at Perkins Park, Buckley Playground and the Cosgrove Pool.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 567** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of the grant award in the amount of \$25,000 from Department of Conservation and Recreation Grant to City of Brockton-Park and Recreation.

Accepted and placed on file

- 568** From the Superintendent of Parks requesting that the City Council authorize the acceptance and expenditure of an appropriation of \$75,000 from the Commonwealth of Massachusetts through the Department of Conservation and Recreation for playground equipment at Danny Goodwin Park.

Accepted and placed on file

- 569** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$75,000 from the Commonwealth of Massachusetts through the Department of Conservation and Recreation. (the grant funds will be used for playground equipment at Danny Goodwin Park).

Accepted and placed on file

- 570** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of the grant award in the amount of \$75,000 from the Commonwealth of Massachusetts through the Department of Conservation and Recreation.

Accepted and placed on file

UNFINISHED BUSINESS

- 496** Ordinance: Be it ordained by the Brockton City Council an Ordinance establishing the City of Brockton Stormwater Management Manual for best practices for the Illicit Discharge and Connection Stormwater Ordinance to establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. This ordinance shall be adopted by incorporation of the City of Brockton, Massachusetts Stormwater Management Manual as a new ordinance in the City Brockton Ordinances forthwith. (FAVORABLE AS AMENDED)

The amendment passed by hand vote.

Passed to a third reading, as amended, by a hand vote.

- 487** Ordinance: An Ordinance Amending Article III of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Sections 4-40 of Chapter IV is hereby amended by adding the following: Sec. 4-40.1 PROBLEM PROPERTIES TASK FORCE (FAVORABLE AS AMENDED)

The amendment passed by hand vote.

Passed to a third reading, as amended, by a hand vote.

- 486** Ordinance: An Ordinance Amending Article II of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Sections 4-21 through Sections 4-28 of Chapter IV is hereby amended as follows: Sec. 4-

UNFINISHED BUSINESS (cont'd)

201. - Definitions. (Relative to Certificate of Fitness) (FAVORABLE AS AMENDED)

The amendment passed by hand vote.

Passed to a third reading, as amended, by a hand vote.

Petition of Jason Correia Lopes and Nelson Rocha Lopes, 360 Ferry St., Fall River, MA for a Transfer of Garage License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA (POSTPONED FROM OCTOBER 28, 2019)

Councillor Nicastro motioned to take the three petitions collectively and postpone them until the next council meeting of December 9 and was properly seconded. She also motioned to waive the reading of the petitions and was properly seconded. The motion carried by a hand vote.

Petition of Jason Lopes and Nelson Lopes dba Classic Auto Body and Repair, 360 Ferry St., Fall River, MA for a Transfer of Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA (POSTPONED FROM OCTOBER 28, 2019)

Petition of Jason Lopes and Nelson Lopes dba Classic Auto Body and Repair, 360 Ferry St., Fall River, MA for a Transfer of Motor Vehicle Repair Body License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA (POSTPONED FROM OCTOBER 28, 2019)

The motion to postpone the three petitions carried by a hand vote.

Councillor Nicastro stepped down.

Councillor Lally motioned to take items **380-384** collectively and to waive the reading on them and was properly seconded. The motion carried by a hand vote.

- 380** Ordered: that the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Farnham Street, extending from the end of the 1965 layout, northerly, a distance of about 438 feet, more or les, and for the purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way. (FAVORABLE FINANCE/ PLANNING)
- 381** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Belding Circle, extending from Farnham Street westerly to Belding Circle Extension, a distance of 590 feet, more or less, 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. (FAVORABLE FINANCE/ PLANNING)
- 382** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Belding Circle Extension, extending from Belding Circle northwesterly 253.79 feet, more or less, 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. (FAVORABLE FINANCE/ PLANNING)
- 383** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Haskell Street, extending from Hovenden Avenue, northerly to Belding Circle, a distance of about 663 feet, more or less, 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. (FAVORABLE FINANCE/ PLANNING)
- 384** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Leahy Road, extending from North

UNFINISHED BUSINESS (cont'd)

Quincy Street, easterly, to Roslyn Road, a distance of about 1,335 feet, more or less, 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. (FAVORABLE FINANCE/ PLANNING)

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Cruise and Nicastro absent.

- 481** Appointment of Lucia Cerci of 212 West Chestnut Street, Brockton to the Conservation Commission to fill the unexpired term of David Zaff ending March 2020. (FAVORABLE) Address change

Confirmed by a roll call vote with an address change, taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councillor Cruise absent.

Councillor McGarry motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Asack wishes to bring to attention the Conservation Commission, she is proud to say that it is majority women and they are very intelligent women. There is one gentleman, but majority women.

- 376** Order: That sections twenty-six B to twenty-six E, inclusive of chapter one hundred and eleven of the Massachusetts General Laws (M.G.L. c. 111 §§26B-26E) be and hereby is accepted by the City of Brockton in accordance with section twenty-six A of chapter one hundred and eleven of the Massachusetts General Laws (M.G.L. c. 111 §26A). (FAVORABLE)

Councillor Farwell stated that he spoke on this briefly in Finance Committee, but wanted to speak on it tonight as not everyone watches Finance Committee. He believes it is a positive step for Brockton and the citizens. They would be creating a Department of Health and Human Resources as the city has a population of over 100,000 people. There are so many health issues that we need to address. It is more than giving flu shots or taking blood pressures. There are so many different populations in the city that could benefit from the services we offer with this type of expanded for of health. In Finance Committee, there was some concern that they would be doing away with department heads or minimizing them. That's not really true. What we will have is a Mayor and a Commissioner of Human Resources, and then the different department heads that are going to be incorporated with Health and Human Resources Department, so Ms. Fitzgerald will still be there for the Council on Aging and Mr. Farrell will still be there for Veteran's Services. There will be a person to replace Mr. Tartaglia, but that person will run the Health Department. For so many reasons, he believes this should go forward and we need to approach health and Human Services in a much more appropriate or holistic way. He hopes this receives a positive vote tonight and he thinks the people of Brockton will be well served when we have this all implemented. Especially with an eleven member advisory commission, our council. Just think, we'll have eleven people who can feed information, recommendations and thoughts into the health department and human services department and he believes that kind of inclusion can only be beneficial.

Councillor McGarry stated that the other evening at the Finance Committee, when he brought up his concerns, he still has many of the same concerns, but in concept, anything that we can do to improve the health of the citizens of the City of Brockton is a positive thing. His concerns are the qualifications of the individuals that may be put into those positions. Right now, he is more concerned about how that property is operating and who is overseeing it. He is pretty confident that this will pass this evening. It is still a several month process until all these positions are filled. The Board of Health continues to function short-handed and without leadership and that is going to continue for the next several months, because you not only have to seat your commission position, but you also have to seat that board for the Board of Health will stop functioning as the Board of Health. He asks that either our current Mayor or the Mayor elect give permission to get

UNFINISHED BUSINESS (cont'd)

that position filled. The Mayor or Mayor elect will have their say as to who will fill that position, if that's a concern, but he would like to see the position of Executive Director or current director, however it can be worked out. Find someone qualified, someone medical, to run that department. If something were to happen in the city, any health crisis in the city, anything that could negatively impact the quality of life in the city, we have no way to respond to it at this time without going outside. Look at this closely and take these thoughts into consideration.

President Sullivan states as a point of information, he conferred with Mayor Rodrigues and if this does pass, there are all intentions to have an interim commissioner put in place.

Councillor McGarry stated that is great to have an interim commissioner put in place, but it comes down to their knowledge of medical issues. He knows that they were considering putting someone from the Building Department to oversee and that is fine for the day to day and budget operations, but we need to have someone qualified for the medical aspect. We have one nurse in that department for a 100,000 people. He wants to make sure that the residents are taken care of. He has 40 years in the medical field and this is near and dear to his heart. He is glad that there is an RN that is coming on board.

Mayor Rodrigues stated that he wanted to be clear about this he brought this up at the Finance Committee meeting, the Board of Health, without his knowledge or approval, appointed a clerk to assume Mr. Tartaglia's position. So he understands all the concerns about qualifications or how we are going to get someone to oversee this department, but he is sure that between himself and the incoming Mayor, they are more than capable of finding an appropriate person on an interim basis, that they have time to sit down and find the most qualified individual. He guarantees that within the city there are a number of individuals who have the qualifications and knowledge to fill the position of Health and Human Services. They discussed flu shots and the ability to interpret health issues, but we have 3 hospitals in this community, more than enough than other communities have to deal with the health issues in this community. Most concerning is that we are not doing a very good job dealing with the human services aspect that this new health department will bring. He will have a conversation with the Mayor elect and come up with the best possible solution on the interim basis to deal with this new department. It will be an improvement on what he was faced with and that the appointment actually took place. He hears we are seeking the most qualified, but no one asked his opinion of who the most qualified individual was. He guarantees the Council that he is going to do his due diligence to find the best candidate for this position in the interim and then seek out the most qualified individual for head of that department.

Councillor McGarry stated that with all due respect to the Mayor, the Board of Health has the responsibility of filling that position as long as they are in existence and until that permanent or temporary commissioner is appointed and the advisory board is set up, they are still the functioning board. He is sure that the Mayor and Mayor elect's hearts are for the city as much as he is. He is not for anyone, he just sees the department floundering for awhile now. He remembers a few years ago with the H1N1 and how difficult it was and what they had to go through. It wouldn't take much for us to be in a crisis situation.

The Council President recognizes Councilor Elect Tina Cardoso RN for being there.

Councilor Monahan stated that his understanding has that there would be a department head over the health department separate from the commission. This was confirmed and also that this will be a union position. He questioned why a job posting has not been done with an interim person in place for a Board of Health department head.

Councilor McGarry stated his concern that nobody is there and that his understanding of the process is that there will still be a department head and that that person could be appointed then the Mayor or Mayor Elect could take their time picking the right person to be the Commissioner, overseeing the multiple departments, commissions and boards. It

UNFINISHED BUSINESS (cont'd)

should take time to find a Commissioner but the whole time the Board of Health will have oversight. Currently there is no direct leader in that department. It should be allowed to have this position filled, while doing the search for a Commissioner.

Mayor Rodrigues answered that until a vote is taken, he as Mayor has no say in who that department head is because the decision was made by the Board of Health. Once that process is eliminated, then someone can be appointed into that position as well as an Interim Commissioner. Currently the decision is not his, nor was it his to begin with. A replacement for Mr. Tartaglia was not done by the Mayor because it was not his function. Once the Council acts on this, the assumption of running that department falls back onto the Administration to take the necessary steps needed.

Councilor McGarry thank the Mayor and expressed his understanding that once passed and if moved for reconsideration would hope it would not prevail so that a search can be started immediately, but recalled Dr. Brophy stating the Board of Health was told not to fill that position, even though the Mayor technically can't fill the position. For some reason they feel they are not allowed to move forward pending the outcome of this legislation. He believes there is a breakdown in communication and the bottom line is the health of the City of Brockton and we have one of the two key departments in the City for the quality of life and the health of our citizens that has been running rudderless since the passing of the last executive director. He asks that this be attacked vigorously by the current and future administrations so the citizens of Brockton are well protected.

Councilor Monahan fails to know why if this passes, it's still a union position that has to be posted and does not believe anybody has a right to appoint, Commissioner or not. It doesn't make a difference the Commission passes or not, in his understanding. The job should be filled and the Commissioner will be in charge of the department head of the Health Department. He states there is some confusion going on.

Mayor Rodrigues agrees there is confusion over two things. The Board of Health has an interim person appointed by the Board of Health, that will stay as is, because that was done without the Administration and the only thing the Mayor can do once this order is approved is to move forward hiring someone on an interim basis the global Health and Human Services Department. He acknowledged what Councilor McGarry stated in terms of the department running on an uneven keel, but asked if you recall soon after the passing of Mr. Tartaglia, the Board of health appointed someone to take over the department. He does not understand how you can say there was not someone there when the Board of Health had an interim person in charge. The only difference is that person was not selected by the Mayor. The Board of Health has its functions and the employees of the department have been functioning. The only thing being seeked is the opportunity to appoint a Commissioner of the global department as we move forward.

Councilor McGarry stated he thinks there has been a breakdown in communication since we are all trying to accomplish the same thing. His understanding prior to last Monday's meeting with a member of the Board of Health, was that the Board of Health had been requested not to fill the position. He agreed they did appoint a temporary person with the intent that would be very temporary and would conduct an immediate search to replace that person, but for some reason that person was asked this because this legislation was going coming. The fact is even with this legislation passing, still looking at several months for all positions. His interpretation is Mass Gen. Laws requires that the person be hired and the Board to be in place, then the Board of Health will stop functioning. Until that occurs, it will take time to meet the requirements of the Union. When he was employed, he was not part of department head union, so not familiar with their requirements. The bottom line is the Mayor or whoever is still going to be appointing the Commissioner and there will be a department head underneath. If it is since on the Board of Health, then someone needs to communicate that the Board of Health should fill that department head position, that will ended up answering to a Commissioner and he wanted that clarification out there.

UNFINISHED BUSINESS (cont'd)

Councilor Farwell stated that in any city or town that accepted these statutes, the same things is going to happen. You wouldn't hire a Commissioner of Health and Human Services in advance of passing this, you would have to wait until the governing body adopted this statute then set the process in motion. The current Board of Health, if they thought it important enough, could have quickly advertised and tried to find someone qualified to run the operation on a temporary basis. For whatever reason, they did not do that and didn't want any input from the Mayor and we thrust a young lady into a position that really wasn't fair. She is a union member supervising other union members, presumably approving overtime and assigning duties and responsibilities. He stated she should never have been put in that position. He stated it will take time to implement this but he thinks the Mayor and Mayor Elect can at least, on a temporary basis, find someone to replace Mr. Tartaglia and bring some semblance of order and organization to the Board of Health. He stated we tend to look at all the reasons where we don't think something is going to work, but maybe we should look at the reasons why it is going to be an improvement. He said looking for someone to fill Mr. Tartaglia's position with someone that is truly qualified and having the mayor and Mayor Elect involved in that, in consultation with others is a positive step. He agreed with his colleague that all want the same thing. As far as collective bargaining, he has never been in favor of department heads being in a union. This may be an opportunity for the Mayor and Mayor Elect to meet with the union to bargain to take his out of the union. Some department heads have to live here, some don't. Some have automatic pay raises, others have to wait for us to make an ordinance change. It makes for an uneven, uncomfortable and inequitable system.

Councilor McGarry apologized but stated the Mass. General Laws state until that new position and new board are set, the Board of Health is the functioning health agency for the City or any community that has accepted that. He agreed with his colleague many communities have done that and have gone the home rule petition route because there are changes in how it is set up. He does not know what will be faced in the future when reorganizing and creating the organization, but he believes you will have to go to a home rule but he will not be there to be involved. The bottom line is they need leadership now. It appears to be a breakdown of communication between the Board of Health and the Mayor's office.

President Sullivan stated in terms of the process, whoever the Mayor puts forward as Commissioner, if this passes, he or she has to be confirmed by this body. Also, the individual that is currently sitting in the position of the late Mr. Tartaglia stays in that position until we get to that point. There are assurances from the Mayor and it is a step forward.

Councilor Derenoncourt stated that with a city of our size, the Mayor should be able to talk about the Health Department given that it is his responsibility for safety and well being of everyone. He understands there are concerns but thinks this is the best opportunity for our city. He can empathize with his colleague regarding his concerns. He believes we have qualified or overqualified people to fill this position in the city. If we are talking about improvement, change and new leadership, he feels that we have an opportunity to prove it. He believes it's not whether we want this but what is good for the people. Based on Dr. Brophy's statement, she was told not to fill that position and again, the Mayor has no say in this. He believes the Board of Health has been doing a great job and thinks having someone in that position that will be able to communicate with the Mayor. He believes it is a long process and that we as elected officials have a solemn obligation to determine whether whoever is appointed is qualified to fill that position. This council will have the opportunity to question this person to determine if they are the right person to serve the people. We need to stop worrying about will be the consequences in doing what we know will be best for the people. The Council will not hire someone solely because they live in the City. He encouraged all councilors to vote in favor of this and that now is the moment not only to talk about issues, but to do what is best.

UNFINISHED BUSINESS (cont'd)

Councilor McGarry made a motion to move and was properly seconded.

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilors Cruise and Asack absent.

Councilor Farwell made a motion for reconsideration with the hope that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

526 Ordered: Appropriation of \$2,258,845

From: Unappropriated Estimated Receipts-For FY20 of the General Fund
(Increase in Chapter 70 Aid)

To: Net School Spending, and

Further Appropriate \$1,178,496

From: Net School Spending

To: Non Net School Spending (FAVORABLE AS AMENDED)

President Sullivan stated first thing is the question on the amendment. The amendment carried by a hand vote.

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise absent. Councilor Farwell motioned for reconsideration with hope that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councilor Asack stepped back in.

494 Ordered: An Resolution To File And Accept Grants With And From The Commonwealth Of Massachusetts, Executive Office Of Energy And Environmental Affairs For The Parkland Acquisitions And Renovations To John L. O'Donnell Playground. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise was absent.

527 Ordered: Transfer of \$4,500,000

From: Health Insurance Employee Benefits

To: Non Net School Spending (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise was absent. Councilor Farwell motioned for reconsideration with hope that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

528 Ordered: Appropriation of \$790,000

From: Unappropriated Estimated Receipts-for FY20 of the General Fund

To: Various Departments (FAVORABLE)

Councilor Farwell made an amendment to be read and to make a motion to have order amended and was properly seconded. Motion carried by a hand vote.

City Clerk read moved to amend the appropriation of \$790,000, by reducing the amount appropriated by \$60,000. The \$60,000 is the amount listed on the November 12, 2019 for cost associated with moving the human resources department to the War Memorial Building and moving the Finance department to an unspecified location. The remaining net amount of the appropriation will be \$730,000.

Councilor Farwell stated that councilors received a breakdown of how money would be spent. \$30,000 was to relocate Human resources to War Memorial Building and \$30,000 was to relocate Finance department somewhere. There are certain core departments that every Mayor has to have close by, Finance, Law and Human Resources. These departments are weaved into everyday work in terms of collective bargaining, investigations, analyzing financial trends and deciding legal cases. He believes to

UNFINISHED BUSINESS (cont'd)

fragment these departments is not a good idea. He stated having been in the Mayor's office and knowing the responsibilities and how often you need to contact these departments, it is critical to keep them close by. He expressed the hope that amendment will be adopted.

Councilor Eaniri stated the same sentiments as his colleague regarding moving Human Resources to War Memorial Building. He was here when Mayor Yunits wanted to move administrative office to War Memorial Building and had veterans of foreign wars come to remind that that building was built for a purpose, not for an administration building. He also doesn't know how the late Mayor Carpenter was able to move Emergency Management there. He believes our Law department needs to review the deed to see if able to do this. The building was set up for the veterans of our City.

President Sullivan stated that if this passes, he as Mayor will bring all departments back to City Hall on January 6th because he believes certain departments need to be here and would result in a quick move back.

Called for a two minute recess at 8:00PM
Back in session at 8:07 PM

Councilor Farwell made a clarification after conferring with the Mayor that he did not infer that the Finance department was moving to parts unknown. There is going to be a reconfiguration of City Hall and if this occurs to come back with a modest and realistic request for funds. He apologized if anyone was misled.

President Sullivan stated that he believed certain departments that need to be under the dome of City hall.

Councilor Asack stepped down.

Councilor Farwell made a motion to amend the amount by \$60,000 and was properly seconded. The amendment was passed by a hand vote.

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilor Asack and Cruise absent.

- 490** Resolve: to invite a representative from the Justice Center of Southeast Massachusetts, to present to the city council proposals currently being reviewed in this state legislative session in the Joint Judiciary Committee the HOMES ACT and CEC Bill.
(FAVORABLE)

Councilor Beauregard stated CEC bill should be changed to RTC bill.

President Sullivan stated to make this change, due to scrivener's error.

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilor Asack and Cruise absent.

- 537** Ordered: That the City Council rescind the following appropriation if \$150,000 that was in City Council and approved on July 22, 2019,
From: Available Funds-Free Cash
To: School Department \$150,000 (FAVORABLE)
Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilor Asack and Cruise absent.

UNFINISHED BUSINESS (cont'd)

- 495** Resolve: To invite Mr. Robert Jenkins, in his capacity as Executive Director of the Brockton Redevelopment Authority ("BRA"), to present to the City Council updated information on the BRA's construction of the Municipal Parking Garage including the construction schedule, budget, and currently expected completion date, and any other related information. (FAVORABLE)
Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilors Asack and Cruise absent.

ORDERS

- 571** Ordered: Acceptance and expenditure of a donation in the form of two (2) buses
From: Brockton Area Transit (BAT)
To; City of Brockton-Fire Department (total estimated value of \$7,600)

Referred to Finance

- 572** Ordered: acceptance and expenditure of the grant award in the amount of \$100,000
From: Department of Conservation and Recreation Grant
To: City of Brockton-Park and Recreation

Referred to Finance

- 554** Ordered: Acceptance and expenditure of the grant award in the amount of \$10,000
From: Department of Conservation and Recreation 2019 Trails Grant
To: City of Brockton-Park & Recreation- 2019 Trails Grant Fund

Referred to Finance

- 555** Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, For consideration of One (\$1.00) Dollar, hereby grants to Massachusetts Electric Company, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an "Underground Electric Distribution System" located upon a parcel of land situated on the westerly side of Warren Avenue, Brockton, Massachusetts. And further that the City Council authorizes the Mayor to execute the "Grant of Easement" and to take other actions as necessary to carry out the terms, purposes and conditions of the same.

Referred to Finance

Councilor Beauregard made a motion to take items **557 & 558** under suspension of rules with Park Superintendent Timothy Carpenter available for questions and was properly seconded. Motion carried by a hand vote.

Superintendent Carpenter stated that both items are state appropriations and there is no match to the City.

Councilor Nicastro asked what is the purpose of the funds.

Superintendent Carpenter explained that one is for the Danny Goodman Playground for the replacement of play equipment only. The next appropriation is for a combination of three locations (Perkins Park, Cosgrove Pool and Buckley Playground) There is not much money and this will be stretched for improvements throughout these locations.

- 557** Ordered: Acceptance and expenditure of the grant award in the amount of \$75,000
From: the Commonwealth of Massachusetts through the Department of Conservation and Recreation.

Referred to Finance

186
ORDERS (cont'd)

- 558** Ordered: Acceptance and expenditure of the grant award in the amount of \$25,000
From: Department of Conservation and Recreation Grant
To: City of Brockton-Park and Recreation
Referred to Finance

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilor Asack and Cruise absent.

Councilor Asack returned.

Councilor Eaniri asked to reopen Item #54 regarding \$100,000 grant for the Hancock and Holster Playgrounds. He stated that the late Mayor Carpenter did not follow through in making sure funds were available. Councilor Eaniri made a motion to suspend the rules and was properly seconded. Motion carried by a hand vote.

Superintendent Carpenter explained that this a state appropriate with no match to the City. This appropriation is less specific. He acknowledged that Holster Playground needs significant work, but no specific plans are in place. He would like to get some input from the community, specifically for Holster Playground.

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise absent.

- 554** Resolve: to invite the chair of the Brockton Retirement Board (William Farmer) to inform the city council on any updates and any changes retirees should expect and any new policies implemented.

Referred to Finance

LATE FILE

Councillor Monahan motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

- 580** Ordered: that the City Council dedicate the following percentage, which may not be less than 25 percent, of the local option excise on retail marijuana sales revenues collected under M.G.L., Ch. 64N ss 3 to the Community Impact Stabilization Fund established under M.G.L., CH. 40, Sec. 5B effective for FY2020 beginning July 1, 2019, or take any other action relative thereto.
Referred to Finance

Councilor Farwell asked to revisit item #55 and made a motion for the suspension of rules to act on this and was properly seconded. The motion carried by a hand vote.

Councilor Nicastro asked what is this grant intended for.

Superintendent Carpenter explained the 2019 Trails grant will be used for GPS for trails, trail head markers and kiosks for events at D.W. Field Park.

Councilor Beauregard asked if there was a match.

Superintendent Carpenter stated there is an \$8,000 match to come out of the D.W. Fields Trust, no cost to the City.

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise absent.

Councillors' Recognition

Councilor Nicastro stated that all are invited on November 29, 2019 from 6:00-7:30PM for an Evening with James Edgar At the War Memorial Building. The event is free.

Councilor McGarry invited all of the Holiday Parade, Saturday November 30, 2019 beginning at 1:00PM.

President Sullivan reminded there will be a Special City Council meeting on December 2, 2019 at 6:30 for the Tax Classification hearing.

President Sullivan stated that he recently met with MA Lt. Governor Karen Polito at the State House regarding the goals for Brockton and he expects her to be visiting Brockton regularly in the future.

President Sullivan wished Brockton and Cardinal Spellman High School football good luck on Thanksgiving.

Meeting adjourned at 8:24PM

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.