

**\*Revised**

**1.**

A regular meeting of the City Council was held on Monday January 13, 2020 in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, 45 School St., Brockton, MA Councilor Asack presiding. The meeting was called to order at 7:06 pm with ten members present. Councilor Nicasastro was absent.

In City Council, January 13, 2020

President Asack welcomed all new councilors to their first official meeting and welcomed back Councilor at Large Moises Rodrigues. She introduced and congratulated Mayor Robert Sullivan.

Mayor Sullivan congratulated the new councilors. He announced that Thursday January 16, 2020 at 10:00am at Brockton High School, Lt. Governor Karen Polito will be at Principal's office to talk about the Innovations Gateway grant. Mayor Sullivan also introduced Kerry Richards as his Chief of Staff. He announced that, effective today, Sean Murphy will be the interim City Solicitor.

**1** Acceptance of the minutes of the December 23, 2019 City Council meeting.

Accepted and placed on file.

**44** Acceptance of the minutes of the January 6, 2020 City Council Inauguration.

Accepted and placed on file.

### **COMMUNICATIONS**

**2** From the Director of Planning and Economic Development requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$229,000 from Department of Housing & Community Development-Commonwealth's Housing Choice Program Grant to City of Brockton Planning and Economic Development-Housing Choice Program Grant Fund. (The grant funds will be used to fund the Keith Park Pedestrian Crossing Improvements as part of a larger push to modernize and revitalize the Campello Neighborhood). This project will address the need for pedestrian infrastructure that makes Brockton safer and more comfortable for the elderly and people with disabilities. No match required.

Accepted and placed on file.

**3** 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 \$229,000 from Department of Housing & Community Development-Commonwealth's Housing Choice Program Grant to City of Brockton Planning and Economic Development-Housing Choice Program Grant Fund. (The grant funds will be used to fund the Keith Park Pedestrian Crossing Improvements as part of a larger push to modernize and revitalize the Campello Neighborhood). This project will address the need for pedestrian infrastructure that makes Brockton safer and more comfortable for the elderly and people with disabilities. No match required.

Accepted and placed on file.

**4** 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 \$229,000 from Department of Housing & Community Development-Commonwealth's Housing Choice Program Grant to City of Brockton Planning and Economic Development-Housing Choice Program Grant Fund.

Accepted and placed on file.

**5** From the Mayor in accordance with M.G.L., Ch. 59, Sec. 25, requesting that the Board of Assessors determine the amount of excess overlay.

**2.**  
**COMMUNICATIONS (CONT'D)**

Accepted and placed on file.

- 6** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total transfer of \$4,750,000 from Overlay Surplus to Law Department-Court Judgments.

Accepted and placed on file.

- 7** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$4,750,000 from Overlay Surplus to Law Department-Court Judgments.

Accepted and placed on file.

- 8** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total transfer of \$300,000 from Overlay Surplus to Human Resources-Full Time Salaries- \$150,000 and to Human Resources-Purchase of Services- \$150,000

Accepted and placed on file.

- 9** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$300,000 from Overlay Surplus to Human Resources-Full Time Salaries- \$150,000 and to Human Resources-Purchase of Services- \$150,000

Accepted and placed on file.

- 10** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total transfer of \$99,312.07 from Police Department-Full Time Salaries to Mayor's Office-Personal Services Non Overtime \$74,498.60 and to Law Department-Personal Services Non Overtime \$24,813.44 (in order to pay separation costs for former employees).

Accepted and placed on file.

- 11** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$99,312.07 from Police Department-Full Time Salaries to Mayor's Office-Personal Services Non Overtime \$74,498.60 and to Law Department-Personal Services Non Overtime \$24,813.44

Accepted and placed on file.

- 12** From the Mayor's Office Grant Coordinator, recommending that the City Council authorize the acceptance and expenditure in the grant award in the amount of \$600,000 From Department of Justice, Office of Justice Programs-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds, To Brockton Mayor's Office-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds. The grant funds will develop a collaborative Champion Plan Prevention model to provide additional resources for individuals suffering from substance use disorders and HIV/AIDS/STI/HCV educational services to the most vulnerable groups identified in the community. No match required.

Accepted and placed on file.

- 13** From the Mayor in accordance with M.G.L. Ch. 44, recommending that the City Council authorize the acceptance and expenditure in the grant award in the amount of \$600,000 From Department of Justice, Office of Justice Programs-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds, To Brockton Mayor's Office-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds. The grant funds will develop a collaborative Champion Plan Prevention model to provide additional resources for

**3.**  
**COMMUNICATIONS (CONT'D)**

individuals suffering from substance use disorders and HIV/AIDS/STI/HCV educational services to the most vulnerable groups identified in the community. No match required. Accepted and placed on file.

- 14** From the CFO in accordance with Sec. 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure in the grant award in the amount of \$600,000 From Department of Justice, Office of Justice Programs-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds, To Brockton Mayor's Office-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds. Accepted and placed on file.

- 15** From the Fire Chief, requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$250,000 From the Commonwealth of Massachusetts Executive Office of Public Safety and Security To Brockton Fire Department. The grant is a SFY2020 Massachusetts Public Safety Staffing grant to be used for overtime necessary to maintain staffing levels. No match is required.

Accepted and placed on file.

- 16** From the Mayor in accordance with M.G.L. Ch. 44, recommending that the City Council authorize the acceptance and expenditure in the grant award in the amount of \$250,000 from Commonwealth of Massachusetts Executive Office of Public Safety and Security SFY2020 Massachusetts Municipal Public Safety Staffing grant To Brockton Fire Department – SFY2020 Massachusetts Municipal Public Safety Staffing Grant Fund. This grant will be used for overtime necessary to maintain staffing levels.

Accepted and placed on file.

- 17** From the CFO in accordance with Sec. 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure in the grant award in the amount of \$250,000 from Commonwealth of Massachusetts Executive Office of Public Safety and Security SFY2020 Massachusetts Municipal Public Safety Staffing grant To Brockton Fire Department – SFY2020 Massachusetts Municipal Public Safety Staffing Grant Fund.

Accepted and placed on file.

- 18** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommend that the City Council authorize the total appropriation of \$5,457,233 using the form of order with language as recommended by Attorney Richard Manley of Locke Lord, LLP, the City's bond counsel, in order to provide funding through borrowing said amount, is to pay the following costs:

Cemetery Department-Capital: (For a cemetery expansion)	\$650,000
Fire Department-Capital (For 2 fire pumper trucks)	\$1,260,000
Information Technology-Capital (For Information Technology software, computer equipment, radio dispatch, microwave and GIS)	\$448,000
Department of Public Works-Water Division-Capital (For US Filter CPL Treatment Plant, Water Main Replacement Program)	\$1,126,233
Parks & Recreation-Capital (For various capital items)	\$1,973,000

Accepted and placed on file.

- 19** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of and borrowing authorization for \$5,457,233, to provide funding to pay the following costs:
- |                              |           |
|------------------------------|-----------|
| Cemetery Department-Capital: | \$650,000 |
|------------------------------|-----------|

**4.**  
**COMMUNICATIONS (CONT'D)**

(For a cemetery expansion)	
Fire Department-Capital	\$1,260,000
(For 2 fire pumper trucks)	
Information Technology-Capital	\$448,000
(For Information Technology software, computer equipment, radio dispatch, microwave and GIS)	
Department of Public Works-Water Division-Capital	\$1,126,233
(For US Filter CPL Treatment Plant, Water Main Replacement Program)	
Parks & Recreation-Capital	\$1,973,000
(For various capital items)	

Accepted and placed on file.

- 20** From the Mayor's Office Grants Coordinator requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$4,855 from Massachusetts Department of Transportation (MASSDOT)-Safe Routes To School, Signs and Lines Grant to Brockton School Department-Safe Routes To School, Signs and Lines Grant Fund. (The grant funds will be used to install a solar-powered School Speed Limit Sign and Crosswalk and Stop Thermo-Line pavement markings on North Main Street at the intersection of Division Street and North Main Street). This will also include the installation of four No Parking signs on the west side of North Main Street, adjacent to the school entrance. No match required

Accepted and placed on file.

- 21** 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 \$4,855 from Massachusetts Department of Transportation (MASSDOT)-Safe Routes To School, Signs and Lines Grant to Brockton School Department-Safe Routes To School, Signs and Lines Grant Fund. (The grant funds will be used to install a solar-powered School Speed Limit Sign and Crosswalk and Stop Thermo-Line pavement markings on North Main Street at the intersection of Division Street and North Main Street). This will also include the installation of four No Parking signs on the west side of North Main Street, adjacent to the school entrance. No match required.

Accepted and placed on file.

- 22** 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 \$4,855 from Massachusetts Department of Transportation (MASSDOT)-Safe Routes To School, Signs and Lines Grant to Brockton School Department-Safe Routes To School, Signs and Lines Grant Fund.

Accepted and placed on file.

- 23** From the Director of Planning and Economic Development requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$200,000 from Department of Housing and Community Development (DHCD)-40R Smart Growth Incentive to City of Brockton Planning and Economic Development-40R Smart Growth Activities. (The incentive funds will be used but not limited to: Transit Village and other zoning work, Campello District Revitalization plan, Campello District Improvement Plan and Programs).

Accepted and placed on file.

- 24** 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 \$200,000 from Department of Housing and Community Development (DHCD)-40R Smart

**5.**  
**COMMUNICATIONS (CONT'D)**

Growth Incentive to City of Brockton Planning and Economic Development-40R Smart Growth Activities. (The incentive funds will be used but not limited to: Transit Village and other zoning work, Campello District Revitalization plan, Campello District Improvement Plan and Programs).  
Accepted and placed on file.

- 25** 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 \$200,000 from Department of Housing and Community Development (DHCD)-40R Smart Growth Incentive to City of Brockton Planning and Economic Development-40R Smart Growth Activities.

Accepted and placed on file.

- 26** From the DPW Commissioner requesting that Schedule B, so called "Sewer Charges and Fees" of Article III, "Sewer and Sewage Disposal", Chapter 23, Division II, "Rates and Charges", of the Revised Ordinances of the City of Brockton be amended. These changes are necessary to address infrastructure needs throughout the City as well as reimburse the General Fund. Restructuring the rates would bring in additional annual revenue of \$1,900,000 for the Water Enterprise Account. Implementing user fees would increase both the Water and Sewer Enterprise Funds by \$2,300,000 each annually.

Accepted and placed on file.

- 27** From the Mayor as recommended by the CFO and the Commissioner of the DPW, requesting that Schedule B, so called "Sewer Charges and Fees" of Article III, "Sewer and Sewage Disposal", Chapter 23, Division II, "Rates and Charges"; of the Revised Ordinances of the City of Brockton be amended as described herein. 1. Schedule B, "Annual Charges for use of Public Sewer" (reference Section 23-56), delete current schedule of "Annual Charges for use of Public Sewer" and replace it with the following, on the effective date noted below:

Rate Block Quarterly Usage (per 100 cubic ft of water usage)	Rate Effective on all bills mailed on or after July 1, 2020
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1. 0-1250	\$4.08
2. 1251-2500	\$7.06
3. 2501-5000	\$8.02
4. 5001-10000	\$8.02
5. 10001-25000	\$8.02
6. 25001-999999	\$8.75

2. Section 23-25, "Fees and Charges", amended by adding a "water user fee" and a "sewer user fee" \$25.00/quarter/account on all bills mailed on or after July 1, 2020.

The recommended actions will bring in an estimated \$4.2 million of additional annual revenue to the Water Enterprise. In addition, Sewer Enterprise revenue will increase by about \$2.3 Million annually. The purpose of the rate change is to create equity within the block rate. The user fee for both water and sewer will support infrastructure investment in upgraded infrastructure, which will include new water & sewer mains, as well as repair of roads.

Accepted and placed on file.

- 28** From the CFO recommending that the City Council adopt the amendments requested by Mayor Rodrigues on this date to the city's Revised Ordinances, Ch. 23, in order to increase the block rates for water and sewer usage, which will create equity within the block rates and also to implement a user fee to both water and sewer bills to support infrastructure investment in water and sewer pipes as well as roads throughout the City of Brockton. The mayor's

**6.**  
**COMMUNICATIONS (CONT'D)**

recommendations were developed after an analysis in his office. The rate block and user fee will be implemented after July 1, 2020.

Accepted and placed on file.

- 29** Ordinance: An Ordinance Amending Ch. 23, Division II, Rates and Charges, Schedule B of the Revised Ordinances of the City of Brockton Be it Ordained by the City Council of the City of Brockton as follows: that Schedule B, so called "Sewer Charges and Fees" of Article III, "Sewer and Sewage Disposal", Chapter 23, Division II, "Rates and Charges"; of the Revised Ordinances of the City of Brockton be amended

Referred to Ordinance

- 30** Order: Rules and Regulations governing motor vehicles for hire under Chapter 159A for the carrying of passengers.

Referred to Finance

- 31** Order: Assessors to act as agents of City Council in matter of apportionment of betterments.

Referred to Finance

- 32** Order: Clerk to give notice of hearings before Council.

Referred to Finance

- 33** Order: Regulations governing the operation of hawkers and peddlers within the City of Brockton.

Referred to Finance

- 34** Order: Pawnbrokers are to deliver a list of purchased/pawned articles to the Chief of Police.

Referred to Finance

Councilor Eaniri motioned to take Items 36-38 collectively and for the suspension of rules so they may be address tonight and was properly seconded.

President Asack introduced CFO Troy Clarkson and Interim City Solicitor Sean Murphy, who are available for questions.

Motion carried by a hand vote.

Mayor Sullivan explained that this money is all relative to the settlement for the Lopes case. He continued that Councilor Rodrigues should be commended for making this settlement.

Assessor John O'Donnell explained that the Overlay accounts are used to pay exemptions, outstanding cases and abatements. The average amount in these accounts over the last five years is \$1.4 million.

Councilor Cruise asked to clarify that any of these monies are from budgets past and are held for settlements from the past.

Assessor O'Donnell stated there was a large amount relating to AT&T and Verizon that was held from three years ago and settled for only \$350,000.

7.  
**ORDERS (CONT'D)**

Councilor Cruise clarified that these monies will not impact the budget approved for this year.

Mayor Sullivan explained that Item #35 was for the Lopes settlement. Item #36 is relative to the settlement for mandatory training and hires with Human Resources. Item #37 relates to separation costs for personnel during the transition period. There is \$46,000 for Mayor Carpenter's estate in relation to unused vacation time. The remaining monies will be for Law Department for separation costs for the City Solicitor.

Councilor Thompson asked if monies transferred from Police budget will impact prospective overtime in the Police budget. Mayor Sullivan confirmed that CFO Clarkson with Police Chief that this will not hamper any projected costs.

Councilor Cruise asked CFO Clarkson if there is a transfer from one department to another, if there is a letter from the transferring department.

CFO Clarkson stated that he spoke with the Chief and provided a detailed breakdown of the monies. The Chief provided his consent, but not in a letter. Councilor Cruise continued that he believes a letter is necessary. Mayor Sullivan stated that if passed, he will make sure the Clerk's office receives a letter by tomorrow.

Councilor Eaniri wanted to thank and commend Councilor Rodrigues handling this as one of the first things after he took over as Mayor. This settlement will help remove a cloud over the City the past few years.

- 35** Ordered: total transfer of \$4,750,000  
From Overlay Surplus  
To: Law Department-Court Judgments

\*Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Nicasastro absent. Councilor Eaniri motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 36** Ordered: total transfer of \$300,000  
From: Overlay Surplus  
To: Human Resources-Full Time Salaries- \$150,000 and  
To: Human Resources-Purchase of Services- \$150,000

\*Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Nicasastro absent. Councilor Eaniri motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 37** Ordered: total transfer of \$99,312.07  
From: Police Department-Full Time Salaries  
To: Mayor's Office-Personal Services Non Overtime \$74,498.60 and  
To: Law Department-Personal Services Non Overtime \$24,813.44

\*Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Nicasastro absent. Councilor Eaniri motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 38** Ordered: Acceptance of grant for \$600,000  
From: Department of Justice, Office of Justice Programs-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds,

**8.**  
**ORDERS (CONT'D)**

To: Brockton Mayor's Office-Comprehensive Opioid Abuse Site-Based Program (COAP) Grant Funds.

Referred to Finance

- 39** Ordered: Acceptance of grant for \$250,000  
From: Commonwealth of Massachusetts Executive Office of Public Safety and Security SFY2020 Massachusetts Municipal Public Safety Staffing grant  
To: Brockton Fire Department – SFY2020 Massachusetts Municipal Public Safety Staffing Grant Fund.

Referred to Finance

- 40** Ordered: that sum of \$5,457,233 is appropriated to pay various capital costs as set forth, including the payment of all costs incidental and related thereto: to Cemetery Department-\$650,000, Fire Department-\$1,260,000, Information Technology Total-\$448,000, Water Department Total-\$1,126,233 and Parks and Recreation Total-\$1,973,000

Referred to Finance

- 41** Ordered: 1. That the Mayor of Brockton, pursuant to the provisions of M.G.L., ch. 44, rec. 53A, be and is hereby authorized to accept grants from the Commonwealth's MassWorks Program; and 2. That the Mayor of Brockton be and is hereby authorized to expend and take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Economic Development; and 3. That this order shall take effect upon passage. \*(Grant in the amount of \$229,000)

Referred to Finance

- 42** Ordered: Acceptance and expenditure of the grant award in the amount of \$200,000  
From: Department of Housing and Community Development (DHCD)-40R Smart Growth Incentive  
To: City of Brockton Planning and Economic Development-40R Smart Growth Activities.

Referred to Finance

- 43** Ordered: Acceptance and expenditure of the grant award in the amount of \$4,855  
From: Massachusetts Department of Transportation (MASSDOT)-Safe Routes To School, Signs and Lines Grant  
To: Brockton School Department-Safe Routes To School, Signs and Lines Grant Fund.

Referred to Finance

**Councilor's Recognition**

Councilor Monahan congratulated President Asack for doing a fine job in her new role as Council President.

Councilor Farwell made a request to President Asack. Since the Ordinance committee will need to schedule a meeting, request that CFO Clarkson obtain information regarding uncollected water and sewer bills and asking for President Asack, through the Ordinance chair, for time to review this further. Taxes recently increased and an additional increase in water rates and user fees would be at least \$100 more for residents. He wants to make sure this increase is reasonable and that all questions are answered before going through committee.



**9.**

**Councilor's Recognition (CONT'D)**

Councilor Rodrigues invited all councilors and the public to the annual Martin Luther King Jr. event at St. Edith Stein Church from 2-5pm on Monday January 20, 2020. This is a pledge to do every year as a city. It is geared to young people but all are invited to participate.

President Asack stated that the Finance meeting will be on Tuesday January 21, 2020 due to the holiday Monday.

Councilor Thompson reminded all of the Brockton NAACP Breakfast on Saturday January 18, 2020 from 9am-12p at Lombardo's stating all are welcome.

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.

Meeting adjourned at 7:39PM