

49.

A regular meeting of the City Council was held on Monday April 13, 2020 in the City Council Chambers, 2nd Floor of City Hall, 45 School St., Brockton, MA with councilors accessing this remotely, President Asack presiding. The meeting was called to order at 7:03 PM with eleven members present.

Out of respect for public health and in response to the Governor's declared state of emergency, this meeting will be closed to the public and interested parties can instead access the deliberations via a livestream

<https://www.youtube.com/user/TheBrocktonChannels/live>

This meeting is being held in accordance with Governor Charlie Baker's signed open meeting law order dated March 12, 2020 which relieves a public body from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

In City Council, March 23, 2020

President Asack stated that tonight's meeting includes two agendas, the agenda from the March 23rd City Council meeting that was postponed and the agenda for tonight's meeting. President Asack read the items and roll calls to keep as few people out of risk as possible.

- 175** Acceptance of the minutes of the March 9, 2020 City Council meeting.

Accepted and placed on file

REPORT

- 176** Of the Ordinance Committee for its meeting of March 5, 2020

Accepted and placed on file

- 177** Of the Finance Committee for its meeting of March 16, 2020

Accepted and placed on file

APPOINTMENTS

- 178** Reappointment of Robert William Bishop, 333 Foundry St., South Easton, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

50.

APPOINTMENTS (CONT'D)

- 181** Appointment of Steve Lainas of 5 Rock Meadow Dr., Brockton to the Zoning Board of Appeals for a three-year term ending April 2023.

Referred to Finance

HEARINGS

Petition of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: N. Montello St., installing 2 new Poles (P46-50 and P47-50) on N. Montello St.

51.
COMMUNICATIONS (CONT'D)

No one was there in favor. No one was there opposed.

Hearing held

Petition of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: N. Main St., installing 2 new poles (P105-50 and P108-50) on N. Main St.

No one was there in favor. No one was there opposed.

Hearing held.

COMMUNICATIONS

- 182** From the Mayor, dated March 16, 2020, relative to COVID-19 (Coronavirus) Pandemic: pursuant to the powers and authority provided to and vested in the Mayor by section 58 of the Chapter 43 of the General Laws, among other local authority, hereby determine that a public health emergency exists and hereby issue this proclamation that there now exists in the City of Brockton a State of Emergency. Pursuant to these powers, the Mayor shall from time to time issue recommendations, directives, and orders as circumstances may require.

Accepted and placed on file

- 183** From the Interim Inspector of Buildings requesting to transfer monies from the Public Property – Full Time Salaries line item to the Public Property- Overtime line item in the amount of \$20,000.

Accepted and placed on file

- 184** From the Mayor recommending that the City Council provide authorization to transfer monies from the Public Property – Full Time Salaries line item to the Public Property- Overtime line item in the amount of \$20,000.

Accepted and placed on file

- 180** From the Mayor, the appointment of Brittany E. Blye by former Mayor Bill Carpenter to the position of Assistant City Solicitor- Part Time for a three-year term, effective retroactively to June 24, 2019.

Accepted and placed on file

- 179** From the Mayor, the reappointment of Karen A. Fisher to the position of Assistant City Solicitor- Full Time for a three-year term, effective March 10, 2020.

Accepted and placed on file

- 185** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$20,000 from Public Property- Full time Salaries to Public Property- Overtime. A vacancy in Public Properties has necessitated additional overtime costs within the department. As a result, sufficient funds exist in the submitted budget appropriated by the council.

Accepted and placed on file

- 186** From the Chief of Police requesting the authorization to expend additional grant monies in the amount of \$29,177.00 related to the Executive Office of Public Safety &

52.
COMMUNICATIONS (CONT'D)

Security/Office of Grants and Research/Highway Safety Division's FFY2020 Sustained Traffic Enforcement Program (STEP) Grant.

Accepted and placed on file

- 187** From the Mayor recommending that the City Council provide authorization to expend additional grant monies for the FFY 2020 Sustained Traffic Enforcement Program (STEP) from the Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division in the amount of \$29,177.00.

Accepted and placed on file

Due to extreme weather conditions and technical difficulties at City Hall, the City Council went into recess at 7:15PM and reconvened on Wednesday, April 15th at 7:00PM.

The meeting reconvened on Wednesday April 15th at 7:05PM with ten members present. Councilor Monahan absent.

- 188** 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 \$29,177.00 from Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division-FFY20 Sustained Traffic Enforcement Program (STEP) Grant to Police Department- FFY20 Sustained Traffic Enforcement Program (STEP) Grant Fund.

Accepted and placed on file

UNFINISHED BUSINESS

- 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 (FAVORABLE AS AMENDED)

Councilor Cruise stated that he did not want to vote for final passage until the Council is able to meet as a full body to discuss this. He recommends that the work of the committee be recognized and sent to a third reading.

Councilor Nicastro stated she has asked several times for a copy of the amendment and has not received this. Councilor Nicastro motioned to have this continued indefinitely. She stated that Attorney General Healey called on the insurance division to lower personal auto insurance premiums since driving has reduced in addition to any insurance rate hikes. The mayor stated in his 100 day video that it is his duty to protect the residents and the Council shares this duty. Councilor Nicastro stated that the DPW and its commissioner work very hard and are responsive to Ward 4's needs, an example being when a water main broke leaving the east side without water for several days, caused by old equipment that was long overdue to be replaced. The City suffers from deferred maintenance and this needs to be addressed. She believes that competing concerns arising from COVID-19 are superior to appropriating this.

Councilor Farwell stated he wanted to be the first to state the infrastructure repairs and replacements that are needed are critical. He acknowledged that the DPW does great

UNFINISHED BUSINESS (CONT'D)

work with limited revenues. Councilor Farwell stated the world has changed and the residents' daily stresses have changed about paying their taxes and buying food. None of us know when the restrictions and economic burdens placed upon us will be over. The loss of revenue to the State could have a very significant bearing on what we do in FY2021. In recognition of what is going on, our responsibility is to listen to the residents and that pushing for a rate hike is not the way to go. Councilor Farwell seconded the motion.

Councilor Lally took note while walking through his ward, the horrendous condition of the roads. The repairs and paving should have occurred years ago. He thinks prolonging this conversation is very necessary. Councilor Lally understands that a lot is asked of the DPW by the Council and rarely is anything asked in return. The DPW is asking the Council to continue this conversation and give them the tools and resources to act proactively instead of reactively. Based on this, Councilor Lally believes that it would be inappropriate to continue indefinitely. The government needs to continue to operate and our roads need to be repaired.

Councilor Cruise asked if the motion is appropriate without having a date attached, not indefinitely. Atty. Resnick stated there should be a date.

Councilor Nicastro withdrew her original motion and motioned to continue the matter until the first meeting in October and was properly seconded. Councilor Farwell added that by then, we should know the amount of State aid available and the FY21 budget will be in place. Motion failed by a roll call vote, Councilors Asack, Cruise, Eaniri, Lally, Mendes, Rodrigues and Thompson voting in the negative. Councilor Monahan absent.

Councilor Farwell asked as a point of order how can there be a vote on an amendment when we do not know what it is. Councilor Rodrigues stated the motion failed seven to three and that we need to move on. Councilor Cruise stated he would make sure all have a copy of the amendment in the next two days. City Clerk Zeoli stated that the amendment was emailed to all councilors on March 13th.

Amendment passed by a roll call vote taken by "yeas" and "nays"; ten members present with seven voting in the affirmative. Councilors Cardoso, Farwell and Nicastro voting in the negative. Councilor Monahan absent.

Passed to a third reading, as amended, by a roll call vote taken by "yeas" and "nays", ten members present with seven voting in the affirmative. Councilors Cardoso, Farwell and Nicastro voting in the negative. Councilor Monahan absent.

- 135** Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That Section 2-127 of Chapter II is hereby amended by adding the following: Section 2-127-Pay Plan, (relative to Assistant Director of Human Resources.) (FAVORABLE)

Councilor Farwell motioned to have this postponed until the first Finance meeting in July. Councilor Eaniri questioned whether this item was to be done based on the Lopes case. Councilor Rodrigues stated that items #135 and 136 were related to the Lopes settlement case. These positions need to be created to be in compliance with the lawsuit.

Councilor Farwell stated that as part of the settlement, we agreed to hire a diversity manager, to train people on diversity. He believes the Council never discussed a second in command in Human Resources. Councilor Rodrigues stated that the settlement did call for the creation of two positions. There was no second to the motion.

Passed to a third reading by a roll call vote taken by "yeas" and "nays", ten members present with nine voting in the affirmative. Councilor Farwell voting in the negative. Councilor Monahan absent.

- 136** Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That Section 2-127 of Chapter II is hereby amended by adding the following: Section 2-127-

UNFINISHED BUSINESS (CONT'D)

Pay plan, (relative to Diversity and Inclusion Manager.) (FAVORABLE)

Passed to a third reading by a roll call vote taken by “yeas” and “nays”, ten members present with all voting in the affirmative. Councilor Monahan absent.

- 138** Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That Section 2-127 of Chapter II is hereby amended by adding the following: Section 2-127.- Pay plan, (relative to the Director of Human Resources.) (FAVORABLE)

Councilor Thompson motioned to have this item referred back to Ordinance committee for reexamination and was properly seconded.

Referred back to committee by a roll call vote taken by “yeas” and “nays”, ten members present with all voting in the affirmative. Councilor Monahan absent.

- 137** Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That Section 2-127 of Chapter II is hereby amended by adding the following: Division 7.- Department of Human Resources (FAVORABLE AS AMENDED)

Councilor Farwell motioned to have this item referred back to Ordinance committee for further study and was properly seconded. Councilor Rodrigues stated that this ordinance is to create the department that was voted on for items #135 and #136. As part of the law suit settlement, the department needs to be created. Councilor Farwell stated that in the documentation related to this ordinance is the repeal of an entire section that mandates advertisement of city positions for 14 days. The section also states resumes will be kept on file, that councilors cannot attempt to recommend people for hire. If the Ordinance committee meant to do this, Councilor Farwell would like the opportunity to explain why these sections are important.

Referred back to Ordinance committee by a roll call taken by “yeas” and “nays”, Ten members present with eight votes in the affirmative. Councilor Cruise and Rodrigues voting in the negative. Councilor Monahan absent.

- 166** Ordered: Acceptance and expenditure of the grant award in the amount of \$70,000 From: Executive Office of Health and Human Services-FY20 Safe and Successful Youth Initiative Grant To: Police Department- FY20 Safe and successful Youth Initiative Grant Fund. (FAVORABLE)

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

- 167** Ordered: Acceptance and expenditure of the grant award in the amount of \$13,048.20 From: Executive Office of Public Safety and Security (EOPSS)- Massachusetts Bulletproof Vest Program Grant Award To: Police Department- Massachusetts Bulletproof Vest Program Grant Fund. (FAVORABLE)

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

- 168** Ordered: Acceptance and expenditure of the grant award in the amount of \$60,000 From: Executive Office of Housing and Economic Development (EOHED) To: Mayor’s Office. (FAVORABLE)

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

ORDERS

- 189** Ordered: that the Mayor and/or Treasurer/Collector be authorized to execute any and all

ORDERS (CONT'D)

documents necessary to convey the property consisting of 3,255 square feet, located and known as Plot 10-1, 78 Wyman Street, Parcel ID: 093-204 to Alex Cwiakala, 76.5 Wyman Street, Brockton, MA 02301 for the purchase price of One Thousand Dollars (\$1,000.00). Said property to be sold under the Abutter Lot Program and to be sold with a permanent non-buildable restriction. Said property shall also merge with abutting lot of the purchaser.

Referred to Real Estate

179 Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Endicott Street, extending from Court Street, northerly, to Leahy Road, a distance of about 598 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.

Referred to Finance/Planning

180 Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Royal Road, extending from Endicott Street, to east of Alibi Road, a distance of about 2,533 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.

Referred to Finance/Planning

181 Ordered: Transfer of \$20,000
From: Public Property- Full time Salaries
To: Public Property- Overtime

Referred to Finance

182 Ordered: Appropriation of \$29,177.00
From: Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division-FFY20 Sustained Traffic Enforcement Program (STEP) Grant
To: Police Department- FFY20 Sustained Traffic Enforcement Program (STEP) Grant Fund.

Referred to Finance

Granting of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: N. Montello St., installing 2 new Poles (P46-50 and P47-50) on N. Montello St.

Granted by a roll vote taken by "yeas" and "nays", ten members present with all voting in the affirmative. Councilor Monahan absent.

Granting of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: N. Main St., installing 2 new poles (P105-50 and P108-50) on N. Main St.

Granted by a roll vote taken by "yeas" and "nays", ten members present with all voting in the affirmative. Councilor Monahan absent.

Councilor's Recognition

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.