

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.

A regular meeting of the City Council was held on Monday May 11, 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 7:00 PM with eleven members present.

President Asack stated she is sad to say that our city suffered more losses this past week. Mayor Carl Pitaro passed, who served the city as mayor from 1985 to 1991. Robert Brady, who served as an Avon Selectman for the past ten years and the brother of Senator Michael Brady also passed away. We also lost Casey Cambridge, a lifelong Brockton resident and the sister of City Clerk Anthony Zeoli. President Asack asks for a moment of silence in their memory. On behalf of the entire Council, she extended their deepest and sincerest condolences to their families.

Councilor Eaniri acknowledged that John Jerome, who worked for Brockton Public Schools for several years, including a short span as Interim Superintendent, passed away last week.

In City Council, May 11, 2020

241 Acceptance of the minutes of the April 27, 2020 City Council meeting

Accepted and placed on file

REPORTS

242 Of the Finance Committee for its meeting of May 4, 2020

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) (IN CITY COUNCIL APRIL 15, 2020, PASSED TO A THIRD READING, AS AMENDED)

Councilor Cruise stated it is a very difficult decision to raise rates. In order to try to raise the needed money and alleviate some of the issues, Councilor Cruise motioned for an amendment. Following paragraph 1, rate effective on all bills mailed on or after July 1, 2020, he would like to slash July 1, 2020 and enter November 1, 2020. Also, in Section 2 following all Bills mailed on or after July 1, 2020, he would like to slash July 1, 2020 and enter November 1, 2020. The motion was properly seconded. Motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present with eight voting in the affirmative. Councilors Cardoso, Farwell and Nicastro voted in the negative.

UNFINISHED BUSINESS (CONT'D)

Councilor Farwell stated that the ordinance mentions “sewer”, but he believes it encompasses both water and sewer rates, which was confirmed by Attorney Resnick. Councilor Farwell stated that clearly these rates need to be adjusted, as they have not been adjusted in years. Six months from now, we do not know what the economic outlook will be. Councilor Farwell believes people will still be recovering financially. Focusing on the sewer rates, Councilor Farwell stated he believed what they were coming up with was one block rate system for both water and sewer so the charges for both will be the same as listed on the amendment offered at the March 5th Witness Committee meeting. Councilor Farwell asked through the Chair of this was correct to Legislative Council. Attorney Resnick stated she believed that was just the way it was written, as a water usage rate increases and a user fee for water and sewer. Councilor Farwell wanted to clarify that what was being voted on was the block rates for water, and that sewer rates remained as is, which was confirmed.

Councilor Farwell stated that while Block one stayed the same, Block 2 would increase by 19%, Block 3 by 37.6%, Block 4 by 12%, Block 5 by 5%. Block 6 would be reduced by 13%. He doesn't think this is fair and believes the high-end users should pay more than the lower end. There will still be pressure on our residents in November and into 2021.

Councilor Lally wanted to note that this was amended since things are bad now and this could be postponed again. He acknowledged that this is not an easy decision and not the most popular decision, but we will have to adjust our rates at some point. The Water Department is not where it should be financially and this prevents us from acting proactively. Councilor Lally also stated that his ward has some of the worst roads and water pressure in the City. This will give us a chance to act proactively instead of reactively and give us a chance to fix our future. He is embarrassed by these conditions and when called by residents that there is no immediate solution.

Councilor Nicastro believes the timing of this is wrong and she would like everyone to think hard about this. She is receiving calls from people who don't have food or can't pay their rent or mortgage payments. Any additional money added to their burden now is tone deaf. She is willing to address this when times are better.

Councilor Thompson wanted to echo Councilor Lally on the timing of this. Ward 5 has been waiting decades for the water infrastructure and roads need to be repaired. There is never a great time to increase water rates. Councilor Thompson acknowledged Councilor Farwell's statement that Block rate 6 is decreasing. Councilor Thompson clarified that this is increasing.

Councilor Rodrigues call for a vote.

Ordained, as amended, by a roll call vote taken by “yeas” and “nays”, eleven members present and eight voting in the affirmative. Councilors Cardoso, Farwell and Nicastro voted in the negative.

Councilor Cruise made a motion for reconsideration in the hopes that this will not prevail and was properly seconded. Motion failed by a roll call vote taken by “yeas” and nays”, eleven members present with three voting in the affirmative. Councilors Asack, Cruise, Eaniri, Lally, Mendes, Monahan, Rodrigues and Thompson all voting in the negative.

Councilor Lally commented that there is an abatement process that can be used to receive assistance.

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)
(IN CITY COUNCIL APRIL 15, 2020, PASSED TO A THIRD READING)

UNFINISHED BUSINESS (CONT'D)

Councilor Farwell stated that this was part of the global settlement of the Lopes case. There was a conference call with the attorney and the Mayor. While this and the next item's position will be created, the City is under a one-year obligation to fund this. After one year, the Mayor will have the flexibility to decide whether to continue these positions.

Adopted by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

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-Pay plan, (relative to Diversity and Inclusion Manager.) (FAVORABLE)
(IN CITY COUNCIL APRIL 15, 2020, PASSED TO A THIRD READING)

Ordained by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

235 Ordered: total transfer of \$55,235.40 From: DPW-Highway Division Snow Removal To: Finance Department Equipment Rent/Lease (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

236 Ordered: Acceptance of an anonymous donation to be used solely by the Police Department in its purchase of a K-9 cruiser and related equipment in the amount of \$46,000 From: Anonymous Donor To: The Brockton Police Department (FAVORABLE)

Councilor Nicastro stated she contacted Chief Gomes about this donation, since she has never seen an anonymous donation. Chief Gomes verified that the donation came from a reputable source that is a regular supporter of canines programs.

Adopted by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

237 Ordered: Transfer of \$600 From: Finance-Purchase of Services To: Finance-In State Travel (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

239 Order: To approve the sale of 12 parcels (as described in plots 16-27 Sprague St.) owned by the City of Brockton, for the development of a sports complex as proposed by the Response to Request for Proposals of New Heights Builders. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

Councilor Cruise motioned to take items **238** and **240** collectively and was properly seconded. Motion carried.

238 Resolve: The Mayor be invited to a meeting of the Council to review the city's continuing response to the COVID-19 disease (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays", eleven members present and all voting in the affirmative.

240 Resolve: to provide an update and review of the city's ongoing efforts to protect the health, welfare and safety of our residents related to this COVID-19 disease. (FAVORABLE)

UNFINISHED BUSINESS (CONT'D)

Adopted by a roll call vote taken by “yeas” and “nays”, eleven members present and all voting in the affirmative.

ORDERS

243 Ordinance: Be it ordained, pursuant to Section 27-5 of the City Ordinances “Zoning Map” whereby reference is made to and incorporation of said boundaries of each of the zones established as shown on the map entitled, “The City of Brockton, Massachusetts Zoning District Map” dated November 10, 1967, and thereafter amended, that said map be amended to reflect zoning changes from C-2/R-2(current) to C-2 (Relative to Quincy St. and Centre St.)

Referred to Ordinance and Planning

Councilor Thompson motioned to take items **244** and **245** collectively and under the suspension of the rules for a vote this evening and was properly seconded. Motion carried.

Councilor Nicastro asked for an explanation of what is going on.

Councilor Thompson explained that these items were previously before the Real Estate committee. At the time this was approved favorably to the Council. The Law Department reached out because an earlier version of the easement agreement was attached to the order following the Council’s approval. He stated this is purely administrative to correct the agreement that should be included with the order. Mr. Harmon will now be seeking a variance from the Zoning board and the easement is necessary for his petition.

Councilor Nicastro asked what were the changes.

Attorney Resnick said the changes were language related to the indemnity for the City and added some tighter protections for the City in regards to the easement.

Councilor Nicastro pointed out that on the signature line the person signing is not Edward Harmon, it’s Theodore or the person signing is Edward, but the notary may be incorrect. Attorney Resnick stated this was drafted by the Law Department and could not clarify.

244 Ordered: That the City Council void the order relative to an easement granted to 28 Petronelli, LLC over City owned land identified as MAP 109 Route 054, Plot 3 (0 Ward Street), said order in City Council on April 15, 2020, being adopted favorably by the City Council and approved by the Mayor of Brockton on April 21, 2020. The purpose of voiding the Order is to resubmit the Order for approval containing revised language from the City of Brockton Law Department to the Easement Agreement to be recorded with the Plymouth County Registry of Deeds.

Adopted by a roll call vote taken by “yeas” and “nays”, eleven members present and all voting in the affirmative.

245 Ordered: The City of Brockton grants to 28 Petronelli LLC an easement over City owned land identified as MAP 109 Route 054, PLOT 3 (0 Ward Street) for purposes of pedestrian and vehicle ingress, egress, and access to its parking and dumpster storage to facilitate the redevelopment of both parcels and further that the City Council authorizes the Mayor to execute the attached "Grant of Easement and Agreement" (revised) and to take other actions necessary to carry out the terms, purposes and conditions of the same.

70.
ORDERS (CONT'D)

Adopted by a roll call vote taken by “yeas” and “nays”, eleven members present and all voting in the affirmative.

Councilor Lally stated both items were discussed in Real Estate and this is only a change in the paperwork. The spirit of what had been discussed is the same.

Councilor Farwell stated that if the Law department had drafted a simple summary of the change, this would have saved time and been much easier.

LATE FILES

Councilor Cardoso motioned for the acceptance of a late file and was properly seconded. Motion carried by a hand vote.

246 Ordinance: Be it ordained, by the Brockton City Council:

Revised Ordinances of the City, Section 14 , Article 1 – Offenses – Miscellaneous – In General, be amended by inserting the following section:

Sec. 14-18 – Face Covering Mandate

The Governor of the Commonwealth of Massachusetts has declared as State of Emergency on March 10, 2020 resulting from the spread of COVID-19. The Brockton City Council has determined that the treat of COVID-19 presents a real and imminent danger to public health, safety, and general welfare of the residents of Brockton. In accordance with the Centers for Disease Control and Prevention (“CDC”), and COVID-19 Order No. 31 by the Governor of the Commonwealth dated May 1, 2020, the City of Brockton adopts as follows:

1. Effective 12:01 a.m. on May 6, 2020, any individual who is age two (2) or older, and not otherwise exempt per CDC guidelines and those guidelines provided by the Commonwealth, shall be required to cover their nose and mouth with a clean mask or face covering (e.g., disposable mask, cloth mask, face shield, bandana, scarf) when in or at any location open to the general public including all locations open to the public, outdoor premises of private locations open to the public, all public outdoor locations (e.g., parks, sidewalks, street, public squares, paths, all City of Brockton property), and when providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi-enclosed transit stop of waiting area .
2. This ordinance applies to all workers and customers of businesses and other organizations open to the public that are permitted by the Commonwealth’s orders to operate.
3. All establishments open to the public, including essential businesses and healthcare facilities, must post a notice at entry requiring those entering to wear a face covering or mask, as described in Paragraph 1.
4. This ordinance is enforceable by fine of \$300.00 for each offense. This ordinance shall be enforceable by the Brockton Police Department, Code Enforcement, and/or the Brockton Board of Health.
5. This ordinance shall remain in effect until repealed by the Brockton City Council.

Referred to Ordinance

Councilor Cardoso stressed the importance of following all guidelines and the importance of this order and wearing a mask in public. This is proving to mitigate the spread of COVID-19. She stated she still sees people in markets not adhering to the guidelines after the Governor passed this order.

Councilor's Recognition

Councilor Asack issued her congratulations to Linda Cahill who was voted in by the Board of Health as Interim Health Director. She also thanked all of the Board of Health inspectors who continue to be out there working in the trenches doing their inspectors and contract tracing and delivering PPE to residents.

Councilor Farwell apologized to Councilor Thompson regarding the water rates for misreading his notes regarding the rate decrease of Block 6 of the water rates.

Councilor Nicastro stated she was in a joint meeting Friday for the Mass. Select Association and the Municipal Councilors Association talking about what is going on in the Statehouse and funding. This Wednesday, she will be attending another Mass. Municipal Association Councilors committee meeting on budgeting. There are so many financial unknowns at this time and there are so many quality of life improvements that the City hopes to make that are all dependent upon funding. For those reasons she wanted to implore residents to complete the Census forms. More than half of American households have responded, but Brockton is lagging behind. Brockton will need every dollar to give all the services the City needs.

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.

Adjourned at 7:45PM