

71.

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 Tuesday May 26, 2020 via zoom with councilors accessing this remotely, President Asack presiding. The meeting was called to order at 7:00 PM with nine members present. Councilors Monahan and Rodrigues absent.

President Asack asked for a moment of silence in recognition of Memorial Day for all who gave their lives for our country. She thanked all who have served.

In City Council, May 26, 2020

247 Acceptance of the City Council minutes of May 11, 2020

Accepted and placed on file.

COMMUNICATIONS

248 From the Mayor submitting a copy of a report prepared for the City of Brockton by the Collins Center pertaining to the review and analysis of non-union department head salaries and internal comparability.

Accepted and placed on file.

249 From the Executive Director of the Parking Authority requesting authorization to transfer funds from Personal Services- Part Time \$20,000 to Services-Security/Fire \$20,000 (will be used to pay for unbudgeted security expenses in the Bill Carpenter Parking Garage).

Accepted and placed on file.

250 From the Mayor recommending that the City Council provide authorization to transfer funds from Personal Services- Part Time \$20,000 to Services-Security/Fire \$20,000 (will be used to pay for unbudgeted security expenses in the Bill Carpenter Parking Garage).

Accepted and placed on file.

251 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$20,000 from Parking Authority-personal Services Non-Overtime to Parking Authority-Purchase of Services-Security Fire Control

Accepted and placed on file.

252 From the Fire Chief requesting to accept and spend \$25,000 to cover the painting of Station #1, purchase of three washers and dryers for Stations #3,4 &7, upgrade of electrical panels at Station #2, related to the installation of the washers and dryers, repair leaking and broken windows at Stations #1,2 & 3 and upgrade office furniture that has not been replaced.

COMMUNICATIONS (Cont'd)

Accepted and placed on file.

- 253** From the Mayor recommending that the City Council provide authorization to expend grant monies from the FY 2020 General Appropriations Act, Chapter 41 of the Acts of 2019 grant from the Commonwealth of Massachusetts Department of Fire Services in the amount of \$25,000. This is an amendment to Brockton's original grant.

Accepted and placed on file.

- 254** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of the grant award in the amount of \$25,000 from Commonwealth of Massachusetts Department of Fire Services-FT2020 General Appropriations Act, Chapter 41 of the Acts of 2019 grant to Brockton Fire Department-FY2020 General Appropriations Act, Chapter 41 of the Acts of 2019 grant.

Accepted and placed on file.

- 255** From the DPW Commissioner requesting that the City Council transfer \$1,500,000 from the Highway Division's snow removal fund to the City's Stabilization fund.

Accepted and placed on file.

- 256** From the Mayor, recommending that the City Council provide authorization to transfer monies from the Highway's Division's Snow Removal Fund to the City's Stabilization fund in the amount of \$1,500,000.

Accepted and placed on file.

- 257** From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$1,500,000 from Department of Public Works-Highway Division-Snow Removal to Stabilization fund.

Accepted and placed on file.

- 258** From the Executive Director, Brockton Parking Authority requesting renewal of FY 2021 of the revolving fund for revenues from parking violation fines in order to pay expenses of the Authority's parking enforcement program, including salaries and other support costs of the enforcement personnel and capital projects of the Authority.

Accepted and placed on file.

- 259** From the Mayor, recommending that the City Council authorize the renewal for FY2021 of the revolving fund for revenues from parking fine violations.

Accepted and placed on file.

- 260** From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed re-authorization of the Parking Authority Revolving fund to for revenues from parking fines up to and including the amount of \$250,000 for FY2021.

Accepted and placed on file.

- 261** From the Director of Planning and Economic Development requesting that the City Council amend our current zoning ordinance to allow restaurants without drive through facilities a by-right use in C-1 Neighborhood Commercial zones.

73.
COMMUNICATIONS (Cont'd)

Accepted and placed on file.

- 262** From the Mayor, recommending that the City Council approve “an Ordinance amending Chapter 27 of the Revised Ordinance of the City of Brockton Concerning Restaurants.” This ordinance would allow restaurants, without drive throughs, as a permitted use. Those restaurants would also be able to allow outdoor seating. Due to the COVID-19 health crisis, allowing outdoor seating will be critical when restaurants are allowed to reopen to protect health and safety and ensure the survival of many local establishments.

Accepted and placed on file.

- 263** From the Director of Council on Aging requesting that the City Council provide authorization for the Council on Aging to expend grant monies from the Commonwealth of Massachusetts for the design and construction of a parking lot expansion in the amount of \$100,000

Accepted and placed on file.

- 264** From the Mayor recommending that the City Council provide authorization for the Council on Aging to expend grant monies from the Commonwealth of Massachusetts for the design and construction of a parking lot expansion in the amount of \$100,000

Accepted and placed on file.

- 265** 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 \$100,000 from Commonwealth of Massachusetts-Massachusetts Marketing Partnership Grant to Council on Aging- Massachusetts Marketing Partnership Grant Fund

Accepted and placed on file.

- 266** From the Police Chief, requesting the authorization to expend grant monies in the amount of \$1,300 and accept a kiosk in which citizens can drop off unused medication to be destroyed related to the Massachusetts Unwanted Opioid & Benzodiazepine Drug Disposal Program Kiosk and Funding grant.

Accepted and placed on file.

- 267** From the Mayor, recommending that the City Council provide authorization for the Police Department to accept a kiosk for the purpose of collecting expired and unused medication and expend monies from the Commonwealth of Massachusetts Department of Health MED-Project in the amount of \$1,300.

Accepted and placed on file.

- 268** From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance of a kiosk and the acceptance and expenditure of \$1,300 from Commonwealth of Massachusetts, Department of Health Authorized MED-Project grant to Brockton Police Department-Department of Health Authorized MED-Project grant program.

Accepted and placed on file.

- 269** From the Police Chief, requesting the authorization to expend grant monies in the amount of \$267,149 related to the Bureau of Justice Assistance FY2020 Coronavirus Emergency Supplemental Funding program.

Accepted and placed on file.

74.
COMMUNICATIONS (Cont'd)

- 270** From the Mayor, recommending that the City Council provide authorization for the Police Department to expend monies from the FY20 Coronavirus Emergency Supplemental Funding (CESF) program grant from the U.S. Department of Justice and Bureau of Justice Assistance in the amount of \$267,149.

Accepted and placed on file.

- 271** From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of the grant award in the amount of \$267,149 from U.S. Department of Justice and Bureau of Justice Assistance- FY2020 Coronavirus Emergency Supplemental Funding (CESF) program grant to Brockton Police Department- FY2020 Coronavirus Emergency Supplemental Funding (CESF) program grant fund.

Accepted and placed on file.

- 272** From the City Auditor, requesting the acceptance of \$25,000 from the auditing budget to cover part of the cost of the feasibility study contract PED20-OPM.

Accepted and placed on file.

- 273** From the Police Chief, requesting the transfer of \$75,000 from Police Department- Personal Services Other than Overtime -Court to Planning and economic Development -Other Contract services for a Police/Fire Headquarters feasibility study.

Accepted and placed on file.

- 274** From the Mayor, recommending that the City Council authorize the transfer of monies from the Police Department-Personal Services other than Overtime – Court in the amount of \$75,000 and the Auditor’s Office – Consultants in the amount of \$25,000 to the Planning and Economic Development-Other Contract Services.

Accepted and placed on file.

- 275** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$100,000 from Police Department-Personal Services Other Than Overtime-Court for \$75,000 and Auditor’s Office-Consultants for \$25,000 to Planning and Economic Development-Other Contract Services.

Accepted and placed on file.

- 276** From the Library Director requesting that the City Council provide authorization for the Library to pay an outstanding T-Mobile bill from FY19 that was sent to the wrong address. The bill is for mobile hotspots available to the community and is in the amount of \$1,636.65.

Accepted and placed on file.

- 277** From the Mayor recommending that the City Council provide authorization for the Library to pay an outstanding T-Mobile bill from FY19 that was sent to the wrong address. The bill is for mobile hotspots available to the community and is in the amount of \$1,636.65.

Accepted and placed on file.

- 278** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the payment of the T-Mobile bill in the amount of \$1,636.65 from Library-Purchase of Services.

75.
COMMUNICATIONS (Cont'd)

Accepted and placed on file.

- 279** From the Mayor in accordance with the provisions and stipulations of section 53E ½ of Ch. 44 of the M.G.L., recommending the re-authorization of the Comcast Revolving Fund for FY2021, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2021

Accepted and placed on file.

- 280** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed re-authorization of the Comcast Revolving Fund for FY2021, under the control of the Mayor, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2021, and shall be limited to spending purposes for cable related activities, including funding provided by Brockton Community Cable Corporation

Accepted and placed on file.

ORDERS

- 281** Ordinance: That the City Council approve “an Ordinance amending Chapter 27 of the Revised Ordinance of the City of Brockton Concerning Restaurants.”
Be it ordained by the City Council of the City of Brockton as follows:
Sec. 27-28. C-1 Zones, neighborhood commercial zones, Paragraph 3, Special Permitted Uses, is hereby amended.

Referred to Ordinance and Planning

- 282** Ordered: Total Proposed Transfer of \$20,000
From: Parking Authority-Personal Services Non-Overtime
To: Parking Authority-Purchase of Services-Security Fire Control

Referred to Finance

- 283** Ordered: Total proposed Transfer of \$25,000
From: Commonwealth of Massachusetts Department of Fire Services
To: Brockton Fire Department-FY2020 General Appropriations Act, CH. 41 of the Acts of 2019 grant.

Referred to Finance

- 284** Ordered: Total transfer of \$1,500,000
From: DPW-Highway Division Snow Removal
To: City's Stabilization fund

Referred to Finance

- 285** Ordered: That the City Council re-authorize the Parking Authority's Revolving fund to for revenues from parking fines up to and including the amount of \$250,000 for FY2021.

Referred to Finance

76.
ORDERS (Cont'd)

- 286** Ordered: Acceptance and expenditure of the grant award in the amount of \$100,000
From: Commonwealth of Massachusetts-Massachusetts Marketing Partnership Grant
To: Council on Aging- Massachusetts Marketing Partnership Grant Fund

Councilor Farwell motioned to take this item under the suspension of rules and was properly seconded. Motion carried by a roll call vote.

Councilor Eaniri stated it was his understanding that this was a partial amount and that the total is \$200,000 that is coming.

Councilor Farwell stated the total will be \$200,000. This is this first \$100,000 that needs to be expended by June 30th for the design and implementation of improvements to the parking lot. The additional \$100,000 will be at a later date.

Councilor Eaniri asked if this first \$100,000 was to put the plan into place.

Councilor Farwell stated this was more than that. This is to design and put out to bid for the start of improvements. Because of the delivery of goods and services, the money needs to be expended by June 30th. If there were any delays, we would run the risk of losing this funding with the money reverting back to the original grantee.

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

- 287** Ordered: That the City Council provide authorization for payment of the T-Mobile bill in the amount of \$1,636.65
From: Library-Purchase of Services.

Referred to Finance

- 288** Ordered: Acceptance and expenditure of \$267,149
From: U.S. Department of Justice and Bureau of Justice Assistance FY2020 Coronavirus Emergency Supplemental Funding program grant.
To: Brockton Police Department- FY2020 Coronavirus Emergency Supplemental Funding program grant fund.

Councilor Farwell motioned to take this item under the suspension of rules and was properly seconded. Motion carries by a roll call vote.

President Asack stated she invited Police Chief Gomes and Police Grant Coordinator St. James to join the meeting.

Councilor Farwell said that since they were provided the detailed budget for how these funds will be used.

Councilor Nicastro asked for an explanation of this grant. Ms. St. James explained that this grant came out of the CARES act and is supplemental funding to the Bureau of JA grant for Plymouth County that Brockton gets a share. Brockton had its own allocation this year and this is specifically to deal with, to respond and prepare for the COVID-19 pandemic now and the predicted second wave. Because this is a Bureau of Justice Assistance grant, the fiscal agent is the police department. The Police Department worked with the Fire Department and City Hall to find out the needs relating to the virus and was determined that first responders need personal protective equipment first. The Fire and Police Departments determined what was needed month to month in relation to PPE for the virus I addition to the City wanting dispensaries for hand sanitizers for public buildings. The Police Department and vehicles will be disinfected twice monthly.

ORDERS (Cont'd)

Councilor Cruise questioned whether the disinfection of vehicles was happening too infrequently, since they are shared shift to shift. Chief Gomes stated that the cars are wiped down after each shift every eight hours. This will be an outside company that will completely disinfect the vehicles. There is also an outside that cleans the cruisers if there is any kind of debris or blood within them.

Councilor Cruise asked if this would affect the \$90 million the County has for reimbursement which Ms. St. James answered this is separate.

President Asack stated that the Fire Department was using a device to disinfect, and asked would there be an investment in the same for the Police Department. Ms. St. James said that was not part of this particular request, though the budget could be amending if it were found that someone would better suit their needs for the Coronavirus. President Asack commented the School Department also uses these and they disinfect in seconds.

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

Councilor Farwell motioned for reconsideration in the hopes that this does not prevail and was properly seconded. Motion failed by a roll call vote.

- 289** Ordered: That the City Council authorizes the re-authorization of the Comcast Revolving Fund for FY2021, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2021

Referred to Finance

- 290** Ordered: Acceptance and expenditure of \$1,300 and acceptance of a kiosk
From: Commonwealth of Massachusetts Department of Health Authorized MED-Project grant
To: Brockton Police Department- Department of Health Authorized MED-Project grant program.

Councilor Farwell motioned to take item **290** under the suspension of the rules stating that even though this is not a large grant, it is important get the kiosk sooner to deposit controlled substances and was properly seconded. Motion carried by a roll call vote.

Councilor Cruise asked if this grant was under a time frame. Ms. St. James answered no. The check was received and they didn't want to leave this around. Councilor Cruise stated he did not want to start a regular pattern.

Councilor Thompson asked where will the kiosk be located. Ms. St. James stated this will be in the Police station lobby. Councilor Thompson asked what the money will be used for. Ms. St. James said this will be for overtime for officers to transfer what is collected to CMAC site Wareham for incineration. Councilor Thompson asked if this is available for usage when the police station is open to which Ms. St. James answered yes.

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present with all voting in the affirmative. Councilors Monahan and Rodrigues absent.

- 291** Total Proposed Transfer of \$100,000
From: Auditor's Office-Consultants for \$25,000 and Police Department- Personal Services Other than Overtime-Court for \$75,000
To: Planning and Economic Development-Other Contract Services

78.
ORDERS (Cont'd)

Referred to Finance

- 292** Resolve: That a representative from MassDevelopment appear before the Finance Committee to inform the Committee about the Massachusetts Property Assessed Clean Energy Program (“PACE Massachusetts”) to provide a financing mechanism to private owners of commercial and industrial properties for certain qualifying commercial energy improvements.

Referred to Finance

Councilor’s Recognition

President Asack announced that she has received many calls regarding when the budget hearings will be held. She has been in constant contact with the CFO and the Mayor and as of right now there is not a budget ready to present. This may be available by mid-June. From June 3-5, BCA will be off line updating equipment so it would not be during those dates.

President Asack, speaking of late files, stated she does not see the reason for these and asked for councilors to submit items for the agenda to be in the Clerk’s office on time to allow councilors the time to review and ask questions.

President Asack has received calls regarding what is the City’s policies regarding Covid-19 and stated her understanding was that there was nothing specific for the City, that State guidelines from the Governor’s office were being followed. She feels that a better job needs to be done with enforcement. She asked Chief Gomes if would come before the Council again to explain how these policies are being enforced.

Chief Gomes said he would gladly come before the Council. Police have responded to all calls relating to gatherings at homes and playgrounds that are broken up. Police are also enforcing the curfew. Every cruiser also has masks that are distributed to people and are taking a more educational approach. President Asack thanked the police for their efforts and understands the difficulty some of the situations present.

Councilor Nicastro gave thanks to Chief Gomes and Ms. St. James. She also stated that Section 2-90 of the City Ordinances states that a two-thirds vote of the Council present can suspend a rule as to a late file. She believes it fitting to minimize the number of late files.

Councilor Farwell said in relation to the budget, he appreciated the efforts to come up with a schedule, but right now it is not known what the level of State aid will be for either Chapter 70 for the schools or unrestricted general government aid. It does not make sense to proceed until this is known.

Councilor Cruise formally wished his wife Donna a happy 35th wedding anniversary.

City Clerk Zeoli, in response to his sister’s Casey Cambridge’s passing on May 6th, wanted to thank everyone from his family for their kind words and prayers. He would like to bless them all and tell them to be safe.

Meeting adjourned at 7:40PM

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.