

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 **following COVID-19 procedures.**

In City Council, August 24, 2020

City Hall, 2<sup>nd</sup> flr, Council Chambers  
45 School St., Brockton, MA 02301  
7:00pm

1. Acceptance of the minutes of the July 27, 2020 City Council meeting.

#### HEARINGS:

2. Petition of Dana Nessen, DBA Avon Auto Brokers Service Center for a Transfer of a Motor Vehicle Repair Mechanical License located at 899 Belmont St., Brockton, MA (current owner Titanium Group).
3. Petition of Old Colony Hospice and Palliative Care of 321 Manley St., West Bridgewater, MA for a Second-Hand Articles License located at 595 Belmont St., Brockton, MA.

#### REPORTS:

4. Of the Finance Committee for its meeting of August 18, 2020

#### COMMUNICATIONS:

5. From the Plymouth County Commissioners Office submitting a warrant upon the City of Brockton for payment of the Plymouth County Tax for Fiscal Year 2021 in the amount of \$155,468.34.
6. From the Finance Department, requesting that the City Council provide authorization to expend the COVID-Safe Cooling Strategies grant from the Metropolitan Area Planning Council (MAPC) and Barr Foundation in the amount of \$32,000.
7. From the Mayor, recommending that the City Council provide authorization to expend additional funds from the COVID-Safe Cooling Strategies grant from the Metropolitan Area Planning Council (MAPC) and Barr Foundation in the amount of \$32,000.
8. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total proposed transfer of \$32,000 from Metropolitan Area Planning Council to City of Brockton-Emergency Management Area Planning Council.
9. From the Chief of the Police Department, requesting that the City Council expend the FY21 State 911 Training grant from the Executive Office of Public Safety and Security/ State 911 Department in the amount of \$269,712.04
10. From the Mayor, recommending that the City Council provide authorization to expend additional funds from the FY2021 State 911 Training Grant from the Executive Office of Public Safety and Security/ State 911 Department in the amount of \$269,712.04.
11. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$269,712.04 from Executive Office of Public Safety and Security/ State 911-FY20 State 911 Training grant to Brockton Police Department-FY20 State 911 Training Grant fund.

12. From the Executive Director of the Parking Authority, requesting the transfer of \$392,000 to return excess funds back to the Parking Authority.
13. From the Mayor, recommending that the City Council provide authorization to transfer monies from Unappropriated Estimated Receipts account to Parking Authority – Parking Meter Reserve fund (18A) for \$196,000 and Parking Authority – Parking Meter Reserve fund (18B) for \$196,000. The total proposed transfer in \$392,000.
14. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$392,000 from Unappropriated Estimated Receipts account to Parking Authority – Parking Meter Reserve fund (18A) for \$196,000 and Parking Authority – Parking Meter Reserve fund (18B) for \$196,000.
15. From the Director of Council on Aging, submitting for approval a Memorandum of Understanding between the Council on Aging and Old Colony Elder Services for an allocation of CARES Act funds in the amount of \$6,000.
16. From the Mayor, recommending that the City Council provide authorization to expend funds in the form of a grant from the Old Colony Elder Services (OECS) to the City of Brockton Council on Aging (COA) in the amount of \$6,000.
17. 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 \$6,000 from Old Colony Elder Services to Brockton Council on Aging.
18. From the Chief of Police, requesting authorization to expend additional grant monies in the amount of \$5,000 received through the FFY2020 Traffic Enforcement Grant Program funds from the Executive Office of Public Safety and Security (EOPSS)/ Office of Grants and Research/ Highway Safety Division.
19. From the Mayor, recommending that the City Council provide authorization to expend additional funds from the FFY2020 Traffic Enforcement Grant Program funds from the Executive Office of Public Safety and Security (EOPSS)/ Office of Grants and Research/ Highway Safety Division in the amount of \$5,000.
20. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the additional sub-recipient grant award in the amount of \$5,000 from Executive Office of Public Safety and Security (EOPSS)/ Office of Grants and Research/ Highway Safety Division-FFY2020 Traffic Enforcement Grant Program Summer Impaired Driving grant to Brockton Police Department-FFY2020 Traffic Enforcement Grant Program Summer Impaired Driving Grant fund.
21. From the Mayor, notifying the City Council that Paul Merian has resigned from the City of Brockton License Commission as of July 21, 2020.
22. From the DPW Commissioner, requesting that the City Council transfer \$808,250 for the repairs to the Salisbury Brook box culvert in the parking lot of Manning Towers. The Water Division would like to transfer \$558,250 to the Water Enterprise capital budget and \$250,000 to the Sewer Enterprise budget. These expenditures will be funded from Water Connection Fee for \$558,250 and Sewer Connection Fee for \$250,000.
23. From the Mayor, recommending that the City Council provide authorization to transfer monies from DPW Sewer Division – Sewer Connection Fee to DPW – Sewer Division – Capital Projects account for \$250,000 and transfer monies from DPW Water Division – Water Connection Fee to DPW – Water Division – Capital Projects account for \$558,250. The total proposed transfer is \$808,250.
24. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$808,250 from DPW – Sewer Division – Sewer

Connection Fee for \$250,000 and DPW – Water Division – Water Connection Fee for \$558,250 to DPW – Sewer Division – Capital Projects for \$250,000 and DPW – Water Division – Capital Projects for \$558,250.

25. From the Fire Chief, requesting to accept and expend \$545,454.55 from the Federal Emergency Agency (FEMA). There is a required ten percent match of \$54,545.45 to be appropriated from Ambulance Receipts to Fire Department – Capital Projects for a total of \$600,000.
26. From the Mayor, recommending that the City Council provide authorization to expend additional funds from the FY2019 Assistance to Firefighters Grant from the Federal Emergency Agency (FEMA) in the amount of \$600,000. The \$600,000 consists of \$545,454.55 from the Federal Emergency Management Agency and the remaining \$54,545.45 is a ten percent match from the Brockton Fire Department.
27. 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 \$600,000. The award is from Federal Emergency Agency (FEMA) – FY2019 Assistance to Firefighters grant for \$545,454.55 to Fire Department – FY2019 Assistance to Firefighters Grant fund and the required ten percent match to be appropriated from Fire Department – Ambulance Receipts to Fire Department – Capital Projects.
28. From the Director of Planning and Economic Development requesting that the City Council approve the opting in to the PACE Massachusetts program. PACE Massachusetts is an economic development tool for cities and towns across the Commonwealth.
29. From the Mayor, recommending that the City of Brockton opt into the PACE Massachusetts program. The PACE program is an economic development tool for cities and towns across the Commonwealth that focuses on financing energy improvements in commercial buildings.

UNFINISHED BUSINESS:

30. Petition of Mass Best Motors, Inc dba Stepvan USA of 286 Etrick St., Brockton, MA, for a Motor Vehicle Repair Body License located at 1854 Main St., Brockton, MA (IN CITY COUNCIL JULY 27, 2020, POSTPONED TO AUGUST 24, 2020 CITY COUNCIL MEETING)
31. 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 (IN CITY COUNCIL JULY 27, 2020 THE AMENDMENT PASSED BY A HAND VOTE. PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE.)
32. 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.) (IN CITY COUNCIL JULY 27, 2020 THE AMENDMENT PASSED BY A HAND VOTE. PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE.)
33. Ordinance: That the City Council approve “an Ordinance amending Chapter 27 of the Revised Ordinances 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. (FAVORABLE) (IN CITY COUNCIL JULY 27, 2020 PASSED TO A THIRD READING BY A HAND VOTE.)
34. 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.) (FAVORABLE ORD/PLANNING) (IN CITY COUNCIL JULY 27, 2020 PASSED TO A THIRD READING BY A HAND VOTE.)
35. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council amend Chapter 27 of the Revised Ordinances of the City of Brockton to create a new zoning overlay district for certain parcels on North Pearl Street. (IN CITY COUNCIL JULY 27, 2020 REFERRED TO FINANCE) (UNFAVORABLE/FINANCE)
  36. Appointment of Frank Gurley of 375 Pearl St. Brockton, MA 02301 to the Brockton Redevelopment Authority for a five-year term, ending July 2025. (IN CITY COUNCIL JULY 27, 2020 POSTPONED TO AUGUST 24, 2020 CITY COUNCIL MEETING BY A HAND VOTE.)
  37. Appointment of Phillip Griffin of 19 Emory St. Brockton, MA 02301 to the Brockton Redevelopment Authority for a five-year term, ending July 2025. (IN CITY COUNCIL JULY 27, 2020, POSTPONED TO AUGUST 24, 2020 CITY COUNCIL MEETING BY A HAND VOTE.)
  38. Reappointment of David Lynch of 30 Quincy St. Brockton, MA 02302 as a Constable in the City of Brockton for a three-year term. (FAVORABLE)
  39. Ordered: Appropriation of up to \$12,131,213.26 From: Unappropriated Estimated Receipts-Plymouth County CARES disbursement for purposes of mitigating impacts of COVID-19 on city and school operations. Funds to be expended and reimbursed from Plymouth County for the purposes outlined in “Plymouth County CARES Community Update.” (FAVORABLE)
  40. Ordered: Total Transfer of \$30,704 From: Parking Authority Reserve account, To: Parking Authority – Personal Services Other Than Overtime-Part Time Salaries. (FAVORABLE)
  41. Ordered: Total Transfer of \$50,000 From: Commonwealth of Massachusetts-Massachusetts Census (CCCGP) Division-2020 Census Municipal Grant To: Mayor’s Office- 2020 Census Municipal Grant Fund (FAVORABLE)
  42. Ordered: That the City Council authorize the proposed HDIP Tax Increment Exemption between the City of Brockton and One Nine Residencies, LLC for the property located at 19 Main St. (FAVORABLE)
  43. Ordered: That the City Council authorize the proposed HDIP Tax Increment Exemption between the City of Brockton and 28 Petronelli LLC for the property located at 28 Petronelli Way. (FAVORABLE)
  44. Resolved as follows: That the City of Brockton shall conduct a study to better understand the availability and quantity of excess water and sewer capacity of the City of Brockton, that the City of Brockton explore the prospective income to the City by providing water and sewer to surrounding communities, that the City of Brockton shall study the status of Intermunicipal Agreements and ways to cultivate purchasers of City water and sewer, that the City of Brockton shall also study the financial feasibility of purchasing the Aquaria Water LLC desalination plant and selling this extra water capacity to surrounding communities, that the Study be conducted by a Committee consisting of the City of Brockton’s DPW Commissioner, Chief Financial Officer, the Law Department and select City Councilors, that the Committee shall submit a full and final report to the full City Council within 120 days of the approval of this resolve. (FAVORABLE AS AMENDED)

ORDERS:

45. Ordinance: An Ordinance Repealing Section 17-156 of the Revised Ordinances of the City of Brockton Be it Ordained by the City Council of the City of Brockton as follows:  
“Section 17-156 of the Revised Ordinances of the City of Brockton is repealed in its entirety.”
46. Ordered: Transfer of \$32,000  
From: Metropolitan Area Planning Council  
To: City of Brockton – Emergency Management Area Planning Council
47. Ordered: Transfer of \$269,712.04  
From: Executive Office of Public Safety and Security/State 911-FY20 State 911 Training grant  
To: Brockton Police Department – FY20 State 911 Training Grant fund
48. Ordered: Transfer of \$392,000  
From: Unappropriated Estimated Receipts  
To: Parking Authority-Parking Meter Fees Reserve Fund (18A) for \$196,000 and Parking Authority-Parking Meter Fees Reserve Fund (18B) for \$196,000.
49. Ordered: Transfer of \$6,000  
From: Old Colony Elder Services  
To: Brockton Council on Aging
50. Ordered: Transfer of \$5,000  
From: Executive Office of Public Safety and Security (EOPSS)/ Office of Grants and Research/ Highway Safety Division-FFY2020 Traffic Enforcement Grant Program Summer Impaired Driving grant  
To: Brockton Police Department-FFY2020 Traffic Enforcement Grant Program Summer Impaired Driving Grant fund.
51. Ordered: Transfer of \$808,250  
From: DPW – Sewer Division – Sewer Connection Fee for \$250,000 and DPW – Water Division – Water Connection Fee for \$558,250  
To: DPW – Sewer Division – Capital Projects for \$250,000 and DPW – Water Division – Capital Projects for \$558,250.
52. Ordered: Transfer of \$600,000  
From: Federal Emergency Agency (FEMA) – FY2019 Assistance to Firefighters grant for \$545,454.55  
To: Fire Department – FY2019 Assistance to Firefighters Grant fund.  
The required ten percent (\$54,545.45) match to be appropriated  
From: Fire Department – Ambulance Receipts  
To: Fire Department – Capital Projects.
53. Ordered: That the City of Brockton opt into the PACE Massachusetts program. The PACE program is an economic development tool for cities and towns across the Commonwealth that focuses on financing energy improvements in commercial buildings.
54. Resolve: That the Mayor and a representative of the Law Department be invited to a committee of the City Council to discuss potential funding of a consultant to work with the City Clerk, Legislative Counsel to the City Council, and the Law Department, to update and modernize the city ordinances.
55. Resolve: The Mayor, the Chief of Police, and the appropriate member of the Law Department be invited to a committee of the City Council to discuss the lawful options and strategies to address the continuing problem and the complaints from residents.

## **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. Recommendations are based on reports from committees.