

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, September 14, 2020

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

1. Acceptance of the City Council minutes of August 24, 2020 meeting

APPOINTMENTS:

2. Appointment of Paul Studenski of 48 Carlisle St. Brockton, MA 02302 from an alternate to a full member of the Licensing Commission for a three-year term, ending February 2023.
3. Appointment of Retired Police Officer Charles Cassiani Jr as a Special Police Officer.
4. Appointment of Hank Tartaglia of 33 Brook St. Brockton, MA 02301 to the Licensing Commission for a three-year term, ending September 2023.
5. Reappointment of David Santos as a Weights and Measures agent in the City of Brockton for a one-year term, ending September 2021.

HEARINGS:

6. Petition of Paul Barry, Jr. of 25 Mohawk Way, Cohasset, MA, Brockton Iron and Steel LLC requesting a Junk Collector's License at 45 Freight St., Brockton, MA (current owner Brockton Iron and Steel Co.)
7. Petition of National Grid 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: Campanelli Industrial Dr., National Grid to install three new intermediate poles (P1-1, P5-1, P8-1) in order to raise the overhead wires higher due to low wire issues where trucks are hitting the wires.

REPORTS:

8. Of the Finance Committee for their meeting on September 8, 2020

COMMUNICATIONS:

9. From the Mayor in accordance with the Revised Ordinances of the City of Brockton, Chapter 2, Section 2-186, advising the City Council members that he has appointed Anthony Donegan to the position of Assistant City Solicitor – Part Time for a three-year term, effective August 28, 2020.
10. From the Chief of the Fire Department, requesting the acceptance and expenditure of \$2,625 from the Last Call Foundation COVID-19 Decontamination Grant. This will cover for the decontamination for all six stations and one fire alarm building. This is a donation with no cost to the City.

11. From the Mayor, in accordance with M.G.L. Chapter 44, recommending the acceptance and expenditure of the total grant in the amount of \$2,625 from Last Call Foundation COVID-19 Decontamination Grant to Fire Department – Last Call Foundation COVID-19 Decontamination grant.
12. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure in the amount of \$2,625 from Last Call Foundation COVID-19 Decontamination Grant to Fire Department – Last Call Foundation COVID-19 Decontamination grant.
13. From the Mayor, in accordance with M.G.L. Chapter 40, Section 4, recommending the authorization to execute the Intermunicipal Agreement with the Town of Whitman for treatment of wastewater.
14. From the Superintendent of Schools, requesting a capital repair bond in the amount of \$2,084,612 for the needed repairs to the Huntington Alternative School located at 1121 Warren Ave. Brockton, MA 02301. The request consists of repairs and resurfacing of the school roof along with associated repairs. (This communication from the Superintendent has a different amount than the communications from the Mayor and CFO.)
15. From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorizing the total appropriation of \$2,934,376 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, for the purpose of paying costs of the roof replacement project at the Huntington Alternative School. 1121 Warren Ave. (This amount on this communication matched the CFO's correspondence but differs from the Superintendent correspondence.)
16. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of and borrowing authorization for \$2,934,376, for the purpose of roof repairs at the Huntington Alternative School without a detrimental impact on the continuous provision of the existing level of municipal services. **This is a conditional certification based upon developing a clear plan for long term debt management.** (This amount on this communication matched the Mayor's correspondence but differs from the Superintendent correspondence.)
17. From the Director of Planning and Economic Development declaring four newly formed lots on Petronelli Way and Franklin St. as surplus and authorizing their transfer to the Brockton Redevelopment Authority.
18. From the Mayor, authorizing that the City-owned parcels identified as Lot A, Lot C, Lot D and Lot F located on Franklin St. and Petronelli Way are transferred from the City of Brockton to the Brockton Redevelopment Authority to continue the work of the Downtown Brockton Urban Revitalization Plan.
19. From the Chief of the Police Department requesting the authorization to expend grant monies related to the 2019 Edward Byrne Memorial Justice Assistance grant (JAG) awarded to the City of Brockton as a sub-recipient of the Plymouth County JAG project in the amount of \$74,624.
20. From the Mayor, in accordance with M.G.L. Chapter 44, recommending the acceptance and expenditure of the total grant in the amount of \$74,624 from Plymouth County US Department of Justice – FY19 Justice Assistance Grant (JAG) Award to Police Department – FY19 Justice Assistance Grant (JAG) Award.
21. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of \$74,624 from Plymouth County US Department of Justice – FY19 Justice Assistance Grant (JAG) Award to Police Department – FY19 Justice Assistance Grant (JAG) Award.

22. From the Director of Planning and Economic Development, stating that the City was awarded a Recoverable Site Readiness grant from Massdevelopment in the amount of \$150,000, regarding a parcel of land on Newland St.
23. From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$150,000 from Massdevelopment – Site Readiness Grant to Planning & Economic Development.
24. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of \$150,000 from Massdevelopment to Planning & Economic Development. **This is a conditional certification as there is a repayment clause in the grant agreement based on the City's disposition of the property. This will need to be carefully monitored to minimize the City's future obligations.**
25. From the Chief of the Police Department, requesting the authorization to expend grant monies related to the FY2021 Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive grant in the amount of \$535,153.00.
26. From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$535,153 from Executive Office of Public Safety and Security/ State 911 Department-FY2021 Public Safety Answering Point and Regional Emergency Communication Center Support and incentive Grants to Police Department- FY2021 Public Safety Answering Point and Regional Emergency Communications Center Support and Incentive grant fund. This grant will be used to backfill ETD and dispatcher wages and fund overtime and dispatch equipment to be purchased.
27. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of \$535,153 from Executive Office of Public Safety and Security/ State 911 -FY2021 Public Safety Answering Point and Regional Emergency Communication Center Support and incentive Grants to Police Department- FY2021 Public Safety Answering Point and Regional Emergency Communications Center Support and Incentive grant fund.

UNFINISHED BUSINESS:

28. 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 AUGUST 24, 2020 POSTPONED TO SEPTEMBER 14, 2020 CITY COUNCIL MEETING BY A HAND VOTE.)
29. 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 AUGUST 24, 2020, POSTPONED TO SEPTEMBER 14, 2020 CITY COUNCIL MEETING BY A HAND VOTE.)
30. 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. (FAVORABLE)
31. 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. (FAVORABLE)
32. 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. (FAVORABLE)
33. Ordered: Transfer of \$32,000
From: Metropolitan Area Planning Council
To: City of Brockton – Emergency Management Area Planning Council
(FAVORABLE AS AMENDED)
34. Ordered: Transfer of \$6,000
From: Old Colony Elder Services
To: Brockton Council on Aging (FAVORABLE AS AMENDED)
35. 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
(FAVORABLE AS AMENDED)
36. 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. (FAVORABLE AS AMENDED)
37. Ordered: Total transfer of \$164,376.18
From: Executive Office of Health and Human Services- FY21 Safe & Successful Youth Initiative Grant to Police Department –
To: Brockton Police Department- FY21 Safe & Successful Youth Initiative Grant fund. (FAVORABLE AS AMENDED)
38. 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. (FAVORABLE AS AMENDED)

ORDERS:

39. Ordinance: An Ordinance to Provide Noise Control and Establish, and To Enforce, Civil Infraction for Violation
Be it ordained by the City Council of the City of Brockton, a new ordinance to be added to the Revised Ordinances, Chapter 14 – Offenses – Miscellaneous, as Section 14-49 or in the next section available.
40. Order: Appropriation of \$2,625
From: Last Call Foundation COVID-19 Decontamination Grant
To: Fire Department – Last Call Foundation COVID-19 Decontamination grant.
41. Order: Appropriation of \$74,624
From Plymouth County US Department of Justice – FY19 Justice Assistance Grant (JAG) Award
To Police Department – FY19 Justice Assistance Grant (JAG) Award.
42. Order: Appropriation of \$535,153
From: Executive Office of Public Safety and Security/ State 911 Department-FY2021 Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants

To: Police Department- FY2021 Public Safety Answering Point and Regional Emergency Communications Center Support and Incentive grant fund.

43. Order: That pursuant to M.G.L. Chapter 40, Section 4, the City Council authorizes the Mayor to execute an Intermunicipal Agreement with the Town of Whitman for treatment of wastewater.
44. Order: That the City of Brockton hereby accepts a Recoverable Grant in the amount of One Hundred Fifty Thousand (\$150,000) Dollars through Mass Development's Site Readiness Grant Funds to be used to improve site readiness on property located in the vicinity of the Good Samaritan Medical Center, 824 Oak Street, Brockton MA (the "Site"), for the potential development of a new Life Science Center.
45. Ordered: That the City of Brockton appropriate the amount of two million, nine hundred thirty-four thousand, three hundred seventy-six dollars (\$2,934,376) for the purpose of paying costs of the roof replacement project at the Huntington Alternative School, 1121 Warren Ave, Brockton, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Brockton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Brockton Public Schools. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City of Brockton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Brockton incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Brockton; provided further that any grant that the City of Brockton may receive from the MSBA for the Project shall not exceed the lesser of seventy nine and fifty-eight hundredths percent (79.58%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Brockton and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under M.G.L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. **The CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifies the proposed appropriation of and borrowing authorization for \$2,934,376, for the purpose of roof repairs at the Huntington Alternative School without a detrimental impact on the continuous provision of the existing level of municipal services. This is a conditional certification based upon developing a clear plan for long-term debt management.**
46. Ordered: That the City Council hereby declare the four City owned parcels identified as Lot A, Lot C, Lot D and Lot F on Approval Not required Plan of Land dated November 5, 2019 and which were formerly a portion of Parcels 109-044 Franklin St., 109-054 and 109-055 Petronelli Way as surplus and available for disposition. And that the Mayor be and hereby is authorized to transfer ownership in said parcels to the Brockton Redevelopment Authority in furtherance of the Downtown Brockton Urban Revitalization Plan as approved by the Brockton City Council on July 25, 2016 and the Massachusetts Department of Housing and Community Development on October 14, 2016.

47. Resolve: Whereas, The City is currently evaluating plans for new public safety facilities, including a potential, combined fire, police, and emergency management facility at a location to be determined. Now, therefore, be it resolved. The Mayor, Chief Financial Officer, and such other individuals as the Mayor may determine to be appropriate, be invited to a Finance Committee meeting on September 21, 2020, in order to provide information to the City Council on the current progress of the public safety facilities project.
48. Resolved: Whereas Elected and appointed officials will periodically hold professional development sessions to discuss, evaluate and define roles and responsibilities, goals, objectives, and to establish best practices for the orderly function of the organization to which they belong. Resolved: The City Council shall hold a professional development session on Saturday, October 24, 2020, at a time and location to be determined by the City Clerk. The Clerk shall ensure the session is duly posted in compliance with the requirements of the Massachusetts Open Meeting Law. The Clerk shall develop an agenda in consultation with councilors who may offer recommendations for the topics to be discussed.
49. Granting of Petition of National Grid 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: Campanelli Industrial Dr., National Grid to install three new intermediate poles (P1-1, P5-1, P8-1) in order to raise the overhead wires higher due to low wire issues where trucks are hitting the wires.

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.