

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, October 13, 2020

1. Acceptance of the City Council minutes of September 28, 2020 meeting

REPORTS:

2. Of the Ordinance Committee for its meeting of September 29, 2020
3. Of the Real Estate Committee for its meeting on October 5, 2020
4. Of the Finance Committee for its meeting on October 5, 2020

APPOINTMENTS:

5. Of Kenol Helas, 13 Enterprise St., #1, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.
6. Of William Wells of 116 Richmond St., Brockton, MA 02301 to the Diversity Commission for a three-year term ending September 2023 in place of Jacob Tagger of 122 Intervale St. Brockton, MA 02302.
7. Of Emiliano LeGrand Chery of 98 Southfield Drive Brockton, MA 02301 as a Constable in the City of Brockton for a term of three years.
8. From the Mayor, in accordance with the requirements set forth in 963 CMR 2.00, appointing the following members to comprise the School Building Committee for the Huntington School Roof Replacement project: Aldo Petronio, CFO, Brockton Public Schools (Chair and Non-Voting Member), Robert F. Sullivan, Mayor (Non-Voting Member), Mark D'Agostino, Ward 3 School Committee Member (Voting Member), Michael Thomas, Superintendent of Schools (Non-Voting Member), James Plouffe, Interim Superintendent of Buildings (Voting Member), Ossie Jordan, community member with construction experience (Voting Member), Dennis Eaniri, Ward 3 City Councilor (Voting Member), John Lander, Principal of the Huntington School (Non-Voting Member and Matt Stanton, community member (Voting Member). Pursuant to Section 60 of the City Charter, these appointments are submitted to the City Council for confirmation.

COMMUNICATIONS:

9. From the Mayor, recommending that the City Council authorize the Mayor to execute the "Grant of Easement" and to take other actions as necessary to carry out the terms, purposes and conditions of the same. (To Massachusetts Electric Co. for an Underground Electric Distribution System located on the southerly side of Crescent Street at parcel 110-016 and Parcel 110-017 more particularly as described in the "Grant of Easement")
10. From the Chief of the Police Department requesting authorization to expend \$1,000 in donated funds to be used for K-9 supplies and equipment as needed for the Brockton Police Department.
11. From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the donation in the amount of

\$1,000 from Southern New England Brotherhood Ride Inc. to the Police Department. The donation will be used to purchase equipment for K-9 related needs. No match required.

12. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total acceptance and expenditure of the donation in the amount of \$1,000 from Southern New England Brotherhood Ride Inc. to Police Department.
13. 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 \$25,000 from the Executive Office of Administration and Finance (EOAF)-Community Compact Grant to the Mayor's Office- Community Compact Grant fund. This grant will be used for the costs associated with the review and evaluation of the City's financial management structure. No match required.
14. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total acceptance and expenditure of the grant award in the amount of \$25,000 from Executive Office of Administration and Finance (EOAF)-Community Compact grant to Mayor's Office- Community Compact Grant fund.
15. 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 \$15,000 from the Executive Office of Administration and Finance (EOAF)-Community Compact Grant to the Mayor's Office- Community Compact Grant fund. This grant will be used for the costs associated with development, documentation and implementation of financial policies and procedures. No match required.
16. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total acceptance and expenditure of the grant award in the amount of \$15,000 from Executive Office of Administration and Finance (EOAF)-Community Compact grant to Mayor's Office- Community Compact Grant fund.
17. From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the total appropriation of \$2,000,000 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 to pay costs of replacing water transmission main piping and valves.
18. 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 \$2,000,000, for the purpose of paying costs related to the replacing water transmission main piping and valves.
19. From the Superintendent of Parks requesting additional funding of \$150,000 to cover the Golf Management Services contract for the remainder of FY21. The supplemental funding is due to the unanticipated success and record gross income during the 2020 golf season.
20. From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the total appropriation of \$150,000 from Taxation and Estimated Receipts for \$120,000 and Unappropriated Estimated Receipts for \$30,000 to Parks Department-Other Contract Services. This supplemental funding is due to the unanticipated success and record gross income during the 2020 golf season.
21. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total appropriation in the amount of \$150,000 from Taxation and Estimated Receipts for \$120,000 and Unappropriated Estimated Receipts for \$30,000 to Parks Department-Other Contract Services.
22. From the Chief of the Police Department requesting the authorization to expend \$80,000 awarded as a cooperative agreement by the Department of Justice, Office of Community

Oriented Policing Services as part of the FY20 Law Enforcement Mental Health and Wellness Act program.

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 \$80,000 from the Department of Justice's Office of Community Oriented Policing Services-FY20 COPS Office Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant to the Police Department-FY20 COPS Office Law Enforcement Mental Health and Wellness Act (LEMHWA) Program fund. The FY20 COPS Office Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant will be used by the Brockton Police Department to create and implement a peer support program in conjunction with the Brockton School Police and Massasoit Community College Police to enhance the mental health of its officers. There is no required match for these funds.
24. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total acceptance and expenditure of the total grant award in the amount of \$80,000 from the Department of Justice, Office of Community Oriented Policing Services-FY20 COPS Office Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant to the Police Department-FY20 COPS Office Law Enforcement Mental Health and Wellness Act (LEMHWA) Program fund.
25. From the Chief of the Police Department requesting authorization to expend grant monies related to the FY2021 First Responders Naloxone Grant from the Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS) in the initial amount of \$8,628 distributed between the police and fire departments as needed.
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 \$8,628 from the Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)- FY2021 First Responders Naloxone Grant to the Police Department – FY2021 First Responders Naloxone Grant fund. The FY2021 First Responders Naloxone Grant will be used by both the Police Department and the Fire Department to purchase Naloxone, or also known as Narcan, and supplies related to the administration of this drug. No match required for these funds.
27. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total acceptance and expenditure of the total grant award in the amount of \$8,628 from Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)- FY2021 First Responders Naloxone Grant to the Police Department – FY2021 First Responders Naloxone Grant fund.
28. From the City Financial Analyst, requesting that the grant award be processed through the City Council to expend Lead Hazard Reduction Grant funds from the Department of Housing and Urban Development in the amount of \$4,700,000 with a match of \$400,000, allocated through Community Development Block Grant (CDBG) funding.
29. 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 \$4,700,000 from the Department of Housing and Urban Development-Lead Hazard Reduction Grant to the Mayor's Office- Lead Hazard Reduction Grant Fund. The Lead Hazard Reduction Grant will be used to continue working towards the goals of the Brockton Lead Based Paint Hazard Control (BLBPHC) program to prevent childhood lead poisoning with target lead hazard control efforts in housing units where children are at the greatest risk of lead poisoning; promoting lead hazard control methods; and leading the community in education, outreach and collaborations. There is a required match of \$400,000 that will be used from the CDGB funding.
30. From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total acceptance and expenditure of the grant award in the amount of \$4,700,000 from Department of Housing and Urban Development-Lead Hazard

Reduction Grant to the Mayor's office- Lead Hazard Reduction Grant Fund. There is a required match of \$400,000 that will be used from the CDGB funding.

UNFINISHED BUSINESS:

31. Petition of Admilson Santos, of 21 Adams St. Apt #1 Dorchester, MA 02122 and Jose Cardoso of 37 Claremount Ave., Brockton, MA 02302, for a transfer of a Garage License located at 50 Meadowbrook Road, Unit 7 Brockton, MA 02302 (CONTINUED FROM SEPTEMBER 28, 2020 CITY COUNCIL MEETING)
32. 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." (FAVORABLE)
33. 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.** (IN CITY COUNCIL, SEPTEMBER 28, 2020, AMENDMENT PASSED BY A HAND VOTE. PASSED TO A THIRD READING, AS AMENDED, BY A HAND VOTE.)
34. 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. (FAVORABLE)

35. Ordered: That the Mayor and/or Treasurer/Collector be authorized to execute any and all documents necessary to convey the property consisting of 2.595 square feet, located and known as Plot 7-3, Skinner St. Parcel ID: 136-090 to Miguel Antonio Fontes, 38 Skinner Street, Brockton, MA 02302 for the purchase price of eight hundred dollars (\$800.00). 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. (FAVORABLE AS AMENDED)
36. Ordered: Appropriation of \$75,000
From: Department of Public Health's Bureau of Substance Addiction Services-Substance Abuse and Mental Health Services (SAMSHA), Massachusetts Opioid Abuse Prevention Collaborative (MOAPC),
To: Mayor's Office-Massachusetts Opioid Abuse Prevention Collaborative (MOAPC) fund. (FAVORABLE)
37. Ordered: Appropriation of \$75,000
From: Department of Public Health's Bureau of Substance Addiction Services-Substance Abuse and Mental Health Services (SAMSHA),
To: Mayor's Office-Substance Abuse and Mental Health Services (SAMHSA) fund. (FAVORABLE)
38. Ordered: Appropriation of \$50,000
From: Executive Office of Health and Human Services/Department of Mental Health- FY21 Massachusetts Jail Diversion Program Grant
To: Police Department-FY21 Massachusetts Jail Diversion Program Grant fund. (FAVORABLE)
39. Ordered: Transfer of \$2,069,670.20
From: Planning Department-40Q for \$38,224.08
Planning Department-Consultants for \$2,677.50
Planning Department-Other Const. Services for \$59,000
Police Department-Vehicles for \$145,584
Police Department- Department Equip. for \$32,500
Police Department-Capital projects for \$450,000
Animal Control- Other Cont. Serv. For \$14,764.36
DPW Water-Consultants for \$114,473.49
DPW Water-Street Repairs for \$441,846.00
DPW-EPA/DEP Mandate (Safe Water) for \$158,476.73
DPW Sewer-Capital Projects for \$159,472
DPW Highway-Paving for \$299,075.63
DPW Highway-Capital projects for \$153,576.41
To: Capital Fund for \$2,069,670.20. (FAVORABLE)
40. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Election will be held on Tuesday, November 3, 2020 in various polling places. (FAVORABLE)
41. 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. (FAVORABLE)
42. 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. (FAVORABLE AS AMENDED)

ORDERS:

43. Ordered: That the City Council hereby declare the City owned parcel at West Elm Street, Brockton, MA (known as Keith Field), Assessor Map 58, Route 71-1, Plot 56, being the same premises shown on "Plan of Land in Brockton, June 12, 1920, Hayward & Hayward, Surveyors, 28 Main Street, Brockton, filed with Plymouth County Land Court Records, as surplus and available for disposition.
44. Ordered: that sum of \$2,000,000 is appropriated to pay costs of replacing water transmission main piping and valves, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, ss 8 (5) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. All or any portion of this borrowing may be obtained through the Massachusetts Clean Water Trust (the "Trust"). Any premium received by the City upon the sale of any bonds or notes approved by this order, 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 order in accordance with M.G.L. c. 44, ss 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.
45. Ordered: Appropriation of \$150,000
From: Taxation and Estimated Receipts \$120,000 and
Unappropriated Estimated Receipts \$30,000
To: Parks Department-Other Contract Services.
46. Ordered: Appropriation of \$25,000
From: Executive Office of Administration and Finance (EOAF)-
Community Compact Grant
To: Mayor's Office- Community Compact grant fund. No match required.
47. Ordered: Appropriation of \$15,000
From: Executive Office of Administration and Finance (EOAF)-
Community Compact Grant
To: Mayor's Office- Community Compact Grant fund. No match required.
48. Ordered: That the Brockton City Council does hereby grant a perpetual right and easement to Massachusetts Electric Company, a Massachusetts corporation with usual place of business at 40 Sylvan Road, Waltham, Massachusetts, 02451 for an Underground Electric Distribution System located on the southerly side of Crescent Street at Parcel 110-016 and Parcel 110-017 and described more particularly in the "Grant of Easement". And further that the City Council authorizes the Mayor to execute said "Grant of Easement" and to take other actions necessary to carry out the terms, purposes and conditions of the same.
49. Ordered: Appropriation of \$80,000
From: Department of Justice, Office of Community Oriented Policing Services-FY20 COPS Office Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant
To: Police Department-FY20 COPS Office Law Enforcement Mental health and Wellness Act (LEMHWA) Program fund. No match required.
50. Ordered: Appropriation of \$4,700,000
From: Department of Housing and Urban Development-Lead Hazard Reduction Grant

To: Mayor's Office- Lead Hazard Reduction Grant Fund. There is a required match of \$400,000 that will be used from the CDBG funding.

51. Ordered: Appropriation of \$8,628

From: Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)- FY2021 First Responders Naloxone Grant

To: Police Department – FY2021 First Responders Naloxone Grant fund. No match required.

52. Ordered: Appropriation of \$1,000

From: Southern New England Brotherhood Ride Inc.

To: Police Department

No match required.

53. Whereas, the Cannabis Control Commission is considering regulations relating to the home delivery of marijuana products,

Ordered: (1) The city council, by formal vote, opposes the current, proposed regulations.

(2) The city council authorizes and directs the city solicitor to communicate to the Cannabis Control Commission a request that any regulations be postponed for six (6) months to allow the city to study the impact of home delivery by outside vendors on local licensees, the impact on the city's public safety services, or to request any other appropriate relief.

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.