

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 28, 2020

A regular meeting of the City Council was held on Monday September 28, 2020 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. President Asack presiding. The meeting was called to order at 7:00 PM with eleven members present.

President Asack invited School Committee Vice Chair Mark D'Agostino to come before the City Council to give an update regarding the opening of schools and where the City is at.

Vice Chair D'Agostino thanked the Mayor and School Committee members for all their hard work and countless meetings regarding the right thing to do for the kids in our district to keep them safe. He continued that Superintendent Thomas has provided great leadership through this and he thanked the teachers and staff working with the students every day with remote learning. He continued that the start date for school was moved back as allowed by the Department of Elementary and Secondary Education to allow for 10 days of professional development to learn the new technology to be used to teach students. School began on September 16 for Grades 1-12 and on September 21 for Pre-K and Kindergarten. The committee voted on August 11th to do full remote schooling until the end of the first term, November 19th. The School Department worked closely with the Board of Health and Dr. Hermann to make this decision, since the City was categorized as red (high risk). Discussions have begun on how to safely phase students back into the classroom. The School Committee voted on September 15th to begin phasing in students after three consecutive weeks in the yellow (moderate risk) category. If the City remains yellow for one more week, they can begin to move towards implementing a hybrid model.

Vice Chair D'Agostino explained the platforms students are using for remote learning: Clever which is the gateway to all other remote learning tools where students log in daily and are linked to the other platforms, **Schoology** is a newly launched learning management system used predominantly with students grades K-5 currently and will be rolled out district wide to all students and Microsoft 365 suite of programs for students grade 6-12. He continued that to get all students and teachers logged in was a huge undertaking. Since September, over 14,000 laptops have been distributed in addition to 6,000 laptops distributed last spring. 4,000 of the older laptops distributed last spring will be replaced over the next couple weeks. 728 WI-FI licenses have been distributed to families in need. If a family reaches out with a need, please refer them to the school or School Committee member. There has been a great deal of focus for support; there is a help desk with extended hours, the IT department is supporting families on the software side and principals, assistant principals and support staff are reaching out via phone. When district wide issues come up, they reach out via phone and text to communicate. There are also a group of tech savvy parents being trained as "superusers" to assist other parents.

Vice Chair D'Agostino stated the City has been able to continue the "Grab and Go" program that began last spring with additional sites added and hours pushed back to 3-6PM so meals are available at times that people can get there. All school locations are available for meals with a few exceptions that have other schools in walking distance proximity. Students do not need to be present at the time of pickup and they can go to whatever school is most convenient. On the first full day of the school year for all students, September 21st, there were 13,249 students logged into Clever out of the total enrollment of 15,507. They are also connecting with families that fail to consistently log in.

Looking ahead, Vice Chair D'Agostino said they are starting to have preliminary discussions about a phased-in reopening of the schools and a plan will be developed over the next few weeks, to be implemented after the three-week benchmark is reached. The goal will be to phase in beginning with the highest need students. They have been able to learn from other districts that began with the hybrid model. School staff has already received PPE training at the beginning

of the year. Regarding transportation, he continued that it will take a few weeks to develop a transportation plan. The number of kids on buses will be lower for social distancing. There were budget constraints that forced cuts in transportation from 55 buses in 2019 to 37 in 2020. To transport in the hybrid model, they estimate 58 buses will be needed, not including the private charter schools. Each day that schools are closed does not translate to a cost savings in bussing.

President Asack reminded all that the School Committee meetings are Tuesdays at 7PM and applauded all for the way this has been handled and also thanks Ward 7 School Committee member Sullivan for attending.

Councilor Rodrigues asked what is the vision for the hybrid program once students start returning. Vice Chair D'Agostino said they were hoping to begin as hybrid and began discussing this looking at a model, remote two days and in school three. Class sizes will be greatly reduced and had facilities going into all buildings looking for any additional space, including possibly using cafeteria and gymnasium space as potential classroom space. Councilor Rodrigues commented that he had mentioned that we may be a week away from being able to go hybrid and that you can't go right into this model. He continued that an issue has arisen, especially in ethnic communities where parents are struggling with their kids, and questioned how do you decide which kids go to school and which are remote. Vice Chair D'Agostino answered there would be two groups per class that would alternate days and times to attend. Every student would come in for in-person learning.

Councilor Rodrigues brought up another issue regarding a different model of in-home learning that as used at the charter school from the public schools. The charter school does a class with a ten-minute break where the public school does not have breaks, which can be a problem for these students going from 8AM to 2PM with only one break and no breaks between classes. He suggested this would be something to look into. Councilor Rodrigues does not believe there are conversations with parents that are negatively affected by this. It is easy to give work to do at home, assuming parents are able to help, but there are several families where the parents are unable to help. Parents are having the same issue with this system. Councilor Rodrigues asked if there have been any real conversations with parents concerning this. Vice Chair stated he had not had any conversations himself and agrees that there should be more breaks and some teachers are working in their own breaks. He continued that this is being discussed with the Superintendent, but does not have an answer now on what the solution is. He welcomed any feedback from parents to be passed on to him.

Vice Chair D'Agostino clarified the timing to go hybrid and the Superintendent believes the schools will be ready in three weeks from when the decision is made to bring students to school.

469 Acceptance of the City Council minutes of September 14, 2020 meeting

Accepted and placed on file

REPORTS

470 Of the Finance Committee for its meeting of September 21, 2020

Accepted and placed on file

HEARINGS

Petition of Gary Leonard, CEO of Natural Agricultural Products LLC of 4 Main St. Brockton, MA 02301 requesting a Marijuana Cultivator License at 53 Spark St. Brockton, MA 02302

Attorney Jay Creedon appeared in favor and introduced Attorney Scott Rubin who will be presenting on behalf of their client Gary Leonard. Attorney Rubin asked, as a point of information, that since the materials to be presented is the same for both licenses, he asked if he would need to make more than one presentation.

149.
HEARINGS (CONT'D)

Councilor Lally motioned to take both licenses for 53 Spark St. collectively and was properly seconded. Motion carried by a hand vote.

Attorney Rubin stated that the location at 53 Spark St. has been worked on by the petitioners since late 2018 and have been leasing the property since 2019. The original community host agreement was executed in March 2019 and since then the [petitioners have been educating themselves on the process to adhere with the requirements at the city and state level. They have been approved for their location by both the Planning and Zoning boards. At the time the paperwork was filed, the provisional license with the CCC was pending. This license was finally approved in September 2020. Mr. Leonard's team has been issued building permits, though no work has been started as of yet. There plan is to manufacture and cultivator in a space of 6,000 square feet. The cost for this build-out is upwards of \$600,000. They have expectations to expand and have up to an additional 80,000+ square feet available. This could be a project with a total investment of \$3-4 million.

Councilor Lally offered stipulations with the licenses. Hours of Operations 7AM-7PM, no retail sales and do everything possible to limit the smell. He continued that he would request they do everything to limit truck traffic to truck routes and industrial roads. He stated that pot is a new business and is going to be part of our lives, whether we voted for or against. The City Council and the State have taken great pains to get this process right and they will not let up on it. He continued that this will be in his ward and that if this is not done right, the Council can and will bring the license back in for a hearing.

Councilor Rodrigues said he was confused about the application. The application listed two owners of the business, owning 51 and 49 percent, but under the agreement for members managing the organization, capital contributions from both owners are zero. He asked where the funding was coming from for this project. Attorney Rubin answering that the funding came from two individuals contributing \$200,000 and \$400,000. Councilor Rodrigues countered if they are not owners of the business how are they providing funding if they have no financial investment in the business. Attorney Rubin stated that those investments are non-equity. The individuals have taken the obligation to loan the business money for initial capital.

Councilor Rodrigues stated that the applicant does not have a valid community host agreement with the City since the original agreement has expired. Attorney Rubin stated that most agreements have expired and that he has been working with all of his clients and in order to get an extension from the Mayor, the City Solicitor has asked them to provide certain information for an extension and they are in the process of doing that. The City has not decided on a final draft for an updated host agreement for the extensions. Since most agreements have expired, Attorney Rubin expects the same discussions are occurring with all and once the draft is finalized he sees no reason why they would not be extended. Councilor Rodrigues stated this is a problem for him which he brought up when reviewing past licenses, where he believed there was only one valid application. Most of the prior applications were incomplete in his opinion with expired agreements. He said he plans to make a motion to send this application to Public Safety committee after the hearing because he is not comfortable with the way the whole financial piece is being structured. Attorney Rubin stated that he has been asking about these agreements for all of his clients and has been unable to get the City to respond to him. It is difficult for them since they cannot create the agreement on their own and they cannot make the City provide that extension. Councilor Rodrigues asked if the Mayor decided not to extend the agreement, what happens next to which Attorney Rubin answered he would rather not speculate. Councilor Rodrigues said that there are folks in the community who are still moving forward with their applications and have individuals with valid host agreements that can no longer participate in the process because all retail licenses have been issued and they should not have been given out because they were incomplete, which is why he intends to motion to refer to Public Safety.

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HEARINGS (CONT'D)

Councilor Farwell stated that he understood that the Cannabis Control Commission (CCC) in September 2020 gave conditional approval to the applicant, even after the expiration of the host agreement. He stated the CCC would have known about this and if that was a fatal flaw, he suspects that the CCC would not have granted a provisional license. Councilor Farwell continued that they routinely grant licenses conditional upon certain things happening.

Councilor Farwell stated he will be asking a group of questions to Mr. Leonard for the benefit of having it on the record and making the public aware of the process. Councilor Farwell asked if they have reviewed the City Ordinances relating to marijuana businesses, to which Mr. Leonard replied yes. He asked if they understood the provisions of the Ordinances and that violate of them could be grounds for revocation of any license, to which the reply was yes. He asked if they understood that any false or misleading statements during this procedure could be revocation of any license, to which the reply was yes. Councilor Farwell asked if there were any City employees, appointed or elected, that has a financial or any other interest in this venture, to which the reply was no. Councilor Farwell stated the principal investors for the company are listed as Katherine Redden and David Willette and that they contributed the \$600,000. Mr. Leonard stated that Katherine Redden has zero interest. She has worked with Mr. Leonard for the last two and a half years with no pay. The investors of **Dr. Kesh Pahucha**, who put in \$400,000 and David Willette has put in over \$250,000. Councilor Farwell asked if there was any type of ownership agreement with anyone not mentioned tonight, to which the answer was no. He asked if they knew who the day to manager would be. Mr. Leonard said it would be David Willette. Councilor Farwell asked if they current owned any other marijuana licenses or businesses in Massachusetts or any other state, to which the answer was no. He asked if there were any pending applications for any other licenses for marijuana with any other communities, to which Mr. Leonard replied no. Councilor Farwell asked if this business was to operate for more than a year, to which the response was yes. Councilor Farwell stated they are working with the Mayor on the host community agreement and that they have a conditional license with the CCC. Councilor Farwell asked when they would expect to be ready to begin operations. Mr. Leonard stated they would be ready three months from the start of the build-out.

Councilor Monahan stated that they have legislative counsel present and he believes that all other licenses were passed conditionally on getting an extension from the Mayor and asked for clarification. Attorney Resnick stated that five of the six licenses were granted conditionally and she knows that the mayor's office is working on them. Attorney Resnick has provided her recommendations to the City Solicitor for extensions.

Councilor Cruise questioned that there are two investors. Mr. Willette has put up one third of the money and will be general manager, but is not an owner, to which Mr. Leonard replied he is not an owner. Councilor Cruise asked if there was a reason for that to which Mr. Leonard replied that he is doing this for his sister, Katherine Redden, who is his partner.

None appeared in opposition.

Councilor Rodrigues said he has several questions about financing, which he believes should worry some of his colleagues. He continued that when the first marijuana license came before this body, In Good Health, it was referred to Public Safety. Councilor Rodrigues motioned to have the application referred to Public Safety committee and was properly seconded. Motion failed by a hand vote.

Hearing held.

Granted with stipulations by a roll call vote taken by "yeas" and "nays"; eleven members present with seven voting in the affirmative. Councilors Cardoso, Eaniri, Nicastro and Rodrigues voted in the negative,

151.
HEARINGS (CONT'D)

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

Petition of Gary Leonard, CEO of Natural Agricultural Products LLC of 4 Main St. Brockton, MA 02301 requesting a Marijuana Products Manufacturer License at 53 Spark St. Brockton, MA 02302

Attorney Jay Creedon, Attorney Scott Rubin and Mr. Gary Leonard appeared in favor.

None appeared in opposition.

Councilor Rodrigues motioned to have the application referred to Public Safety committee and was properly seconded. Motion failed by a hand vote.

Granted with stipulations by a roll call vote taken by “yeas” and “nays”; eleven members present with seven voting in the affirmative. Councilors Cardoso, Eaniri, Nicastro and Rodrigues voted in the negative,

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

Petition of Jaconias DeOliveira 943 Front St. Weymouth, MA 02190 for a Garage License located at 50 Meadowbrook Road, Unit 5B Brockton, MA 02302

Attorney Robert Pelligrini and Jaconias DeOliveira appeared in favor. Attorney Pelligrini stated that Mr. DeOliveira received a variance because of the zone he is in back in February.

Councilor Nicastro stated that she is in support of this. Mr. DeOliveira bought the property last year and has made serious efforts to clean up the property.

Councilor Mendes stated she has been in contact with the owner who has honored every request the City has had and also strongly supports this license.

None appeared in opposition.

Hearing held.

Granted by a hand vote.

Petition of Jaconias DeOliveira 943 Front St. Weymouth, MA 02190 for a Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Road, Unit 5B Brockton, MA 02302

Attorney Robert Pelligrini and Jaconias DeOliveira appeared in favor.

Councilor Nicastro stated she has some license stipulations as follows:

1. Applicants agree that at all times during the term of these Licenses, the businesses they operate will comply with all city, state and federal laws and regulations.
2. Hours of Operation: 8:00am-7:00pm M-F, 8:00am-1 :00pm Sat, closed Sundays & legal holidays.
3. Hours of Operation will be posted outside using a minimum of two (2) inch letters.
4. All outside storage of auto parts and/or debris is prohibited.
5. All outside storage of vehicles is prohibited alongside street of licensed premises after hours of operation listed above.
6. All vehicles associated with this business must be parked off street.

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HEARINGS (CONT'D)

7. All vehicle repair work must only be undertaken inside the licensed premises' garage building
8. A total of 6 parking spaces (4 for repairs and 2 for customers and employees) are shown on the parking plan prepared by PMP Associates dated 9-28-2020, which was submitted with the application; said spaces must be properly striped with four (4) inch wide stripes including cross hatched sections.
9. Signage posted on building will mark Applicant's parking spaces as set forth in #8 above.
10. No wrecked, damaged or dismantled motor vehicles or parts thereof will be placed or stored outside at any time.
11. Applicant acknowledges employing an appraiser as required by MA state law.
12. Any dumpster will be properly fenced per Ordinance and/or state law and shown on plan provided with application.
13. Vending machines will not be placed outside the building.
14. All vehicles for repair by the Applicants/License Holder will be stored solely at the licensed premises.
15. Applicants agree that no illegality will take place on the licensed premises.
16. Upon acceptance of these Licenses, the Applicants/License Holders acknowledge that any violation of the condition set forth above is punishable by a fine of \$360 per offense per day, and will be the reason for revocation of this license.

Councilor Rodrigues asked Mr. DeOliveira if he understood all the conditions just attached to the license and if he agreed with them. Mr DeOliveira replied yes and that he promised to comply 1000%.

Councilor Mendes said that she went over every stipulation with Mr. DeOliveira in his language to make sure he understood and that he was in agreement with these.

Councilor Rodrigues wanted to be clear and make sure that the applicant knows he can be fined for non-compliance.

Councilor Eaniri questioned the Clerk regarding the list of stipulations and asked is there an ordinance that we have the right to fine people for this. The City Clerk stated there is an ordinance with a fine involved between \$100-\$300 per day.

Councilor Nicastro explained that all stipulations came from the ordinances. She continued that not all licenses had a list of stipulations and not all applicants read the ordinances. She believes it is important for them to know what to comply with, which is why she has worked with several people in the City to write these stipulations out. She continued that when it comes to translating, this is a big issue for her and when she spoke with Mr. DeOliveira a year ago, she made special arrangements to bring an interpreter to meet with him and his family. She also reiterated that she supports this owner.

None appeared in opposition.

Hearing held.

Granted with stipulations by a hand vote.

Councilor Nicastro stepped down.

Petition of TAPK LLC (Edward Ahern) of 6 Wenlock Rd. Dorchester, MA 02124 for a transfer of a Garage License located at 609 Oak St., Brockton, MA 02301 (Current Owner Paul Coyman)

Edward Ahern and Peter Koloris appeared in favor. Mr. Ahern stated they bought the building a year and a half ago and have invested \$150,000 to clean up the property.

153.
HEARINGS (CONT'D)

Councilor Cruise asked which building this is for. Mr. Ahern replied it is where Meineke currently is.

None appeared in opposition.

Granted by a hand vote.

Petition of NBP II Brockton LLC, 3030 Congress St. Boston, MA 02110 for a transfer of a Garage License located at 1150 W. Chestnut St., Brockton, MA 02301 (Current owner MA Industrial Brockton LLC)

None appeared in favor.

Councilor Eaniri stated that this item is a simple ownership change for Kenworth Trucking and that the owners are out of state and unable to attend. He went up to the business and nothing is changing with the business.

None appeared in opposition.

Granted by a hand vote.

Councilor Nicastro returned.

Petition of Admilson Santos, of 21 Adams St. Apt #1 Dorchester, MA 02122 for a transfer of a Garage License located at 50 Meadowbrook Road, Unit 7 Brockton, MA 02302

Admilson Santos appeared in favor.

Councilor Nicastro stated she has spoken to Mr. Santos and thinks there may be an issue relating to the unit number. Mr. Santos confirmed he had spoken with Councilor Nicastro. Councilor Nicastro motioned to continue this hearing to the October 13 City Council meeting and was properly seconded. Motion carried by a hand vote.

COMMUNICATIONS

471 From the Mayor, withdrawing the re-appointment of Phillip Griffin of 19 Emory St. Brockton, MA 02301 to the Brockton Redevelopment Authority.

Accepted and placed on file

472 From the Mayor, withdrawing the appointment of Frank Gurley 375 Pearl St. Brockton, MA 02301 to the Brockton Redevelopment Authority.

Accepted and placed on file

473 From the Mayor, appointing William Wells of 116 Richmond St. Brockton, MA 02302 to the Diversity Commission for a three-year term, ending September 2023.

Accepted and placed on file

474 From the Mayor's Director of Social Services, requesting the acceptance of a grant amendment for an increase of \$75,000 through June 30, 2021 from the Department of Public Health's Bureau of Substance Addiction Services. This funding will be to continue services of the Massachusetts Opioid Abuse Prevention Collaborative (MOAPC) funding to close out the grant which will be ending on June 30, 2021.

Accepted and placed on file

154.
COMMUNICATIONS (CONT'D)

475 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 \$75,000 from the Department of Public Health's Bureau of Substance Addiction Services-Substance Abuse and Mental Health Services (SAMSHA), Massachusetts Opioid Abuse Prevention Collaborative (MOAPC), to the Mayor's Office-Massachusetts Opioid Abuse Prevention Collaborative (MOAPC) fund. The Department of Public Health's Substance Abuse and Mental Health Services Administration grant will be used to continue the services of the Massachusetts Opioid Abuse Prevention Collaborative (MOAPC). There is no required match for these funds.

Accepted and placed on file

476 From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of the increase in the grant award in the amount of \$75,000 from Department of Public Health's, Bureau of Substance Addiction Services- Substance Abuse and Mental Health Services (SAMHSA), Massachusetts Opioid Abuse Prevention Collaborative (MOAPC) to Mayor's Office-Massachusetts Opioid Abuse Prevention Collaborative (MOAPC) fund.

Accepted and placed on file

477 From the Mayor's Director of Social Services, requesting the acceptance of a grant amendment for an increase of \$75,000 through June 30, 2021 from the Department of Public Health's Bureau of Substance Addiction Services. This funding will be to continue services of the Substance Abuse Prevention Collaborative (SAPC) funding to close out the grant which will be ending on June 30, 2021.

Accepted and placed on file

478 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 \$75,000 from the Department of Public Health's Bureau of Substance Addiction Services-Substance Abuse and Mental Health Services (SAMSHA), to the Mayor's Office-Substance Abuse and Mental Health Services (SAMHSA) fund. The Department of Public Health's Substance Abuse and Mental Health Services Administration grant will be used to continue the services of the Substance Abuse Prevention Collaborative (SAPC). There is no required match for these funds.

Accepted and placed on file

479 From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of the increase in the total grant award in the amount of \$75,000 from Department of Public Health's, Bureau of Substance Addiction Services- Substance Abuse and Mental Health Services (SAMHSA), to Mayor's Office- Substance Abuse and Mental Health Services (SAMHSA) fund.

Accepted and placed on file

480 From the Mayor, recommending that the City Council authorize the Mayor to execute any and all documents necessary to convey the property, located and known as Plot 7-3, Skinner St. to Miguel Antonio Fontes of 38 Skinner St. Brockton, MA 02302 for purchase under the Abutter Lot Program with a permanent non-buildable restriction.

Accepted and placed on file

481 From the Chief of the Police Department, requesting the authorization to expend \$50,000 in grant monies awarded by the Executive Office of Health and Human

155.
COMMUNICATIONS (CONT'D)

Services/Department of Mental Health as part of the FY2021 Massachusetts Jail/Arrest Diversion Program.

Accepted and placed on file

- 482** 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 \$50,000 from the Executive Office of Health and Human Services/Department of Mental Health-FY21 Massachusetts Jail Diversion Program Grant to the Police Department-FY21 Massachusetts Jail Diversion Program Grant fund. The grant will fund police overtime for trained Crisis Intervention Team members to conduct outreach to citizens with mental health and/or behavior issues and to contract the services of a licensed clinician for assistance when necessary. There is no required match for these funds.

Accepted and placed on file

- 483** 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 \$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.

Accepted and placed on file

- 484** From the CFO, in accordance with The City of Brockton's Capital Improvement Ordinance, Sec. 2-298, requesting the total transfer of \$2,069,670.20 from various departments (FY20 Encumbered Capital Projects & FY20 Capital Balances from the general fund) into a capital fund for future expenditures. This is the result of significant work and collaboration between the Finance dept., Auditing Dept., and outside consultants, resulting in more orderly and consistent reflection for capital projects.

Accepted and placed on file

- 485** From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the total 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 and DPW Highway-Capital Projects for \$153,576.41 to Capital Fund for \$2,069,670.20.

The Clerk explained there was a scrivener's error on items **485**, **486** and **490** under orders. Under Animal Control- Other Cont. Serv., the amount should be \$14,764.36 not \$414,764.36,

Accepted and placed on file

- 486** From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total proposed 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

156.
UNFINISHED BUSINESS

\$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 and DPW Highway-Capital Projects for \$153,576.41 to Capital Fund for \$2,069,670.20.

Accepted and placed on file

- 434** 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. (FAVORABLE)

Councilor Cruise motioned to take items **434** – **437** collectively and was properly seconded. Motion carried by a hand vote.

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

- 435** Appointment of Retired Police Officer Charles Cassiani Jr as a Special Police Officer. (FAVORABLE)

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

- 436** Appointment of Hank Tartaglia of 33 Brook St. Brockton, MA 02301 to the Licensing Commission for a three-year term, ending September 2023. (FAVORABLE)

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

- 437** Reappointment of David Santos as a Weights and Measures agent in the City of Brockton for a one-year term, ending September 2021. (FAVORABLE)

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

- 459** Order: Appropriation of \$2,625
From: Last Call Foundation COVID-19 Decontamination Grant
To: Fire Department – Last Call Foundation COVID-19 Decontamination grant.
(FAVORABLE)

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

- 460** 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.
(FAVORABLE)

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

- 462** 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.
(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.

464 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.**
(FAVORABLE AS AMENDED)

Councilor Cruise, due to the length of this item, motioned to dispense the reading of the entire item and only read the CFO certification and was properly seconded. Motion carried by a hand vote.

Amendment passed by a hand vote.

Passed to a third reading as amended by hand vote

461 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.
(FAVORABLE)

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

UNFINISHED BUSINESS (CONT'D)

426 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. (FAVORABLE)

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

462 Ordered: 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. (FAVORABLE)

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

468 Ordered: That the naming of Brookfield Drive also be known as Zuckerman Way in dedication of Rae Zuckerman. (FAVORABLE)

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

465 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. (FAVORABLE)

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

427 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. (FAVORABLE)

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

ORDERS

487 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.

Referred to Finance Committee

488 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.

Referred to Finance Committee

489 Ordered: Appropriation of \$50,000

159.
ORDERS (CONT'D)

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.

Referred to Finance Committee

490 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.

Referred to Finance Committee

491 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.

Referred to Real Estate Committee

LATE FILES

Councilor Monahan motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

492 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.

Referred to Finance Committee

Councilor Cardoso motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

493 Resolved as follows:

- 1) That the City of Brockton should consider amending the current curfew and allow Brockton's restaurants to operate later daily or in the alternative to operate later Thursday's, Friday's, and Saturday's

Referred to Finance Committee

Councilor's Recognition

Councilor Cruise reminded all that on Tuesday September 29, 2020 at 6:30PM in Council chambers there will be an Ordinance Committee meeting.

Councilor Lally stated there will be a Real Estate Committee meeting on Monday October 5, 2020 at 6PM in Council chambers.

Councilor Cardoso asked to read a statement. She said she wanted to address an issue from Friday September 25, 2020 where members of the restaurant community reached out to her to hear their concerns about the current curfew. We all know how restaurant owners have been hit through this pandemic, by closing their doors for many months and losing thousands of dollars then reopening with many restrictions. On September 25th, she attended a meeting with Councilor Mendes and some restaurant owners. After the meeting, they decided to go to the Mayor's office to hand deliver a petition in protest to the curfew, which they have every right to do. Councilor Cardoso continued that as an elected official it is her duty to listen to residents and do what she can to address their concerns but it is not her duty to deter their efforts to heard because it is uncomfortable for this administration. Our mayor served many years on the Council and should understand this. Places like City hall are where people bring their voices whether they have an appointment or not. She would caution any mayor who passes judgement or reprimands members of this body for supporting people's right to have their voices heard. She continued that she represents all of her constituents whether they are for or against an issue, like this curfew.

Councilor Asack wanted to recognize some amazing people in Brockton. She wanted to highlight Cynthia Hodges of Lady C&J Souls Food and Catering. She has been dedicating her time and culinary talents to feeding the community. She said that on September 30 from 11AM-2PM Ms. Hodges will be feeding our first responders. She continued that she will be having a first responder appreciation day at City Hall Plaza.

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.

Meeting Adjourned at 8:38PM