

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, November 9, 2020

A regular meeting of the City Council was held on Tuesday November 9, 2020 in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, 45 School St., Brockton, MA. President Asack presiding. The meeting was called to order at 7:05 PM with eleven members present.

**548** Acceptance of the City Council minutes of October 26, 2020 meeting

Accepted and placed on file

### **REPORTS**

**549** Of the Finance Committee for its meeting of November 2, 2020

Accepted and placed on file

**550** Of the Real Estate Committee for its meeting on October 28, 2020

Accepted and placed on file

### **HEARINGS**

Petition of Terrasol, LLC, Ian Woods, for a Retail Marijuana License located at 702 N. Montello St., Brockton, MA 02301

Councilor Farwell stepped down.

Bishop Tony Branch appeared in favor of Ian Woods as an African-American. He stated the City of Brockton could make history in terms of granting this license to an African-American.

Coach Bree Nichols appeared in favor. She stated that Mr. Woods should not be delayed any further in getting his license to open Terrasol LLC. She said Mr. Woods should be approved as a Brockton resident and a Commission approved Social Equity and Economic Empowerment applicant. She believes there is a license available, as Commonwealth Alternative Care's host agreement has expired. She cautioned against any "pay to play" and stated that she has learned that Gregory Maynard, husband of the Mayor's Chief of Staff, has been hired by a lobbying group, Novus Group and MLM Strategy, which have been directly involved in the Mayor's campaign and helping CAC get a license in Brockton.

Ian Woods appeared in favor. He stated he is a proud Brocktonian and a social equity applicant. Mr. Woods has a 60 percent interest in Terrasol LLC and his partner, Milton, has a 40% interest. Mr. Woods stated they have secured funding from local banks and financial companies for the establishment of this business, including the renovation of the existing structure. He continued that the Ordinance committee limited the amount of city licenses to eight. Mr. Woods quoted Section 1.0072b, second paragraph, "when no completed application is available for review by the City Council then the Brockton City Council shall review the next completed application from either group." He stated that he has submitted a complete application and was advised to pay a \$500 fee, instead of the required \$300 fee. Their Cannabis Control Application is deemed complete and all

**HEARINGS (CONT'D)**

management and operations profile packets, background packets and cannabis control commission packets have been submitted. They have been approved by the technical review committee, planning board of approvals and zoning board of appeals and have a valid special permit.

Councilor Cardoso stated that contrary to what has been heard, there is a license available in Brockton. This license is available for us to vote on and if the applicant in front of us has a current host agreement and has gone through all the proper steps in the application process, it is our duty to grant this license. She continued that there have been conversations about violating our own ordinance by issuing this license and that Commonwealth Alternative Care is “grandfathered in.” She believes they have violated our ordinances on many occasions including when granting only one license in the downtown area, when there should be two and when five licenses were granted outside of downtown, when the ordinance calls for four. Councilor Cardoso continued that they are now violating the ordinance by giving it to an establishment that was not operational prior to July 1, 2017 and has delayed going through the process because of issues with the CCC. She is not aware of any “grandfather” clause under Massachusetts law 94G. Under the law, the applicants have to go through the same process. Commonwealth’s host agreement expired in 2018 and have not been before this council. She believes they should not be holding onto a license for a non-S.E. applicant when one of our own S.E. residents is prepared to obtain a license now. She believes the license should be granted tonight and that the City lost a discrimination lawsuit recently and if we are going to prepare for a lawsuit from Commonwealth who has not gone through the proper process to obtain a license then we must be prepared to go through a social equity, black man applicant who is going to sue the City. She reminded that 5 licenses were granted to white applicants with conditions and the one minority applicant was postponed. She urged her colleagues to vote yes and grant the license tonight.

Councilor Eaniri asked to hear from counsel regarding the Commonwealth Alternative Care license, which was “grandfathered in” along with In Good Health, and as far as he knows is still belonging to CAC until everything is worked out with them and was done before the recreational piece even came into play. He stated he wanted to be fair but believes the license is not available. Attorney Resnick stated that Commonwealth has a medicinal marijuana license that was obtained prior to July 1, 2017, so that includes them in the “grandfather” license status and priority status with the City. Attorney Resnick has conferred with City Solicitor Bridges and both agree that that did not give them a right to sit on their license and not do anything to act on it, but their provisional license is likely to be acted upon for retail marijuana by the CCC with the next two months and they are pursuing that license actively. Attorney Resnick commented regarding not having a special permit that she believed the zoning ordinance that was passed this council exempts those requirements for the medicinal sites. Councilor Eaniri asked what her recommendation would be. Attorney Resnick said they have two options, deny the license outright or table the decision until the end of the year to see if Commonwealth care gets approval for their retail license from the CCC. Councilor Eaniri commented that if they are looking to continue, then he thinks this body would want to postpone a decision since the other license is actively alive. He continued that there may be a possibility of applying for more city licenses, but do not know for sure. Attorney Resnick cautioned that since this is not before you, you do not know for sure what action will be taken. Councilor Cardoso asked if Commonwealth Alternative Care will be coming before Council for final approval on their retail license to which Attorney Resnick answer yes but the council will have limited ability to deny the license. Councilor Cardoso asked if they will need a current host agreement. Attorney Resnick answered yes but in her conversations with the City Solicitor, she believes these were will granted along with the other licenses that the council approved, subject to host agreements being extended. Councilor Cardoso questioned whether the law was not correct saying that an RMD has to be operational prior to July 1, 2017, since Commonwealth Alternative Care was not operational until 2018 in Taunton and never opened in Brockton. If you check on the CCC website, it says they have cultivating and processing in Taunton and dispensing in

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**HEARINGS (CONT'D)**

Taunton. Attorney Resnick stated that license status is determined by the CCC and it is not our right as a council to challenge it.

Mr. Woods stated he had a permit for In Good Health, that was required to go through this process but Commonwealth Alternative Care does not have an active permit and questioned why would the license still be reserved without this when the regulations say they need this. Mr. Woods gave the copy to the clerk.

Bill Nasiopoulos appeared in favor. He stated he is a business, farm and home owner in Brockton and that he has been working on this with Mr. Woods, but not as long as other applicants who have had 6-9 months longer to get through the process and currently they are only about 2 months behind the other applicants. He stated they went through the process with no lawyers. Mr. Nasiopoulos commented that he has seen Commonwealth work on this for three years and they were able to do this in less than a year with barely any money. He stated he knows the industry and the CCC and that it could be up to a year before they approve Commonwealth Alternative Care. He affirmed that they have an application that is complete and ready and Commonwealth does not.

Michael O'Donnell appeared in favor. He directed his comments to Councilor Thompson stating that the definitions in the ordinance are very specific stating 75% of the recreational marijuana retail licenses shall be reserved for establishments located in a C2 zoning district and 25% in a C3 zoning district. He continued that registered marijuana dispensaries provisionally licensed no later than July 1, 2017 are exempt from these provisions and that they would have to apply the same as everyone else. According to the ordinance definition, he believes Commonwealth could not qualify since they are not actively engaged in selling, producing or manufacturing marijuana in Brockton and have never been open. He questioned whether Commonwealth has been licensed by the City and how can Commonwealth be grandfathered based on Ordinance 210 or 370. He believes there is no reason a license can be denied to Mr. Woods and asked the Council to do what is right.

Jamal Brathwaite, President of the Northeast Brockton Neighborhood Association appeared in favor. He believes Terrasol has done everything right and that Commonwealth has no legal right to this license opportunity and that there is no legal reference to grandfathering in any legal documentation.

Jimmy Valentin appeared in favor and believes the Council should give Mr. Woods the opportunity to open his business. He agreed with Councilor Lally that even if this needs to be postponed, Mr. Woods should be first in line.

Councilor Cruise questioned the \$1.789 million listed in the application under startup and capitalization with \$20,000 cash on hand and asked where will the money be coming from. Mr. Woods answered that once they get their provisional license they will get funding from banks with zero percent loans. Councilor Cruise stated he thought banks won't these. Mr. Woods stated Gardner Federal Credit Union and Bay Coast are working with companies and that they have already met with them and they are awaiting the municipal response. Mr. Woods continued that a lot of that figure is product cost and once they are provisional the companies will be willing to give the product up front. Councilor Cruise asked if his intention for this business is long term to which the reply was yes.

Mr. Nasiopoulos commented that the numbers in the application for the cost were the average of what it costs to build out one of these facilities. He continued that the amount of changes to the building are minimal by taking out a garage door and putting in a storefront. The buildout including the security system is less than \$200,000, with the security system being the biggest cost. Once they are licensed, they have agreements with companies that are cultivating marijuana and they will extend them a 30-day credit. He continued that they may not need financing at all. Councilor Cruise asked on the state

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**HEARINGS (CONT'D)**

license they reviewed the security plan which was answered yes that the security was approved by both the City and the State.

No one appeared in opposition.

Hearing held

Councilor Rodrigues stated that, after conferring with Legislative Counsel, he intends to make two motions. He said that he thinks it is only fair that they put Commonwealth Alliance Care's feet to the fire and give them a period where they come in from of this body with a complete application.

Councilor Rodrigues motioned to give Commonwealth Alternative Care until the December 14, 2020 City Council meeting to submit a complete application to the City Council and failure to do, we shall give the eighth license to the next completed application and was properly seconded.

Councilor Thompson, on the motion, questioned whether we can make that motion and do we have the authority to revoke if they do not comply. Councilor Rodrigues stated that they are the licensing authority and have the authority to demand what we want for our licenses. He did not feel it was fair to hold onto the license just in case to go forward. Attorney Resnick commented that she spoke with City Solicitor Bridges on this and that they intend to inform Commonwealth Alternative Care that they have a set duration of time to submit a complete application and she will do that on behalf of the Council.

Councilor Cardoso, on the motion, she cautioned the Council that Mr. Woods' host agreement is set to expire and that they need to extend the hoist agreement, even though she knows that is done by the Mayor. He is concerned that this will not be extended and need some guarantee that it will be before entertaining these motions. Councilor Rodrigues said it is not up to this body to extend this agreement, that it is up to the Mayor and they gave licenses two months ago to a bunch of applicants with community host agreements to there is nothing to prevent this body from awarding a license since they have done this conditionally already.

Councilor Cardoso, on the motion stated they are not here to deliberate Commonwealth's application, they are here to grant or not grant Terrasol's application. She does not believe they should be doing anything regarding Commonwealth during this hearing.

The motion carried by a roll call vote taken by "yeas" and "nays"; ten members present with all voting in the affirmative. Councilor Farwell was absent.

Councilor Rodrigues motioned to postpone this hearing to the December 28<sup>th</sup> City Council meeting and was properly seconded.

Councilor Cardoso, on the motioned asked to amend to include the stipulation that we extend the host agreement, even though it's up to the Mayor. Councilor Lally, on the motion, said the Council has gone forward on applications dependent on a new host agreement and this Council is the licensing body. He agreed that they do not want to give Mr. Woods false hope, but if this body makes it clear that this applicant is who we want to give the license to, the Mayor can sign as many host agreements as he wants and none of them will go through if this is the applicant we choose. Councilor Cardoso stated she still disagrees since her fear is the Mayor does not have to extend the host agreement, but will go with the will of the Council. Councilor Cardoso acknowledge she cannot amend the motion since it is up to the Mayor.

The motion carried by a roll call vote taken by "yeas" and "nays"; ten members present with all voting in the affirmative. Councilor Farwell was absent.

**181.**  
**HEARINGS (CONT'D)**

Councilor Cardoso motioned for reconsideration of the previous vote and was properly seconded. Motion failed by a hand vote.

Councilor Farwell returned.

**APPOINTMENTS**

**551** Of James Plouffe of 3 Carriage House Drive Lakeville, MA 02347 to the position of Building Superintendent of the Public Property Department for the City of Brockton for a three-year term ending November 2023.

Referred to Finance Committee

**COMMUNICATIONS**

**552** From the Mayor, requesting a waiver under Section 2-100 of the Ordinances of the City of Brockton on behalf of James Plouffe of the Building Department.

Accepted and placed on file

**553** From the Emergency Management Director requesting the approval of a grant award in the amount of \$25,600 from the FY20 Emergency Management Preparedness grant. This funding will be used for a portable lighting trailer for the Fire Department and radio equipment to expand the BEMA and School 911 radio infrastructure. No match is required.

Accepted and placed on file

**554** 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 \$25,600 from the Massachusetts Emergency Management Agency (MEMA)-FY20 Emergency Management Preparedness Grant to the City of Brockton Emergency Management-FY20 Emergency Management Preparedness Grant fund. The FY20 Management Preparedness grant will be used for a portable lighting trailer for the Fire department and radio equipment to expand the BEMA and School 911 radio infrastructure. No match is required.

Accepted and placed on file

**555** 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 \$25,600 from Massachusetts Emergency management Agency (MEMA)-FY20 Emergency Management Preparedness grant to City of Brockton Emergency Management – FY20 Emergency Management Preparedness Grant fund.

Accepted and placed on file

**556** From the Chief of the Police Department requesting authorization to expend \$1,000 in donated funds from C. Carney Environmental to be used to purchase equipment for K-9 related needs.

Accepted and placed on file

**557** 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 \$1,000.00 from C. Carney Environmental to the Police Department. The C. Carney Environmental donation will be used to purchase equipment for K-9 related needs. There is no match required for these funds.

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**COMMUNICATIONS (CONT'D)**

Accepted and placed on file

- 558** 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 donation in the amount of \$1,000 from C. Carney Environmental to Police Department

Accepted and placed on file

- 559** From the Grant Coordinator of the Police Department requesting authorization to expend grant monies related to the FFY 2020 US Department of Justice/Bulletproof Vest Program Grant in the amount of \$13,265.00. There is no required match for these funds.

Accepted and placed on file

- 560** 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 \$13,265 from the U.S. Department of Justice- FY2020 Patrick Leahy Bulletproof Vest Partnership grant to the Police Department-FY2020 Patrick Leahy Bulletproof Vest Partnership Grant fund. The FY2020 Patrick Leahy Bulletproof Vest Partnership Grant will be used to reimburse 50 percent of the cost of bulletproof vests for Brockton Police officers whose vests need to be replaced in the upcoming cycle. Vests need to be replaced every five years. There is no required match for these funds.

Accepted and placed on file

- 561** 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 \$13,625 from U.S. Department of Justice-FY20 Patrick Leahy Bulletproof Vest Partnership Grant to Police Department-FY20 Patrick Leahy Bulletproof Vest Partnership Grant Fund.

Accepted and placed on file

**UNFINISHED BUSINESS**

Councilor Cardoso stepped down.

- 537** Appointment of Ryan Burke of 81 Rockford St., Brockton, MA as Trustee of the War Memorial for the City of Brockton for a three-year term. (FAVORABLE)

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

Councilor Cardoso returned.

- 546** Reappointment of Kenneth Galligan, of 25 Messina Dr., Brockton to the Traffic Commission pursuant to City of Brockton Ordinance sec. 466, for a term of three (3) years. Prior term ended September 2020. (FAVORABLE)

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

- 544** Ordered: Appropriation of \$68,703  
From: Plymouth County US Department of Justice-FY20 Justice Assistance Grant (JAG)  
To: Police Department-FY20 Justice Assistance Grant (JAG) Fund. (FAVORABLE)

**183.**

**UNFINISHED BUSINESS (CONT'D)**

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

**545** Ordered: Appropriation of \$150,000  
From Unappropriated Estimated Receipts  
To: Information Technology – Telephone (FAVORABLE)

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

**525** 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. (FAVORABLE)

Passed to a third reading by a hand vote

**547** Resolve: To invite the Mayor to come before the committee of this council to discuss what has taken place to replace Bob Malley as Executive Director of the Parking Authority. (FAVORABLE)

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

**524** 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. (FAVORABLE AS AMENDED)

President Asack stated that the Vice Chair of the School Committee emailed asking to postpone this item.

Councilor Cruise motioned to postpone this until the next Finance committee meeting and was properly seconded.

Councilor Rodrigues, on the motion, stated there are a variety of questions regarding this item. He continued that there is a Brocktonian that wanted to make a substantial donation to the City for the development of sport fields and he believes one of the issues is in terms of ownership of this field. If there is an issue with ownership of the field, he believes by postponing this, we are delaying this process until the end of the year. Councilor Rodrigues said it would make sense to have a discussion with the school committee to act on this or as a council to just move this forward and let it fall where it may. He continued that if we, as councilors, end up costing the City a million dollars' worth of benefit that it would not be fair to the tax payers of the City. Councilor

**UNFINISHED BUSINESS (CONT'D)**

Rodrigues reviewed the State law and basically it says the School Committee shall have the sole management and control of the athletic field. He does not believe this means ownership of the parcel of land. He is concerned that if this is delayed until January, we may lose the ability to ask the donor for these funds.

Councilor Cruise stated that he agrees with Councilor Rodrigues and that he spoke to the donor and the money involved is much more than one million dollars, that it is more in the six to seven-million-dollar range for the youth of Brockton. He also spoke to the funding mechanism and they felt that the two weeks would not be a problem. In courtesy to the school department, he thought this should be pushed out two weeks.

Councilor Farwell stated that now that we have mentioned this six to seven-million-dollar windfall, let's be fully transparent and get some information out there as to who is the alleged donor and what restrictions might be placed on this funding because when this land was given to the City by the Keith family, there were certain restrictions that the City agreed to and a State law was passed. Councilor Farwell continued that we should do what is right for the City and that this field is the last remaining large green space near the center of the City. In his opinion, it should be controlled by the City and not be distracted by potential donations. He would like a summation of who's donating what and under what conditions.

Councilor Cruise stated that all that information would be part of an RFP coming out of the Mayor's office. This was simply one tiny step to start a conversation on the process and would not change ownership of the land.

Motion to postpone to Finance Committee carried by a hand vote.

**529** 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") (FAVORABLE)

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

**ORDERS:**

**562** Ordinance: An Ordinance Amending Part II of the Revised Ordinances, Chapter 21 "Taxicabs, Buses, etc." Be it Ordained by the City Council of the City of Brockton: Section 21-11(a) shall be amended

Referred to Ordinance Committee

**563** Ordered: Acceptance and expenditure of the donation in the amount of \$1,000.00  
From: C. Carney Environmental  
To: Police Department  
No match required

Referred to Finance Committee

**564** Ordered: Acceptance and expenditure of the grant award in the amount of \$25,600  
From: Massachusetts Emergency Management Agency (MEMA)-  
FY20 Emergency Management Preparedness Grant  
To: City of Brockton Emergency Management-FY20 Emergency  
Management Preparedness Grant fund.

Referred to Finance Committee

**185.**  
**ORDERS (CONT'D)**

**565** Ordered: Acceptance and expenditure of the grant award in the amount of \$13,265  
From: U.S. Department of Justice- FY2020 Patrick Leahy Bulletproof Vest Partnership grant  
To: Police Department-FY2020 Patrick Leahy Bulletproof Vest Partnership Grant fund.

Referred to Finance Committee

**568** Ordered: The City Council reviews an exemption from the residency requirement in accordance with the Revised Ordinances of the City of Brockton Article III Section 2-110, City of Brockton Ordinance Waiver of Residency in reference to James Plouffe of the Building Department

Referred to Finance Committee

**566** Resolve: To invite Ms. Joanne Zygmunt of Brockton, as she serves as Chair of the Central Plymouth County Water District Commission, to come before a committee of this Council to discuss current work and projects of the Commission, including without limitation, a proposed water monitoring program for Silver Lake.

Referred to Finance Committee

**567** Resolve: To invite Mr. John O'Donnell, as he is the Chairperson of the Brockton Board of Assessors, and any other persons he wishes to accompany him, to come before a committee of this Council to discuss the results of the recent comprehensive reassessment of all classes of property in the City of Brockton, the resulting proposed 2021 property valuations, and information related to the valuations and tax rate.

Referred to Finance Committee

**Councilor's Recognition**

Councilor Nicastro congratulated the voters of the City for a terrific turnout on Election Day. Of the more than 60,000 registered voters in the City, 62 percent voted and she'd like to see the same turnout next year.

Councilor Nicastro wanted to say thank you to our veterans and those currently enlisted in military service from the City of Brockton, in advance of Veteran's Day.

Councilor Rodrigues motioned to file a late file and was properly seconded. Motion carried by a hand vote.

**568** Resolve: To invite Rob May, Director of Planning, and the Chairperson of the Zoning and Planning boards to discuss means to inform the public as to the lack of availability of adult use retail marijuana in the City of Brockton.

Referred to Finance Committee

Councilor Thompson stated that on Veteran's day, November 11, 2020, there will be a memorial at Legion Parkway Veterans Memorial at 10:00am

Councilor Eaniri announced that the Accounts committee will be meeting on Monday, November 16, 2020 at 5:30PM in the G.A.R. room.

President Asack said that Veteran's day is November 11<sup>th</sup> and even though we won't be celebrating this year with a parade or large gatherings, she would like to express our thoughts to all our veterans that we are thinking of them and thank them for their service to our country.

**186.**

**COUNCILOR'S RECOGNITION (CONT'D)**

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 8:30PM