

201.

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, December 14, 2020
Via ZOOM

A regular meeting of the City Council was held on Monday December 14, 2020 via Zoom. President Asack presiding. The meeting was called to order at 7:01 PM with eleven members present.

592 Acceptance of the minutes of November 23, 2020 City Council meeting.

Accepted and placed on file.

593 Acceptance of the minutes of the Special Meeting to set the Tax Levy on December 7, 2020.

Accepted and placed on file.

REPORTS

594 Of the Finance Committee for its meeting of December 7, 2020.

Accepted and placed on file.

APPOINTMENTS

595 Of Retired Sergeant Michael V. Damiano as a Special Police Officer.

Referred to Finance Committee

596 Reappointment of Robert Graham of 6 Alphonse Rd. Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.

Referred to Finance Committee

597 Reappointment of Irene R. Clague of 179 Bellevue Avenue Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.

Referred to Finance Committee

598 Reappointment of Daniel S. Clague of 179 Bellevue Avenue Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.

Referred to Finance Committee

599 Reappointment of Clayton A. Reichenberg Jr. of 115 Darren Drive Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.

Referred to Finance Committee

600 Reappointment of Joan Madden of 96-A Earle St. Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.

Referred to Finance Committee

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APPOINTMENTS (CONT'D)

601 Reappointment of Carol DeLorey of 19 North Bassett Road. Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.

Referred to Finance Committee

President Asack called for a roll call vote to see who is present and eleven members were present.

President Asack reminded all participants in the meeting to keep yourself on mute when not speaking

Attorney Resnick stated National Grid and other petitioners have been admitted to waiting room for the hearings. After hearings are completed, they will be removed.

HEARINGS

Councilor Cardoso motioned to take item # 20 (Elevation Inc.) out of order and was properly seconded. The motion carried by a roll call vote with ten members present and all voting in the affirmative. Councilor Farwell recused himself.

Petition of National Grid and Verizon New England, Inc. requesting permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: Main St. National Grid petitions to install a new intermediate pole, P138 between P137 & P139 so a new stitching equipment can be installed for the high voltage lines.

Tim Lightford from National Grid appeared in favor.

Councilor Thompson asked that he explain need for the pole. Mr. Lightford explained that the proposed pole will be a new jointly owned pole for new equipment to improve the reliability to the circuit and improve in this area

No one appeared in opposition.

Hearing held

Petition of Clinton Street LLC 589 Raymond Rd. Plymouth, MA 02360 for a transfer of a Garage License located at 189 Clinton St. Brockton, MA (Previous Owner, Trojano Family Series LLC) Bldg. A

Amit Johar of 589 Raymond Rd. Plymouth MA appeared in favor.

Councilor Nicastro stated that she and the petitioner have missed each other the property changed hands in August of last year. The license wasn't transferred last year, but should have been. Councilor Nicastro supports this.

No one appeared in opposition.

Hearing held

Granted by a roll call vote taken by "yeas" and "nays"; eleven members present with all voting in the affirmative.

Petition of Clinton Street LLC 589 Raymond Rd. Plymouth, MA 02360 for a transfer of a Garage License located at 189 Clinton St. Brockton, MA (Previous Owner, Trojano Family Series LLC)

Amit Johar of 589 Raymond Rd Plymouth MA appeared in favor

203.
HEARINGS (CONT'D)

Councilor Nicastro stated there are two buildings at this address which is the reason for two licenses and that she is in favor

Hearing held

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

Petition of Claudinei DeOliveira/S&C Oliveira LLC of 65 Park St. Rockland, MA 02370 for a transfer of a Garage License located at 772 North Main St. Brockton, MA (Previous Owner – Phong Tat)

Claudinei Oliveira of 772 N. Main St., Brockton, MA appeared in favor.

President Asack said she has spoken with Deputy Chief Williams and they discussed concerns about the storage of vehicles. President Asack said both her and Dep. Chief Williams are in favor of the transfer. She asked that the petitioner call her to discuss after the meeting.

President Asack said there will be some stipulations: set a number of vehicles to be on the property, no vehicles stored anywhere else. The City Clerk stated that the stipulations should be on the repair license, not the garage license.

Hearing held

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

Councilor Rodrigues stepped down.

Petition of Claudinei DeOliveira/MGC Auto sales Inc. of 65 Park St. Rockland, MA 02370 for a transfer of a Motor Vehicle Repair Mechanical License located at 772 North Main St. Brockton, MA (Previous Owner – Phong Tat, Champion Auto Group)

Claudinei Oliveira of 772 N. Main St., Brockton, MA appeared in favor.

President Asack said there will be some stipulations: the set a number of vehicles to be on the property and that no vehicles stored anywhere else. President Asack will call the petitioner to go over these stipulations.

Councilor Cruise asked if they are going to vote on the stipulations now or later? President Asack stated that she is not holding up the license. Councilor Cruise stated he was confused that they are voting on the license without stipulations. The City Clerk stated that the Councilor from Ward 1 was correct. We should have stipulations. Councilor Thompson stated that there should be a number of vehicles on the property. President Asack doesn't have a specific number. Whatever the number is, whatever the current lot number can take, that will be the stipulation.

No one appeared in opposition.

Hearing held.

President Asack will send the stipulations in written form and to the petitioner. She stated the number of vehicles on property shall match the total on the used car license. President Asack asked if the petitioner understood the stipulations. Ms. DeOliveira stated their used car license is for 27 vehicles. The City Clerk questioned if they will have 27 spaces for repair since he is looking for a number to put on the license. President Asack said there can be 27 total vehicles at any one time.

204.
HEARINGS (CONT'D)

Granted as stipulated by a roll call vote taken by “yeas” and nays”; ten members present and all voting in the affirmative. Councilor Rodrigues absent.

Councilor Rodrigues returned.

Petition of Alvide Depina of 94 Prospect St. Brockton, MA 02301 for a transfer of a Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA (Previous Owner, Expo Classic Auto Body and Repair)

Alvide Depina of 94 Prospect St. Brockton appeared in favor.

Councilor Nicastro stated that Mr. & Mrs. Depina have been very patient throughout this process. She continued that the property changed hands from Jason Lopes last year and they have been working on changing the licenses since. She met with the petitioners and said they have a very clean garage and will be a good business.

No one in opposition

Hearing held

Councilor Nicastro motioned to put the following stipulations on the license 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 on Meadowbrook Road side of property after hours of operation listed above; in addition, no vehicle associated with this business will be parked or stored anywhere other than in the spaces provided as set forth in #8 below.
6. All vehicles associated with this business must be parked off street.
7. All vehicle repair work must only be undertaken inside Unit #3 garage building.
8. The seven (7) rear and six (6) street side parking spaces are shown on the parking plan submitted with application and must be properly striped with four (4) inch wide stripes including cross hatched sections.
9. Signage will be posted on each of the parking spaces shown on parking plan indicating “Parking for Anildo Auto Body Repairs, LLC”, and include two (2) spaces dedicated solely for use by employees of Applicants' business.
10. No bonding or spray painting of vehicles will be performed on site unless and until Brockton Fire Department approves a completed paint booth in writing.
11. No wrecked, damaged or dismantled motor vehicles or parts thereof will be placed or stored outside at any time.
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. Further, this license is specifically conditioned upon the Property Owners, Jason Correia Lopes and Nelson Correia Lopes, maintaining a Garage License.
15. Upon acceptance of these Licenses, the Applicant/License Holder acknowledges that any violation of the conditions set forth above is punishable by a fine of \$360 per offense per day, and will be the reason for revocation of this license.

Mr. Depina has agreed to all stipulations.

Councilor Nicastro stated that there was a scrivener’s error on the application. It should state repairs, not repair. She has contacted the Clerk’s Office of the error.

Granted as stipulated, by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

205.
HEARINGS (CONT'D)

Petition of Alvide Depina of 94 Prospect St. Brockton, MA 02301 for a transfer of a Motor Vehicle Repair Body License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA (Previous Owner, Expo Classic Auto Body and Repair)

Alvide Depina of 94 Prospect St., Brockton, appeared in favor.

Councilor Nicastro stated she supports this transfer with the same stipulations as the mechanical license. President Asack asked the petitioner if they agreed with the stipulations to which Mr. Depina answered yes.

No one in opposition

Hearing held

Councilor Nicastro supports this and motioned to put the same stipulations as the last license on the Motor Vehicle Repair Body license as follows:

Councilor Nicastro stated that there was a scrivener's error on the application. It should state repairs, not repair. She has contacted the Clerk's Office of the error.

Granted as stipulated, by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

Petition of Terrasol Group, LLC of 87 East Ashland Street, Brockton, MA, requesting an Adult Use Retail Marijuana License located at 702 N. Montello St., Brockton, MA 02301.

Councilor Cruise, as a point of parliamentary inquiry, asked how did this item get moved to the December 14th agenda, when the Council voted to continue this hearing on December 28th. Attorney Resnick explained that this matter was discussed in executive session. Councilor Farwell agreed that Councilor Cruise is correct and he doesn't understand stating the public had the right to expect this hearing to be continued on December 28th and there will be chaos if the vote is not followed. Councilor Farwell stated he will continue to recuse himself from this vote.

Councilor Cardoso made a motion that the applicant be heard at this meeting and was properly seconded. Councilor Cruise, on the motion, repeated this is an illegal motion and the item should not have been on the agenda. It was properly voted on for the December 28th meeting.

Councilor Cardoso stated they were advised by attorney to put it on the agenda. Attorney Resnick stated the Council can have Executive Session on December 28, if they wish to discuss this matter further. The City Clerk reiterated that Executive Session should not be discussed at this time.

Councilor Lally respectfully requests a recess to clear this matter up. President Asack stated that it would be difficult due to technological reasons and did not want to lose the public on the Zoom meeting. Councilor Thompson stated there is a vote on the floor and recommends they vote so they can move forward. Councilor Cruise mentioned, it would be illegal and would be recusing himself from the rest of this hearing, if it continues. Councilor Eaniri agreed with Councilor Cruise and will be recusing himself from the remainder of the hearing, if it continues.

Motioned to proceed tonight carried by a roll call vote taken by "yeas" and "nays"; ten members present with six voting in the affirmative. Councilors Cruise, Eaniri, Nicastro and Thompson voted in the negative. Councilor Farwell recused himself.

Councilor Cruise recused himself from this hearing.
Councilor Eaniri recused himself from this hearing.

206.
HEARINGS (CONT'D)

A brief recess at 8:10PM.

Returned from recess at 8:15PM.

President Asack motioned to continue this hearing until December 28, 2020 but received no second.

Attorney Resnick said she would like to have an opportunity to speak to the council members in Executive Session on December 28. Councilor Lally would like to have Attorney Resnick explain why. Attorney Resnick stated that they can have executive session to go over what was discussed and have hearing for them on the 28th. The executive session cannot be done now. She said the applicant could be heard at the next meeting. Councilor Rodrigues stated that would have worked, but this was voted on to be heard and passed.

Hearing opened.

Phyllis Ellis of 250 W. Chestnut St. Brockton appeared in favor and said they should be granted the license.

Dianna Fortunato of 39 Rockwell Ave. appeared in favor.

Elisangela Teixeira appeared in favor.

Carla Toussaint of 23 Linwood St. Brockton appeared in favor.

Joe Morrison of 62 Ames St. appeared in favor.

Vanessa Jean Baptiste from Legal Greens appeared in favor.

Natalia Guerrero appeared in favor.

Attorney Valeriani of 100 State St., Boston, is not in opposition but questioned if the granting of the license will be in a C-3 zone. Councilor Cardoso stated he shouldn't be allowed to speak since he represents another applicant. President Asack stated it is a public hearing and anyone can speak. The City Clerk affirmed that it is public hearing and anyone can speak.

Attorney James Burke, 48 North Pearl St. appeared in opposition. He stated that the next application has priority with the State and City and they shouldn't vote on this application at this time.

Hearing closed.

Councilor Nicastro stated she has reviewed all the information from Mr. Woods and thinks it would be wise to continue the hearing. Mr. Woods has applied for State and City licenses under Terrasol, LLC, which is listed with the Secretary of State as a landscaping company. She believes they cannot award a license to any company that does not include marijuana in its purpose and sees serious defects in this application.

Councilor Cardoso said she appreciates Councilors Nicastro and Lally. She says the process is not about a particular applicant but what is right and that she is frustrated with misinformation.

Councilor Lally motioned to reconsider the previous motion to have the hearing this evening. Attorney Resnick said they would have to be heard on the 28, if they vote yes. Motion was properly seconded. Councilor Nicastro, on the motion questioned that the hearing has been opened how can it be taken back. Attorney Resnick stated that reconsideration can be taken anytime.

Councilor Lally retracted his original motion and motioned to postpone this item to December 28th and was properly seconded.

Motion carried by a roll call vote taken by "yeas" and "nays"; eight members present with all voting in the affirmative. Councilors Cruise, Eaniri and Farwell recused themselves.

207.
HEARINGS (CONT'D)

Petition of Commonwealth Alternative Care, Inc. of 26 Watson St., Cambridge, MA, requesting an Adult Use Retail Marijuana License located at 1090 West Chestnut St., Brockton, MA 02302.

Councilor Lally motioned to postpone this item to December 28th and was properly seconded.

Motion carried by a roll call vote taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councilor Cardoso voted in the negative. Councilor Farwell recused himself.

Petition of Elevation, Inc. located at 156-160 Main St. Brockton MA 02301 for Retail Marijuana License

Councilor Cardoso motioned to postpone item #20 (Elevation Inc.) and was properly seconded. On the motion, Councilor Thompson asked if this will be postponed to a certain date. Councilor Cardoso said the applicant hasn't completed the site plan, so a date after that. Councilor Cruise suggested at the second finance meeting in January. Councilor Rodrigues said should go to 2nd council meeting on January 25, 2021. Councilor Cardoso amended her motion to include January 25, 2021.

Motion carried by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor Farwell recused himself.

Attorney Valeriani, attorney for the petitioner asked the Council to reconsider their vote. They are scheduled to review their site plan with Planning in January and they anticipate approval. They want to revitalize the City and would like to present at this meeting. President Asack stated the item has been postponed.

Councilor Farwell stated he recused himself because an incomplete application was filed and should not have been on the agenda.

Public comment is finished.
View on livestream

COMMUNICATIONS

602 From the Director of Veteran Services requesting the transfer of \$1,500 from Humanistic Supplies and Costs to Departmental Equipment Rent/Lease.

Accepted and placed on file.

603 From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the transfer of \$1,500 from Veteran's Services-Humanistic Supplies and Costs to Veteran's Services-Departmental Equipment Rent/Lease.

Accepted and placed on file.

604 From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total transfer of \$1,500 from veteran's Services-Humanistic Supplies & Cost to Veteran's Services-Department Equipment Rent/Lease.

Accepted and placed on file.

605 From the Lieutenant Governor, informing that the City of Brockton has been awarded a \$136,000 grant through the Community Compact cabinet's Information Technology grant program.

Accepted and placed on file.

208.

COMMUNICATIONS (CONT'D)

606 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 \$136,000 from the Executive Office of Administration and Finance (EOAF)-Community Compact Grant to the Mayor's Office-Community Compact Grant fund. (will be used for the costs associated with the implementation of permitting software to allow the City to automate and integrate the process of permitting and code enforcement). No match is required.

Accepted and placed on file.

607 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 \$136,000 from Executive Office of Administration and Finance (EOAF)-Community Compact Grant to the Mayor's Office-Community Compact Grant fund.

Accepted and placed on file

608 From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the total appropriation of \$98,000,000 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 designing, constructing and equipping a public safety complex to house the Police, Fire, Information Technology departments and the Brockton Emergency Management Agency and pay costs of designing and improving roadways and utilities in the vicinity of the public safety complex.

Accepted and placed on file

609 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 \$98,000,000, to pay costs of designing, constructing and equipping a public safety complex to house the Police, Fire, and Information Technology departments and the Brockton Emergency Management Agency including the payment of all design, engineering and any other costs incidental and related thereto without a detrimental impact on the continuous provision of the existing level of municipal services. As we have been discussing for some time, the financing of this project is part of the overall comprehensive approach to bonded indebtedness and the management of our retiring debt. He is meeting regularly with our debt advisors at Hilltop **Securities** and conferring with bond counsel to take a full and inclusive view of all of our current and upcoming debt to maximize our funding opportunities with upcoming retiring debt. As a result, this project is proposed to be funded within the levy limit, that is, within our current operating budget so that it will not have any further impact on the City's taxpayers outside of Proposition 2 ½.

Accepted and placed on file

UNFINISHED BUSINESS

573 Reappointment of Stephen Hooke of 31 Hammond St. Brockton, MA to the Traffic Commission for a three-year term. (FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays"; eleven members present with all voting in the affirmative.

586 Ordered: Acceptance of an anonymous donation of \$8,000 to be used to purchase equipment for K-9 related needs.

From: An anonymous donation

To: Police Department.

There is no required match for these funds. (FAVORABLE)

209.
UNFINISHED BUSINESS (CONT'D)

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

- 587** Ordered: Appropriation of \$68,000
From: Massachusetts Department of Environmental Protection (MassDEP)-
Sustainable Materials Recovery Program grant
To: Department of Public Works-Sustainable Materials Recovery Program fund.
(FAVORABLE)

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

- 583** Communication from the Mayor authorizing the City of Brockton Public Works Department to transfer \$1,400,000 of the \$2,000,000 that was originally appropriated to fund the water main replacement on Thomas Street, Thomas Circle and Morse Avenue. While this transfer is not required to be authorized by the City Council, CFO Troy Clarkson and the Mayor committed to communicate with the City Council about the way in which these funds would be expended. The Mayor respectfully requests that this communication be referred to the City of Brockton Finance Committee, so that this matter may be further discussed. (FAVORABLE)

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

- 458** Ordinance: An Ordinance to Provide Noise Control and Establish, and To Enforce, Civil Infraction for Violation Be it ordained by the City Council of the City of Brockton, a new ordinance to be added to the Revised Ordinances, Chapter 14 – Offenses – Miscellaneous, as Section 14-49 or in the next section available. (IN CITY COUNCIL, NOVEMBER 23, 2020, AMENDMENT PASSED BY S HAND VOTE. PASSED TO THIRD READING, AS AMENDED)

Councilor Thompson, after consultation with councilors, motioned to amend as follows: Paragraph 6 Section A to strike 50 decibels and replace with 60 decibels.

Councilor Farwell, on the amendment, stated he did research and according to CDC 60 decibels is normal talking. 70 decibels are the level for a washing machine. He was not sure that 60 decibels are the correct threshold. He recommends that this item be referred back to the ordinance committee as this shouldn't be overly restrictive.

Councilor Thompson he understands his question, but they don't take into an account the source of the noise. The ordinance would call for what registers at a distance of 50 feet. Councilor Thompson said he researched the ordinances of similar cities as far as population. Most are subjective and do not list a decibel level. They wanted to be more objective. Several of the cities that had an ordinance had the level at 50 like Boston. Braintree had 60 decibels. Only one community in the state, had 65 decibels. No community had a level higher than 65 decibels. Councilor Thompson reminded that the ordinance would not go into effect until 10 or 11PM, depending on the day. He did not believe Brockton should have the highest level in the state and that 60 decibels are midscale.

Councilor Rodrigues seconds Councilor Farwell. He believes that in communities that have implemented the ordinances, anyone can get a sound meter on their phone. It may seem like a loud sound. He said when you are looking at the level of conversation, it could be breaking the ordinance and would be a joke. He believes they need a noise ordinance, but this needs to make sense. If a dishwasher is running and someone calls, very few properties are divided by 50 feet. Councilor Rodrigues urged the councilors to vote against it and doesn't understand how Boston can have a 60-decibel level, when they have planes landing and traffic. He thinks it is wasting their time and that is something he cannot support.

210.
UNFINISHED BUSINESS (CONT'D)

Councilor Nicastro stated the applications on cell phones that measure noise are not accurate and decibel meters are much better. She said she would be able to support sending this back to the Ordinance Committee so they could get a decibel meter and test this. Councilor Nicastro said that after the November Ordinance meeting, she received a lot of calls about comments made during the meeting. One comment was made on this ordinance that some one on the council has called the police for noise over 40 times against minorities. She researched this with the police department and does not believe any of her colleagues would do that. She said when she makes calls, it's to call on behalf of her constituents.

Councilor Cruise said he had originally told Councilor Thompson that he did not want to go beyond 60 decibels and doesn't think it needs to go back to the Ordinance committee. He would be opposed to taking out a decibel number, but doesn't want this to be a subjective decision by the police. We want hard and fast numbers and want to take the idea that someone can use this against someone they don't like. He would be willing to postpone this so they can all find out how loud is 75 decibels. There has been a lot a of parties around the City over the last couple years that are just too loud for the neighbors. He also doesn't believe the other communities include the 50 feet from the source determination.

Councilor Monahan agreed with Councilor Cruise and suggested another option since 50 feet is not very far. He also agreed with Councilor Rodrigues that many neighbors are a driveway away.

Councilor Eaniri said he has spoken with Councilor Thompson and is glad the Council is finally able to put something together like this because it is long overdue and credits Councilor Thompson for this. He also agrees with Councilor Cruise that this can't drag on.

Councilor Thompson said that he has tried to be collaborative through this process and tried to put forth the best ordinance possible. He is not sure what the right outcome everyone is looking for is. He will go with the will of the Council.

Councilor Farwell said we have a state law covering disturbing the peace. If this is continued to next meeting, he would like to know, with similar ordinances in other communities, if they have enforced this and has the ordinance worked. Councilor Thompson said in his ten-year experience of similar infractions, when hearings are held, officers giving testimonies. He does not believe hearings will be dismissed simply by a clerk. Appeals would be done through district court and would be an objective process.

Councilor Cruise, as a point of information asked if there is an amendment on floor. Councilor Thomson said yes. Councilor Lally seconded the motion.

The amendment passed by a roll call vote taken by "yeas" and "nays"; eleven members present with nine voting in the affirmative. Councilors Cardoso and Rodrigues voted in the negative.

Councilor Cruise motioned to postpone item to next City Council meeting and was properly seconded. Councilor Rodrigues, on the motion, questioned why they just passed an amendment and now want to postpone for more information. Councilor Cruise answered that he voted on the amendment, in case it was going to pass tonight. He does believe this needs to be a little higher and would like to put it off. Councilor Rodrigues said that with the holidays coming up, should this be pushed to January. Councilor Cruise said he wanted to reach out to police departments in the area to see what they have and would withdraw his motion and motion to postpone until the second meeting in January. Councilor Lally, as a point of information, stated the item has been amended but that doesn't mean this

211.

UNFINISHED BUSINESS (CONT'D)

can't be amended in the future. Councilor Cardoso believes this is all a waste of time. Councilor Thompson stated that if this is postponed, he has spoken with the police Chief and there would be less time to obtain grants for necessary equipment and that he would like to have this in place by the spring. He believes December would be more appropriate.

Councilor Cruise motioned to postpone this item until the second meeting in January and was properly seconded. Motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present with ten voting in the affirmative. Councilor Thompson voted in the negative.

Attorney Resnick will read the remaining items, as the City Clerk has lost internet connection.

ORDERS

- 610** Ordered: Transfer of \$1,500
From: Veteran's Services-Humanistic Supplies and Costs
To: Veteran's Services-Departmental Equipment Rent/Lease.

Referred to Finance Committee

- 611** Ordered: Appropriation of \$136,000
From: Executive Office of Administration and Finance (EOAF)-Community Compact grant
To: Mayor's Office-Community Compact Grant fund.
No match is required.

Referred to Finance Committee

Ordered: That the City of Brockton appropriate the amount of Ninety-Eight Million Dollars (\$98,000,000) for the purpose of paying costs of designing, constructing and equipping a public safety complex to house the Police, Fire, and Information Technology departments, as well as the Brockton Emergency Management Agency, including the payment of costs of designing and improving roadways and utilities in the vicinity of the public safety complex, making improvements to enhance traffic flow, and for the payment of all costs incidental or related thereto. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L.c.44, ss7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. 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 G.L. c.44, ss20, 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 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.

Referred to Finance Committee

Resolve: That 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 December 21, 2020, to provide information to the City Council on the status of the public safety facilities project.

Referred to Finance Committee

212.
ORDERS (CONT'D)

Granting of National Grid and Verizon New England, Inc. requesting permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: Main St. National Grid petitions to install a new intermediate pole, P138 between P137 & P139 so a new stitching equipment can be installed for the high voltage lines.

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

Councilor’s Recognition

Councilor Lally offered a moment of silence for James Hallissey, former Fire Chief that passed today.

Councilor Cruise took a moment of personal privilege, said he was disappointed this evening’s actions. He said he took a difficult vote to stand by his principles that he believes is very important. To be personally called out and admonished for it really disappointed him. He has stood for other councilors that he may disagree with who take stands for principles.

Councilor Farwell took a moment of personal privilege, stating that he has been a public servant since 1967 going through the police academy and serving in city and state government. In his opinion, the Council looked terrible tonight. He recused because he believed when the legislative body of the city takes a certain action, that should stand and he doesn’t care about other people’s opinions and they need to respect the process. People look to them to guide the process in Brockton on legislation and setting policy. Cross talking over other people is wrong and they have to learn the limits of what are role is and what people are entitled to do. Someone from out of town may own a business here. Councilor Farwell, to President Asack, said this was a tough meeting and was made tougher than it should have been. He believes he and his colleagues have got to pull together and give people hope that we know what we are doing. He found out that they do not have to have public hearings on marijuana licenses and they need to follow ordinances and laws.

President Asack stated that the City Clerk and legislative counsel have been saying since she became president that they don’t have to have hearings, but we have to give the public the right to make their opinions heard.

Councilor Cardoso said that the process has to be fair for everyone and we can’t let our own agendas get in the way of doing what is right. She says that councilors only dig for information when they care about something by picking and choosing which agenda items need to be researched. People are paying attention and sending us information. Even if there are not public hearings, people can request transcripts and watch on cable. They need to be as transparent and fair as possible with all agenda items. Councilor Cardoso continued that people think that because they are giving their address that they have to be a Brockton resident to speak and they need to be clear about that.

President Asack commented that they have a clear and transparent process and that was the reason for having this hearing tonight and have done their best to offer the same to all applicants. She also said the reason you give your address is for the record. She didn’t like the way the hearing went, but it is done so they can move forward.

Councilor Rodrigues thanked President Asack for holding the gavel tonight. He knew this was a difficult meeting with people talking all over the place. He thought she did a great job holding everyone accountable. He believes tonight there was a failure in the system and believes neither applicant should have been put on the agenda tonight.

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COUNCILOR'S RECOGNITION (CONT'D)

Commonwealth had a deadline to get their paperwork in by the 14th, not be on the agenda. The issue is not about public hearings but how you hold the hearings so that everyone has an opportunity to speak. The system is here to guide all of them and they each have one equal vote and one or two individuals should not dictate what happens with the Council. He said if someone is on the agenda, they should be heard. Councilor Rodrigues, to Councilor Nicastro, said he made the comment about 43 calls to the police department because that's what he was told by the police.

President Asack said that the agenda is put together through the Clerk's office. The reason things were on the agenda was because they were discussed with their attorney in advance.

Councilor Monahan thinks that these times are very tough and everyone is on edge. We need to take a deep breath, follow the rules and move on. He knows the virus is driving everybody insane.

Meeting adjourned at 9:48pm

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.