

1.

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.**

Out of respect for public health and in response to the Governor's declared state of emergency, this meeting will be via ZOOM. Interested parties can instead access the deliberations via a livestream

<https://www.youtube.com/user/TheBrocktonChannels/live>

In City Council, January 11, 2021

A regular meeting of the City Council was held on Monday January 11, 2021 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 expressed, on behalf of the Council, deepest sympathies to DPW Commissioner Larry Rowley and his family for the passing of his brother in law, Barry Hall, and to OCPC Executive Director Mary Waldron and her family for the passing of her mother. She asked for a moment of silence for them and all who have passed in 2020.

President Asack stated she has citations that were made up for the following individuals and departments. They are for Michael Simmons from BCA, Brockton Police, Fire and Board of Health departments.

President Asack said the Council will be selecting a new Council President and took a moment stating it has been an honor and privilege to be your Council President. She said despite the chaos of the past year, 2020 was a year of growth and progress for the City of Brockton. She thanked everyone who has been collaborative and understanding during these difficult times. She thanked healthcare and essential workers during this pandemic. She thanked Michael Simmons from BCA for his work produced the Council meetings.

President Asack said this year, City Planner Rob May was awarded the Massachusetts Chapter of the American Planning Association Professional Planner of the Year award. She continued that 2020 was a year for women on the local and national stage. She thanked Leandro Monteiro and recognized Former Ward 5 Councilor Anne Beauregard for being awarded the title of Commonwealth Heroine by Senator Michael Brady. She stated that Lt. Brenda Perez now holds the highest office by a female officer in the Brockton Police department. She continued that as the first female Council President in 15 years that she is honored to empower women to excel in our community and that she has maintained strong perseverance to ensure the advancement of the City amid these unprecedented times.

Nominations for Council President for the year 2021

Councilor Monahan thanked President Asack for her leadership this year and nominated Councilor Farwell as the next Council President for 2021 and was properly seconded. The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present with all voting in the affirmative. Councilors Cardoso and Rodrigues abstained. Councilor Farwell was elected by a roll call vote taken by "yeas" and "nays"; nine members present with all voting in the affirmative. Councilors Cardoso and Rodrigues abstained.

Councilor Farwell thanked President Asack for her service as President the past year and said she did a great job under tough circumstances. He hopes that this is not the kind of year they have in 2021.

Exchanging of the gavel.

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President Asack was presented a plaque commemorating her year as Council President. She thanked the City Clerk and his staff for all of their help this past year.

Councilor Monahan motioned for reconsideration in the hopes that it does not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; nine members present with nine voting in the affirmative. Councilors Cardoso and Rodrigues abstained.

President Farwell stated it is a privilege and honor to service on this Council and said the Council President is no more important or powerful than any other councilor and is one vote out of eleven. His objectives for the coming year will be to give a professional and structured meeting and to provide all the necessary information to all to make intelligent decisions. He will be meeting with the City Clerk and Auditor regularly to go over all Council and Finance Committee business and agendas. He continued that he has spoken to the Police Chief and going forward, Finance committee information will be delivered by a police officer, rather than sending through the mail by Thursday evening prior to the meetings. Legislative counsel will begin to attend Finance Committee meetings after the ordinance is changed. President Farwell said he met with the Mayor and will start having dedicated time available to members of the Council.

The Committees for the following year will be as follows:

Accounts Committee: Councilor Mendes (Chair), Eaniri, Monahan, Nicastro, Thompson

Finance Committee: All Councilors

Beatification Committee: Councilor Asack

Community Schools: Councilor Cardoso

Ordinance Committee: Councilor Cruise (Chair), Monahan, Nicastro, Rodrigues, Thompson

Public Safety Committee: Councilor Nicastro (Chair), Asack, Cruise, Eaniri, Rodrigues

Real Estate Committee: Councilor Lally (Chair), Cruise, Mendes, Rodrigues, Thompson

Information Technology: Councilor Asack

Traffic Commission: Councilors Lally and Mendes

- 1 Acceptance of the Minutes of the December 28, 2020 City Council meeting

Accepted and placed on file.

APPOINTMENTS

- 2 Reappointment of Richard Bath of 38 Frost Ave., Brockton, MA to the Council on Aging Board of Directors for a three (3) year term ending January 2024.

Referred to Finance Committee

REPORTS

- 3 Of the Ordinance Committee for its meeting of December 29, 2020

Accepted and placed on file.

COMMUNICATIONS

- 4 From the Mayor asking for a waiver under Section 2-100 of the Ordinances of the City of Brockton on behalf of Donnette McManus of the Procurement Department.

Accepted and placed on file.

- 5 From the Superintendent of the School Department requesting permission to put out and RFP for a five (5) year contract for Food Service Management for the Brockton Public Schools cafeteria meals program.

Accepted and placed on file.

3.
COMMUNICATIONS (CONT'D)

- 6** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorizes Superintendent Michael P. Thomas to put out an RFP for a five (5) year contract for Food Service Management for the Brockton Public Schools cafeteria meals program. The current Food Service Provider contract expires on June 30, 2021.

Accepted and placed on file.

- 7** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the School Departments request to execute a contract for five (5) years. Although the City Council does not exercise oversight of school spending, contracts exceeding three (3) years require local legislative approval.

Accepted and placed on file.

- 8** From the Chief of the Police Department requesting authorization to expend grant monies related to the FY 2021 Byrne JAG Local Law Enforcement Opportunity from the Executive Office of Public Safety and Security, Office of Grants and Research in the amount of \$40,000. This funding is a pass-through from Edward Byrne Memorial Justice Assistance Grant funds awarded to the state of Massachusetts.

Accepted and placed on file.

- 9** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorizes the acceptance and expenditure of the total grant award in the amount of \$40,000 from the Executive Office of Public Safety and Security, Office of Grants and Research-FY2021 Byrne JAG Local Law Enforcement Opportunity Grant Fund. The FY2021 Byrne JAG Local Law Enforcement Opportunity Grant will be used to purchase P25 compliant interoperable radios by the Brockton Police Department. The Brockton Police Department will be purchasing fourteen Motorola APX6000 radio units. There is no required match for these funds, but since the maximum award that could be earned was \$40,000, the Brockton Police Department chose to request 14 radio units at a cost of \$41,829.76. The Brockton Police Department will need to spend \$1,829.76 to complete the purchase of these units.

Accepted and placed on file.

- 10** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total grant in the amount of \$40,000 from Executive Office of Public Safety and Security, Office of Grants and Research-FY2021 Byrne JAG Local Law Enforcement Opportunity Grant to City of Brockton Police Department-FY 2021 Byrne JAG Local Law Enforcement Opportunity Grant Fund.

Accepted and placed on file.

- 11** From the Chief of the Fire Department requesting that the City Council authorize the acceptance and expenditure a total of \$250,000.00 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security. This is a non-matching grant with no cost to the city. The Fire Department intends to use these grant funds for overtime necessary to maintain staffing levels.

Accepted and placed on file.

- 12** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorizes the acceptance and expenditure of the total grant award in the amount of \$250,000.00 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY 2021 Massachusetts Municipal Public Safety Staffing Grant to the Fire Department-SFY2021 Massachusetts Municipal Public Safety Staffing Grant Fund. The SFY 2021 Massachusetts Municipal Public Safety Staffing Grant will be used

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COMMUNICATIONS (CONT'D)

to fund the overtime necessary to maintain staffing levels for the Brockton Fire Department. There is no required match for these funds.

Accepted and placed on file.

- 13** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total acceptance and expenditure of the grant award in the amount of \$250,000 from Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY 2021 Massachusetts Municipal Public Safety Staffing Grant to Fire Department-SFY 2021 Massachusetts Municipal Public Safety Staffing Grant Fund.

Accepted and placed on file.

ORDERS

- 14** Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council adopt the following Amendment to the Ordinance Establishing Licensing and Regulation for Adult Use Marijuana Establishments: Section 1.004(1)(h) is amended by inserting the following sentence to the end of section 1.004(1)(h): “This section limiting the number of recreational retail marijuana licenses shall not apply to an RMD that was provisionally licensed not later than July 1, 2017.” Be it further ordained by the City Council of the City of Brockton as follows: That the language “Intentionally omitted” in Section 1.005 be stricken and the following language be inserted in its place, so that the following language replaces Section 1.005 in its entirety: “Upon such time as the City Council has granted all available recreational retail marijuana licenses pursuant to subsection 1.004(1)(h), the Clerk of the City Council shall no longer accept any new applications for a recreational retail marijuana license. Notice shall be given in writing to any applicant with a pending application notifying the applicant that there are no available recreational retail marijuana licenses. If any recreational retail marijuana licenses become available in the City of Brockton, the City Clerk shall post notice of the same on the City website and by posting notice of the same in City Hall.”

Referred to Ordinance Committee

- 15** Ordered: At the first Finance Committee meeting in February, 2021, the chief financial officer shall present a report to the Council on spending levels during the first half of Fiscal Year 2021 and information on any projected deficits which may occur requiring supplemental appropriations from any source. Further, that the mayor be invited to provide an overview of spending and a summary of reimbursements obtained from the Federal C.A.R.E.S. Act.

Referred to Finance Committee

Councilor Cruise motioned to take Items **16-20** collectively and under the suspension of rules and was properly seconded. Motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 16** Order: Rules and Regulations governing motor vehicles for hire under Chapter 159A for the carrying of passengers.
- 17** Order: Assessors to act as agents of City Council in matter of apportionment of betterments.
- 18** Order: Clerk to give notice of hearings before Council.
- 19** Order: Regulations governing the operation of hawkers and peddlers within the City of Brockton.

5.
ORDERS (CONT'D)

- 20** Order: Pawnbrokers are to deliver a list of purchased/pawned articles to the Chief of Police.

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

- 21** Ordered: The City Council reviews a request of waiver of the residency requirements in accordance with the revised Ordinances of the City of Brockton Article III Section 2-100, City of Brockton Ordinance Waiver of Residency in reference to the Procurement Department.

Referred to Finance Committee

- 22** Ordered: That the Superintendent of the School Department Michael P. Thomas be authorized to put out an RFP for a five (5) year contract for Food Service Management for the Brockton Public Schools cafeteria meals program. The current Food Service Provider contract expires on June 30, 2021.

Referred to Finance Committee

- 23** Ordered: Appropriation of \$40,000
From: Executive Office of Public Safety and Security, Office of Grants and Research-FY2021 Byrne JAG Local Law Enforcement Opportunity Grant Fund
To: Brockton Police Department-FY2021 Byrne JAG Local Law Enforcement Opportunity Grant fund.

Referred to Finance Committee

- 24** Ordered: Appropriation of \$250,000
From: Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY 2021 Massachusetts Municipal Public Safety Staffing Grant
To: Fire Department-SFY2021 Massachusetts Municipal Public Safety Staffing Grant Fund.

Referred to Finance Committee

LATE FILES

Councilor Cruise motioned for the acceptance of a late file and was properly seconded. Motion carried by a roll call vote, taken by “yeas” and “nays”: eleven members present will all voting in the affirmative.

- 25** Ordinance: Section 2-100 (a) is hereby amended by striking out the word “he” wherever it appears and inserting the words “the counsel,” and by striking out the words “except finance” after the word “meetings.”

Referred to Ordinance Committee

Councilor Rodrigues motioned for the acceptance of a late file and was properly seconded. Motion carried by a roll call vote, taken by “yeas” and “nays”: eleven members present will all voting in the affirmative.

- 26** Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council adopt the following Amendment to the Ordinance Establishing Licensing and Regulation for Adult Use Marijuana Establishments: Section 1.004(1)(h) is amended by striking subsection (h) and the following language be inserted in its place, so that the following language replaces Section 1.004(1)(h) in its entirety: “The number of recreational retail marijuana licenses shall not exceed thirteen (13) in number. The limitation on the number of recreational retail marijuana licenses

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LATE FILES (CONT'D)

specifically shall apply to any RMD that was provisionally licensed not later than July 1, 2017.”

Referred to Ordinance Committee

Councilor Nicastro motioned for the acceptance of a late file and was properly seconded. Motion carried by a roll call vote, taken by “yeas” and “nays”: eleven members present will all voting in the affirmative.

- 27 Ordinance:** An Ordinance Amending Part II of the Revised Ordinance, Article II City Council, Division 3 Rules or Order and Procedure. Be It Ordained by the City Council of the City of Brockton: Section 2-91 shall be amended by adding the following new section: (f) Committee on equity, diversity and inclusion, to consist of five (5) councilors, to consider matters pertaining to equity, diversity and inclusion in the City of Brockton, and in general, to support City departments that deal with such issues.

Referred to Ordinance Committee

Councilor’s Recognition

Councilor Cruise congratulated President Farwell and thanked Councilor Asack, then let the members of the Ordinance Committee know that he will be reaching out tomorrow to the members of the committee and Attorney Resnick to schedule an Ordinance Committee meeting.

Councilor Nicastro said that last week, the State Legislature passed an act enabling partnerships for growth which allocates more than \$600 million for capital spending throughout the Commonwealth of Massachusetts. Representatives Cronin and Cassidy filed amendments to secure capital funding on a number of important projects in Brockton, including expansion of the Council on Aging building, improvements at D.W. Field golf course and park and repairs to the Cape Verdean Association’s building. She wanted to say thank you and to recognize our Representatives for their work.

President Farwell thanked the chairs of the various committees and respectfully asked that they process any matters in a timely manner. He mentioned that this is the last year of the legislative session and that whatever is not accomplished by the end of the year dies. He said that Monday is Martin Luther King Day and the next Finance Committee will be Tuesday January 19, 2021 at 7pm.

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 7:36PM.