

***Revised**

26.

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, February 22, 2021

A regular meeting of the City Council was held on Monday February 22, 2021 via Zoom. President Farwell presiding. The meeting was called to order at 7:00 PM with eleven members present.

President Farwell asked for a moment of silence for the 500,000 people nation wide and 392 Brocktonians who have lost their lives due to the Coronavirus pandemic.

80 Acceptance of the Minutes of the February 8, 2021 City Council meeting

Accepted and placed on file

APPOINTMENTS

81 Of Pierre Robinson Tulin, 56 Clarence St., Brockton, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance Committee

82 Of Jeanne Fuller-Jones of 54 Cushing Ave., Brockton, MA to the Council on Aging Board of Directors as an alternate for a three (3) year term ending February 2024.

Referred to Finance Committee

83 Of Andrew Ambroise of 10 Moore St., Brockton, MA to the Conservation Commission for a three (3) year term ending February 2024.

Referred to Finance Committee

84 Paula Kokoros-Odierno of 57 Reservoir St., Brockton, MA to the Conservation Commission for a three (3) year term ending February 2024.

At the Mayor's request, this item was removed from the agenda.

REPORTS

85 Of the Finance Committee for its meeting of February 16, 2021

Accepted and placed on file

COMMUNICATIONS

86 From the Chief of the Fire Department requesting that the City Council authorize the acceptance and expenditure of the total grant award in the form of PPE, hand sanitizer, and disinfectant wipes from Ocean State Job Lot to the City of Brockton Fire Department and City of Brockton Police Department worth \$12,000.00. There is no required match for these funds.

COMMUNICATIONS (CONT'D)

Accepted and placed on file

- 87** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the form of PPE, hand sanitizer, and disinfectant wipes from Ocean State Job Lot to the City of Brockton Fire Department and City of Brockton Police Department. Ocean State Job Lot donated KN95 masks, face shields, hand sanitizer, and disinfecting wipes worth \$12,000.00 to the Brockton Fire Department and Brockton Police Department. There is no required match for these funds.

Accepted and placed on file

- 88** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the donation from Ocean State Job Lot to City of Brockton Fire Department and City of Brockton Police Department in the form of PPE, hand sanitizer, and disinfectant wipes.

Accepted and placed on file

- 89** From the Chief of the Fire Department requesting the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$14,599.00 from the Commonwealth of Massachusetts Executive Office of Public Safety; a FY2021 Student Awareness of Fire Education (S.A.F.E.) grant in the amount of \$11,380.00, and an FY2021 Senior SAFE Grant in the amount of \$3,219.00. (The Fire Department intends to use these Grant funds for Brockton's Fire Safety Education Program). There is no required match for these funds.

Accepted and placed on file

- 90** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$14,599.00 from the Commonwealth of Massachusetts Executive Office of Public Safety-FY21 Student Awareness of Fire Safety (S.A.F.E.) Grant- \$11,380.00 and Commonwealth of Massachusetts Executive Office of Public Safety-FY21 Senior Awareness of Fire Education (S.A.F.E.) Grant-\$3,219.00 to City of Brockton Fire Department-FY21 Student and Senior Awareness Of Fire Education (S.A.F.E.) Grant Fund (The FY21 Student Awareness of Fire Education (S.A.F.E.) Grant Fund will be used toward the City of Brockton's Fire Safety Education Program). There is no required match for these funds.

Accepted and placed on file

- 91** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying support of the total grant in the amount of \$14,599.00 from the Commonwealth of Massachusetts Executive Office of Public Safety-FY21 Student Awareness of Fire Safety (S.A.F.E.) Grant- \$11,380.00 and Commonwealth of Massachusetts Executive Office of Public Safety-FY21 Senior Awareness of Fire Education (S.A.F.E.) Grant-\$3,219.00 to City of Brockton Fire Department-FY21 Student and Senior Awareness Of Fire Education (S.A.F.E.) Grant Fund

Accepted and placed on file

- 92** From the Chief of the Police Department requesting the City Council authorize the acceptance of a donation of an additional 76 Evenflo child passenger safety seats valued at \$4,000.00 through the Buckle Up for Life Gift of Safety Partnership operated by Toyota Motors North America and Cincinnati Children's Hospital. Copeland Toyota of Brockton is purchasing and storing the seats.

Accepted and placed on file

COMMUNICATIONS (CONT'D)

- 93** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the form of 76 additional car seats valued at \$4,000.00 from the Buckle Up for Life Gift of Safety Partnership Grant to the City of Brockton Police Department- Buckle Up for Life Gift of Safety Partnership Grant Fund. The Buckle Up for Life Gift of Safety Partnership is a grant program through the Buckle Up for Life initiative of Toyota Motors North America and Cincinnati Children's Hospital. It partners a local Toyota dealership with a public safety of social services agency to provide car seats to be installed at special events hosted by the dealership. Copeland Toyota will be the Brockton Police Department's partner and will be responsible for the purchase and storage of the additional 76 seats that have been donated through the program.

Accepted and placed on file

- 94** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total grant of 76 additional car seats from the Buckle Up for Life Gift of Safety Partnership Grant to the City of Brockton Police Department

Accepted and placed on file

UNFINISHED BUSINESS:

- 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. (IN CITY COUNCIL, FEBRUARY 8, 2021, THE AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED, BY A ROLL CALL VOTE)

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

- 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." (IN CITY COUNCIL, FEBRUARY 8, 2021, THE AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED, BY A ROLL CALL VOTE)

Councilor Cardoso asked in the future to have the orders in their entirety on the agenda. City Clerk Zeoli stated that all information is given to the Councilors prior to the meeting. The agenda is only used as a working format to go by.

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

UNFINISHED BUSINESS (CONT'D)

Councilor Cruise motioned for reconsideration in the hope that it not prevail and was properly seconded. Motion failed by a roll call vote taken by “yeas” and “nays”; eleven members present with one voting in the affirmative. Councilors Cardoso, Cruise, Eaniri, Farwell, Lally, Mendes, Monahan, Nicastro, Rodrigues and Thompson voting in the negative.

- 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. (IN CITY COUNCIL, FEBRUARY 8, 2021, PASSED TO A THIRD READING, BY A ROLL CALL VOTE)

Councilor Nicastro said that over time it is traditional for the Council to create committees to deal with issues and concerns at hand. She said she believes it is time to establish this committee. The City needs a committee at the level of the City Council to deal with equity, diversion and inclusion. She continued that last July, the School Committee voted unanimously to create a similar subcommittee. She urged her colleagues to vote for this.

- * Ordained by a roll call vote taken by “yeas” and “nays”; eleven members present with eight voting in the affirmative. Councillors Asack, Cardoso and Lally voting in the negative.

Councilor Nicastro motioned for reconsideration in the hope that it not prevail and was properly seconded. Motion failed by a roll call vote taken by “yeas” and “nays”; eleven members present with two voting in the affirmative. Councilors Cruise, Eaniri, Farwell, Lally, Mendes, Monahan, Nicastro, Rodrigues and Thompson voting in the negative.

- 72** Ordinance: An Ordinance Amending Article III, Section 2-186 of the revised City Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Sec. 2-186 of Chapter II is hereby amended. (relative to Assistant City Solicitor) (IN CITY COUNCIL, FEBRUARY 8, 2021, PASSED TO A THIRD READING, BY A ROLL CALL VOTE)

Ordained by a roll call vote taken by “yeas” and “nays”; eleven members present with seven voting in the affirmative. Councilors Asack, Mendes, Rodrigues and Thompson voting in the negative.

Councilor Rodrigues asked to change his vote to the affirmative.

- 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. (FAVORABLE)

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

- 29** Appointment of Dieudoit Fils, of 335 Prospect St., Brockton, MA as a Constable in the City of Brockton for a term of three (3) years. (FAVORABLE)

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

- 73** Ordered: That the City Council authorize the Superintendent Michael P. Thomas to

UNFINISHED BUSINESS (CONT'D)

put out an RFP for a Five (5) year contract for a School Department Warehouse and Storage Facility for the Brockton Public Schools. (FAVORABLE)

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

- 74** Ordered: That the City of Brockton hereby accepts a Recoverable Grant in the amount of Two Hundred Fifty Thousand (\$250,000) Dollars through MassDevelopment's Brownfield Redevelopment Fund to preform environmental remediation activities at the City owned Corcoran Building, 308 Montello Street, Brockton, MA, to advance the redevelopment of this site. (FAVORABLE)

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

- 75** Ordered: Acceptance and expenditure of the of the total grant award in the amount of \$2,654,000.00
From: The Commonwealth of Massachusetts MassWorks Program
To: City of Brockton Planning Department MassWorks Program Grant Fund.
(FAVORABLE, AS AMENDED)

Councilor Nicastro said that the was amended to send the funds to the DPW Capital fund. President Farwell said this would be voted on with the amendment.

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

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

- 76** Ordered: Acceptance and expenditure of the total grant award in the amount of \$275,000.00
From: The Executive Office of Public Safety and Security-FY2021
Municipal Police Services Staffing Grant
To: The Brockton Police Department-FY2021 Municipal Police Services Staffing Grant Fund. (FAVORABLE)

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

- 77** Resolve: To Discuss Reviving Cultural Affairs and Tourism in The City Of Brockton. Be it resolved that Bill Hogan-President of The Downtown History Museum of Brockton be invited to the next Finance Committee meeting to discuss plans to help revive the cultured affairs and tourism group in the city of Brockton in the year 2021. (FAVORABLE)

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

- 58** Appointment of Joyce Voorhis of 1366 Pleasant Street, Brockton, MA to the Conservation Commission for a three (3) year term ending February 2024.
(FAVORABLE)

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

- 55** Resolve: Resolution to Discuss funding for Youth Programs in the City

31.
UNFINISHED BUSINESS (CONT'D)

Be it resolved that the Mayor of Brockton be invited to the next Finance Committee meeting to discuss plans for youth initiatives and programs in 2021 and how we are prioritizing these programs for the FY 2022 Budget. (FAVORABLE)\

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

ORDERS:

- 95** 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 1.007(2)(a) is amended by striking the entire sentence and inserting the following in its place: “Priority application review will be granted to existing Social Equity Participant applicants for retail licenses. Social Equity Program Participant means an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Cannabis Control Commission. For a period of three (3) years, measured by the date at which a retail license becomes available in the City of Brockton, the City Council shall only review applications for a retail license for Social Equity Participant applicants.”

Councilor Cardoso said she will ask for a late file in relation to this item at the end of the agenda. No action taken at this time on this item.

- 96** Ordered: Acceptance and expenditure of the total grant award in the form of PPE, had sanitizer, and disinfectant wipes worth \$12,000.00
From: Ocean State Job Lot
To: The City of Brockton Fire Department and City of Brockton Police Department.

Referred to Finance Committee

- 97** Ordered: Acceptance and expenditure of the total grant award in the amount of \$14,599.00
From: Commonwealth of Massachusetts Executive Office of Public Safety-FY21 Student Awareness of Fire Education (S.A.F.E.) Grant \$11,380
And Commonwealth of Massachusetts Executive Office of Public Safety-FY21 Senior Awareness of Fire Education (S.A.F.E.) Grant \$3,219
To: City of Brockton Fire Department- FY21 Student & Senior Awareness of Fire Education (S.A.F.E.) Grant Fund \$14,599

Referred to Finance Committee

- 98** Ordered: Acceptance and expenditure of the total Grant award in the form of 76 additional car seats valued at \$4,000.00
From: The Buckle Up for Life Gift of Safety Partnership Grant
To: The City of Brockton Police Department- Buckle Up for Life Gift of Safety Partnership Grant Fund.

Referred to Finance Committee

- 99** Resolve: That the Mayor and the Chief Finance Officer of the City, come before the Finance Committee to discuss the status of establishing a fund and allocation of said fund relative to the marijuana impact tax fees and to further discuss any taxes which have already been received from the marijuana impact tax fees and how those funds have been spent in the City. Be it further Resolved that the City Council recommend to the Mayor that the City of Brockton create a fund for the marijuana impact tax fees to create a Recreation and Innovation Center that substantially supports the youth (over 17,000 children) of the City Brockton.

Referred to Finance Committee

32.
ORDERS (CONT'D)

100 Resolved, that the Mayor come before the Finance Committee to discuss establishing a Committee on Cannabis Industry in the City of Brockton, comprised of residents and City Councilors, to ensure that Social Equity (SE) and Economic Empowerment (EE) applicants have access to participate as license owners in Marijuana operations in the City. Be it further Resolved, that City Council or recommend the establishment of this committee by the Mayor.

Referred to Finance Committee

LATE FILES

Councilor Cardoso 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 and all voting in the affirmative.

101 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 1.007(2)(a) is amended by striking the entire sentence and inserting the following in its place:
“Priority application review will be granted to existing Social Equity Participant or Economic Empowerment Participant applicants for retail licenses. Social Equity Program Participant means an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Cannabis Control Commission. Economic Empowerment Participants means an individual who qualified to participate in the Economic Empowerment Program and is designed as a program participant by the Cannabis Control Commission. For a period of three (3) years, measured by the date at which a retail license becomes available in the City of Brockton, the City Council shall only review applications for a retail license for Social Equity Participant or Economic Empowerment Participant applicants.”

Referred to Ordinance Committee

COUNCILOR’S RECOGNITION

Councilor Rodrigues asked to go back to and clarify #100 if it should read Councilor or Councilors. President Farwell stated it should read Council.

Councilor Nicastro urged her colleagues and the public to watch the February 19th meeting of the Public Safety committee at which Attorney Michelle St. James, Grant Coordinator for the Police Department, spoke about grants and funding that is obtained to address city issues.

Councilor Cruise congratulated Councilor Lally on the receipt of his degree from Bridgewater State University.

Councilor Cruise said he will be reaching out to the Ordinance Committee members to set up a meeting.

President Farwell announced that on March 4, 2021 at 6:30PM, the HR Director will be offering an Unconscious Bias in the Workplace seminar.

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.

Adjourned at 7:42PM