

48.

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, March 22, 2021

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

132 Acceptance of the minutes of the March 8, 2021 City Council meeting

Accepted and placed on file

APPOINTMENTS

133 Of Manuel Centeio of 29 Kenneth Ave., Brockton, to the Brockton Community Cable Television Board for a three (3) year term ending March 2024.

Referred to Finance Committee

134 Of John McGarry of 68 Cambo St., Brockton to the License Commission as an alternate for a three (3) year term ending March 2024.

Referred to Finance Committee

REPORTS

135 Of the Finance Committee for its meeting of March 15, 2021

Accepted and placed on file

COMMUNICATIONS

136 From the Mayor submitting a letter of Resignation from Robert J. Pelaggi of 87 Westfield Dr., Brockton, from the Planning Board effective April 9, 2021.

Accepted and placed on file

137 From the Mayor notifying the City Council that Robert J. Pelaggi of 87 Westfield Dr., Brockton has resigned from the Zoning Board of Appeals, as an alternate member, effective March 1, 2021.

Accepted and placed on file

138 From the Chief of the Police Department requesting authorization to expend donated funds from the Cape Verdean Association to be used towards the purchase of a new K-9 and equipment as needed for the Brockton Police Department in the amount of \$1,000.

Accepted and placed on file

49.

COMMUNICATIONS (CONT'D)

139 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the donation in the amount of \$1,000.00 from Cape Verdean Association to the City of Brockton Police Department.

Accepted and placed on file

140 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the donation in the amount of \$1,000 from Cape Verdean Association to the Brockton Police Department.

Accepted and placed on file

141 From the Chief of the Police Department requesting authorization to expend donated funds to be used exclusively to purchase 2 new K-9s, cruiser and equipment as needed for the Brockton Police Department in the amount of \$50,000. The donor wishes to remain anonymous.

Accepted and placed on file

142 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the donation in the amount of \$50,000.00 from an Anonymous Donor to the City of Brockton Police Department. (the donation will be used to purchase 2 new K-9s, cruiser and equipment as needed for the Brockton Police Department).

Accepted and placed on file

143 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the donation in the amount of \$50,000.00 from an Anonymous Donor to the City of Brockton Police Department

Accepted and placed on file

144 From the Deputy Director of Contracts and Records for MassDOT submitting a signed agreement relative to the Shared Streets Grant in the amount of \$165,100.00 regarding the Main Streets project in Brockton.

Accepted and placed on file

145 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 \$165,100.00 from the Massachusetts Department of Transportation Highway Division-Shared Winter Streets and Spaces Program to the City of Brockton Planning and Economic Development-Shared Winter Streets and Spaces Program. The shared Winter Streets Grant will be used to transform the former Brockton Area Transit (BAT) bus terminal into a new public space called Sycamore Grove in order to host community events in the City. There is no required match for these funds.

Accepted and placed on file

146 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the grant funds in the amount of \$165,100 from Massachusetts Department of Transportation Highway Division-Shared Winter Streets and Spaces Program to the City of Brockton Planning and Economic Development-Shared Winter Streets and Spaces Program.

Accepted and placed on file

50.

COMMUNICATIONS (CONT'D)

147 From the Chief of the Police Department requesting authorization to expend grant monies related to the FY 2021 National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) subgrant in the initial amount of \$5,000.00.

Accepted and placed on file

148 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 \$5,000.00 from the National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award to the City of Brockton Police Department-National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award Fund. The National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award will be used to create four informative videos about victims' rights and resources available in the City of Brockton, focusing in honor of National Crime Victims' Rights Week, which occurs from April 18-24, 2021. There is no match required for these funds.

Accepted and placed on file

149 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the grant funds in the amount of \$5,000.00 from the National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award to the City of Brockton Police Department-National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award Fund.

Accepted and placed on file

150 From the Chief of the Police Department requesting authorization to expend grant monies related to the FY 2021 First Responders Naloxone Grant from the Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS) in the additional amount of \$9,240.00 distributed between the police and fire departments as needed.

Accepted and placed on file

151 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 \$9,240.00 from the Commonwealth of Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)-FY2021 First Responders Naloxone Grant to the City of Brockton Police Department-FY2021 First Responders Naloxone Grant Fund. The FY2021 First Responders Naloxone Grant are used by both the Fire and Police Departments to purchase Naloxone and supplies related to administering of this drug. There is no required match for these funds.

Accepted and placed on file

152 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the grant funds in the amount of \$9,240.00 from Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)-FY2021 First Responders Naloxone Grant to the City of Brockton Police Department-FY2021 First Responders Naloxone Grant Fund.

Accepted and placed on file

153 From the Chief of the Police Department requesting authorization to expend grant monies in the amount of \$1,300 related to the 2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program (funding only grant).

Accepted and placed on file

51.
COMMUNICATIONS (CONT'D)

154 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 \$1,300 from the Commonwealth of Massachusetts Department of Health-2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program to the City of Brockton Police Department-2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program Grant Fund. The 2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Grant will be used to support the safe and secure collection of residential unwanted medicine on the Commonwealth through Law Enforcement Agencies.

Accepted and placed on file

155 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the total grant in the amount of \$1,300 from the Commonwealth of Massachusetts Department of Health-2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program to the City of Brockton Police Department-2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program Grant Fund.

Accepted and placed on file

UNFINISHED BUSINESS

Councilor Thompson motioned to take item **144** under suspension of the rules and was properly seconded.

Councilor Thompson stated the reason to take under suspension of rules is that this money would allow for the transformation of the old BAT bus terminal into a new public space to host community events called Sycamore Grove. Under the grant, it is required for the money be spent before May 1st of 2020.

Councilor Cruise clarified that item **144** is a communication and that item **161** should be the item taken under suspension of rules. Councilor Thompson withdrew his motion.

103 Appointment of James Sweeney of 33 Montrose St. Brockton, MA 02301 to the Planning Board for a five (5) year term ending March 2026. (FAVORABLE)

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

104 Appointment of Laura Biechler of 37 Fern Ave. Brockton, MA 02301 to the Conservation Commission for a three (3) year term ending March 2024. (FAVORABLE)

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

131 Ordered: That the request made by the Mayor on behalf of the DPW Commissioner Larry Rowley that there be a hearing on the Executive Summary for the Integrated Water Infrastructure Vulnerability Assessment and Economic Development Plan for Climate Resiliency for the City of Brockton by Fuss & O’Neil to address questions and concerns by the City Council pertaining to the report. (FAVORABLE)

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

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

UNFINISHED BUSINESS (CONT'D)

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 of Brockton. (FAVORABLE)

Councilor Nicastro said that after the Finance committee meeting, she worked with legislative council and drafted two orders, one to create a second stabilization fund for all marijuana revenues and a second to specify that all marijuana revenues would be divided up according to the percentages that were listed last year. Councilors Lally and Rodrigues will co-sponsor. These items will be filed tomorrow.

Councilor Farwell questioned if they should wait on this order. Councilor Nicastro answered no and to vote on this tonight and she will file the two orders tomorrow.

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

- 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 recommend the establishment of this committee by the Mayor. (FAVORABLE)

President Farwell wanted to clarify what was being voted on. The vote is recommending the Mayor appoint a committee of an unknown number of people, no term of office and no minimum qualifications. He questioned whether that is the intent of the council, because these questions are not answered.

Councilor Cardoso said there had been some discussions around this. She believes this is something that the Mayor can come up with. She continued that there are a couple of items to be addressed relating to deliveries and social consumption and for this, it is important to establish a committee to be advised by people well established in this area, but questions whether additional language is needed.

Attorney Resnick said if there are any recommendations in relation to the makeup of the committee, that would need to be included in the recommendation but in terms of functionality this would be up to the Mayor.

President Farwell asked Attorney Resnick to share from a webinar that she attended, Where City Solicitor Bridges was one of the principle speakers. Attorney Resnick stated that she attended CCC training and heard a very detailed overview of the changes in delivery, social consumption and different classes of delivery. Following the presentation, City Solicitor Bridges gave her insight as to what the CCC regulations would look like if adopted by a municipality and what it means for host agreements and public safety concerns. She continued that guidance for municipalities not yet available and she advised to wait until we have this guidance from the CCC, which will be telling on what ordinances can and cannot do.

Councilor Rodrigues stated he voted against this previously but what they have done in the past is water under the bridge. He believes the newly, created committee for diversity, equity and inclusion would be a perfect place for individuals to be called to advise. He reminded that the Council is the licensing authority for marijuana. Councilor Rodrigues said it doesn't matter what the Mayor or other departments do, the final say is in the hands of the City Council and this body can empower that committee with what we were asked to do.

UNFINISHED BUSINESS (CONT'D)

Councilor Asack asked to Attorney Resnick if all commissions and committees are by ordinance and if this be by ordinance. Attorney Resnick stated that the intent was for this committee to be less informal. This could be done through the mayor's office without changing any ordinances. Councilor Asack affirmed that this would be left up to the Mayor on the details of the committee, which was answered yes, since this is a resolve.

Councilor Cardoso said if it was the will of the Council, she would be happy to table this item for now. She said this is part of her equity campaign to make sure there is equity in this process by getting information from those in the business.

Councilor Asack motioned to table this item and was properly seconded. The motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

ORDERS:

156 Ordinance: An Ordinance Amending Article II, Section 1.004 of the Revised Ordinances of the City of Brockton Be It Ordained by The City Council of The City of Brockton As Follows: Section 1.004, Regulation of Marijuana Sales, is amended by adding the following sections where appropriate: (a) There shall be no more than two (2) licenses issued for the delivery of marijuana products pursuant to regulations promulgated by the Massachusetts Cannabis Control Commission. Priority shall be given to an applicant for a license to deliver marijuana products who currently holds a license for the conduct of marijuana businesses within the City of Brockton. (b) There shall be a moratorium on the issuance of any license to allow social consumption of marijuana for a period of two (2) years from the date of adoption of this ordinance.

Referred to Ordinance Committee

157 Ordered: That the City, pursuant to the provisions of M.G.L. Ch. 44, hereby accepts as a surplus gift from The Brockton Housing Authority, Plot 9 Newbury Street (map 53, route 56). This is a parcel of land containing about 5,960 square feet and identified in book 32024, page 319. The Mayor is authorized to execute any and all documents necessary to effectuate such gift.

Referred to Real Estate Committee

158 Ordered: That the City Council hereby declare the City owned parcel identified as parcel id 118-157 as surplus and available for disposition. This is a parcel of land containing about 4.00 AC and identified in book 40707, page 165. And that the Mayor be and hereby is authorized to transfer ownership in said parcels to the Eros Realty LLC for the sum of \$15,602.00. The Mayor is authorized to execute any and all documents necessary to effectuate property transfer.

Referred to Real Estate Committee

159 Ordered: Acceptance and expenditure of donated funds from the Cape Verdean Association to be used towards the purchase of a new K-9 and equipment as needed for the Brockton Police Department in the amount of \$1,000.

Referred to Finance Committee

160 Ordered: Acceptance and expenditure of a donation in the amount of \$50,000.00
From: An Anonymous Donor
To: The City of Brockton Police Department.

Referred to Finance Committee

161 Ordered: Acceptance and expenditure of the total grant award in the amount of

ORDERS (CONT'D)

\$165,100.00

From: the Massachusetts Department of Transportation Highway Division-Shared Winter Streets and Spaces Program
To: The City of Brockton Planning and Economic Development-Shared Winter Streets and Spaces Program.

Councilor Thompson motioned to take item **161** under suspension of the rules to act on this tonight and was properly seconded. Councilor Cardoso, on the motion, asked if there was a required match to which there is none. Councilor Eaniri asked when the Council is going to see what the whole plan is going to look like. Councilor Thompson said that there are drawn plans that he will email to all councilors.

Councilor Nicastro questioned what is the rush rather than going through a normal process. Councilor Thompson said it was explained through the Mayor's Office that they requested it be acted upon tonight. He was not sure about the technical details regarding expenditures, it was just conveyed that the mayor would like this acted upon tonight to meet whatever deadline exists with this grant. President Farwell said this rush may be since the Council does not meet until the 12th of April.

Councilor Rodrigues said he was concerned how this would affect area businesses. He stated he would like to entertain an amendment on this order. Councilor Rodrigues said they could vote on the acceptance of funds, but to come before this body before these funds are expended.

Motion for suspension of the rules carried by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

Councilor Rodrigues motioned for an amendment the Council requires My. May to come before this body prior to the expending of the amounts voted on and was properly seconded. The amendment passed by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

Councilor Farwell stated they need to forward the amendment to the Clerk's office.

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

162 Ordered: Acceptance and expenditure of the total grant award in the amount of \$5,000.00

From: The National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award
To: The City of Brockton Police Department-National Crime Victims' Rights Week (NCVRW) Community Awareness Project (CAP) Subgrant Award Fund.

Referred to Finance Committee

163 Ordered: Acceptance and expenditure of the total grant award in the amount of \$9,240.00

From: The Commonwealth of Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)-FY2021 First Responders Naloxone Grant
To: The City of Brockton Police Department-FY2021 First Responders Naloxone Grant Fund.

Referred to Finance Committee

164 Ordered: Acceptance and expenditure of the total grant award in the amount of \$1,300

From: The Commonwealth of Massachusetts Department of Health-2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program

55.
ORDERS (CONT'D)

To: The City of Brockton Police Department-2021 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program Grant Fund.

Referred to Finance Committee

- 165** Resolve: That the Mayor, Building Inspector James Plouffe, and State Representative Michelle Dubois come before the Finance Committee to discuss the possibility of the City acquiring the Massasoit Conference Center for use as a multi-generational community center.

Referred to Finance Committee

- 166** Resolved: To invite Brockton Fire Chief Michael Williams and Brockton Police Chief Emmanuel Gomes, and/or their designated representatives, to appear before the Standing Committee on Public Safety to discuss the impacts of COVID-19 on their staff, the operations of their respective departments and their work in the community, including without limitation, operational changes the departments embraced as the result of COVID-19, and future planning.

Referred to Public Safety Committee

- 167** Resolved: To invite Brockton Fire Chief Michael Williams and Brockton Police Chief Emmanuel Gomes, and/or their designated representatives, to appear before the Standing Committee on Public Safety to discuss the impacts of sales of Marijuana for Medicinal and Recreational Use on the community work of their respective departments, including without limitation, educating staff on applicable laws and regulations, and the enforcement thereof, and future planning for the impacts of delivery of marijuana and social consumption in the City of Brockton.

Referred to Public Safety Committee

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

- 168** Resolved: Be it resolved that The Health Equity Task Force, established during the pandemic to provide oversight, guidance, resource coordination, and multilingual information to vulnerable constituencies in the City of Brockton, be invited to come before the City Council to give updates on their work during the pandemic, current recommendations to the City of Brockton and any ongoing efforts. Be it also resolved that the Worker’s Safety Sub Committee give a report on their recommendations to the City, to keep workers safe in their workplace here in the City of Brockton.

Referred to Public Safety Committee

Councilor Cardoso said her intentions for this resolve was to give an update on their work during the past year and felt it would be best to have at the Finance Committee meeting. They have worked hard all year and the Council have not heard any of their recommendations.

President Farwell said they can send this to the appropriate committee and when it comes back with a report from the committee then refer it to Finance Committee. Councilor Cardoso questioned whether the Public Safety meeting would be a public hearing. President Farwell said yes since it would be back in Chambers.

Councilor Asack questioned that item **166** went to Finance Committee, which is about the COVID-19 impact, while item **167** and **168** are going to Public Safety Committee. She would these should go to Finance Committee. President Farwell stated that in the resolves, it stated to go to Public Safety Committee.

56.
ORDERS (CONT'D)

President Farwell said they have a lot of substantive issues to deal with in Finance and he didn't want some of these other important issues to be sidetracked. He felt by using the various committees to submit reports would help to catch things up.

Councilor Rodrigues motioned to accept a late file given to legislative counsel 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.

- 169** Resolve: That the City Council, in conjunction with its Legislative Counsel, establish an Ad Hoc committee to discuss and make recommendations for considerations by the City Council for amendments to the City Ordinances and/or City Charter relative to the functions, responsibility, job descriptions and accountability of the positions of City Clerk, Assistant City Clerk and Clerk of the City Council.

Referred to Finance Committee

COUNCILOR'S RECOGNITION

Councilor Asack said that on Thursday March 25th, 2021 from 6:00-7:30 PM there will be a public safety complex public meeting via zoom. The meeting has been organized by the Mayor's office. This will be a forum for the community to learn more about the City's efforts regarding the complex. The webinar will have translations in multiple languages and the Zoom link is on the city website.

Councilor Eaniri said to people of Wards 3 and 4 in the area of Warren Ave., Market and Rutland St. Councilor Nicastro and Eaniri will have a meeting with people in that area on Wednesday March 31, 2021 for 6:30-7:30 PM to discuss a 56-apartment housing project in an old factory in that area via Zoom. They will be listening to any concerns from the community. This can also be viewed live on YouTube TV.

Councilor Cardoso stated that last year the women of the Council decided they wanted to recognize some women in the community in honor of Women's History month. This was not done last year due to COVID-19. She is recognizing two women that she has citations for. They are Anita "Leny" Monteiro from Subuda program who has been helping families accessing virtual learning and Maria Tavares who is a leader in the community and helped families with resources during the pandemic. She wished everyone a Happy Women's month and will present citations when we get back to Council Chambers.

Councilor Nicastro said that on Tuesday March 30, 2021 at 6:PM will be the continuation of the January 21, 2021 public hearing by the Planning Board on a proposed 40R Development at 223-261 Thatcher St. within the Thatcher Street Smart Growth Overlay District. This will be on Zoom. The public may email Planning@cobma.us to obtain an invitation to the meeting. Plans are available for review on the Planning and Economic Development public Google drive on the City website.

Councilor Cruise said with mixed emotions and asked the Clerk to read the communication he sent to the Clerk. The Clerk read a letter for the resignation of Timothy J. Cruise from the City Council, as Ward one City Councilor. Councilor Cruise said he has been serving on this body for 15 years and he loves it. He continued that he is not leaving and is looking forward with working with them in a full-time vein. He thanked all the Councilors for what they do. The public has no idea how hard they work in these part time jobs. He stated that everyone he has ever served with has done this for the right reasons. He is going to miss being on the Council and thanked his family for all they have put up with through the tough times.

President Farwell stated that under M.G.L. Chapter 43, Section 59A, it is required as a Council that they order a special election when a ward council seat is open for more than six months. He asked for the following order to be read.

COUNCILOR'S RECOGNITION (CONT'D)

170 Whereas: Timothy J. Cruise submitted a resignation from his position as councilor for Ward One: Ordered: Pursuant to the provisions of General Laws Chapter 43, Section 59A as appears below, an election shall be held to fill said vacancy in the position of Ward One Councilor.

“Section 59A. If a vacancy occurs in the office of mayor by death, removal or resignation at any time during the first year of the term ending December thirty-first, the city clerk shall forthwith order an election to fill such vacancy for the remainder of the unexpired term.

If a vacancy occurs during the second year of the term beginning January first, a meeting of the city council shall be called by the city clerk and the city council shall elect by majority vote one of its members as mayor for the remainder of the unexpired term. If the city council fails so to elect at said meeting or within thirty days thereafter, the president of the city council shall become acting mayor, shall exercise all the rights and powers of mayor and shall be sworn to the faithful discharge of his duties.

If a vacancy occurs at any time in the office of a councilor elected by and from the qualified voters of the city, such vacancy shall be filled forthwith by a majority vote of all the remaining members of the city council for the remainder of the unexpired term.

If a vacancy occurs, before the last six months of the term, in the office of a councilor elected by and from the voters of a ward, the city council shall forthwith order an election to fill such vacancy for the remainder of the unexpired term.”

Councilor Nicastro motioned to accept late file and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

Councilor Nicastro motioned to approve the order and was properly seconded.

Councilor Rodrigues, on the motion, felt they need to hit the pause button regarding the City holding a special election. We are going through a real, tough time due to COVID-19 and the effects this has had on the taxpayers. There are already primary elections in beginning in September and another in November. Councilor Rodrigues believes there has to be a way to avoid holding a special election for Ward one knowing how expensive these can be. He would like to look at this and see if there is a possibility of doing something other than a special election.

Councilor Farwell deferred to Attorney Resnick to comment. He stated that they are mandated to hold a special election, but someone could sponsor a home rule petition to try to extricate from holding that election. The problem may be the timing of how quickly the legislature would act on this. Attorney Resnick explained that right now there is an order that can be sent to committee instead of acting on it now. They could invite the Elections commission to come before the body to discuss this and give oversight. She stated there is nothing in the ordinance that states when this election specifically has to be held. She believes this can pass through the normal Council operations by going to committee then back to the full Council.

Councilor Asack said she agrees with Councilor Rodrigues that this is not a good time for spending money on a special election and that this does not need to be rushed. She hopes it goes through the process without rushing and they make the right decision for the residents. She thanked Councilor Cruise for his service and said she has learned a lot from him.

Councilor Cardoso asked Attorney Resnick to clarify about the timing of the election or would the timing result in an appointment situation. Attorney Resnick answered that since the resignation occurred with more than six months in the term, the ordinance calls for the election, but not the timing of the election. The Election Commission has rules that need to be followed by State law and they would be able to give a more realistic presentation of a timeline.

COUNCILOR'S RECOGNITION (CONT'D)

Councilor Farwell noted that if this is referred to Finance Committee, it would probably not make the agenda until April 20th. The agenda for April 5th is already very full.

Councilor Rodrigues asked Attorney Resnick about a Mayor's vacancy and if the vacancy occurs in the first year a special election is needed but in the second year then it is an election within the City Council. Attorney Resnick said the ordinances are clear to the process but the ordinance doesn't dictate when an election is triggered. Attorney Resnick said that councilor at large is different than ward councilor. If void occurs prior to July 1, a special election is called for.

Councilor Rodrigues stated that he would be willing to sponsor a home rule petition to save the taxpayers the cost of holding a special election and would be looking for any co-sponsors. Councilor Farwell suggests he contacts councilor Monahan who has requested a copy of the Boston home rule petition that was recently done for that mayor's vacancy.

Councilor Eaniri stated Councilor Rodrigues is right to a point. The first Monday in May, nomination papers are available for the next election. He doesn't believe a lot of people will be paying attention to an election with everything the way it is. He would like to send this to committee and vet it out.

Councilor Asack would like to sign on to the home-rule petition.

Councilor Cruise thinks Attorney Resnick is incorrect. If the vacancy occurs with less than six months, the seat would be left empty. He believes that since Boston received an exemption, the legislature would look favorably on this. There may need to be an emergency preamble on the order.

Councilor Nicastro asked if this can be put on April 5th Finance Committee agenda, since it sounds like this should be moved along and we need to be advised by the Elections Commission. President Farwell said he would meet with Erin Silva from Auditing regarding the agenda. He sees this as a perfect opportunity where local municipalities should be allowed to decide local issues.

Councilor Farwell said he would refer this to the Finance Committee and try to get it on the April 5 agenda.

Councilor Thompson agrees that a home rule petition is the best course of action. He questioned whether the home rule petition would leave the seat open until the coming election or would this be to appoint someone to the seat. President Farwell said it would depend on how the petition was worded and suggested mirroring the wording in the Boston petition, which had been approved and signed by the Governor. Councilor Thompson said the Boston petition was to install the Council President as Acting Mayor. Councilor Farwell said it negated an election that the charter called for, which is what we are trying to do. He believes this can be hashed out with Attorney Resnick before April 5th and the home rule petition can be acted upon under suspension of rules on April 12th.

Councilor Cardoso asked Attorney Resnick if they would be voting on keeping the seat open or an appointment. Attorney Resnick said it is up to how the petition is drafted by the council and she would look into this some more. Councilor Cardoso asked if they would hear from the Elections Commission on April 5th and then decide if this would be an appointment or leave the seat empty. Attorney Resnick said they would vote on the order which calls for the Election Commission to call for the special election. On April 12th, they would be looking for approval to change the city charter so the special election would not be required.

Councilor Farwell asked Attorney Resnick to contact the appropriate person in our legislative delegation to see if this is feasible.

59.

COUNCILOR'S RECOGNITION (CONT'D)

Councilor Monahan motioned to refer this item to Finance Committee and was properly seconded. Referred to Finance Committee by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

Councilor Farwell will have an update on improving the audio and video equipment and about moving back into Council Chambers.

Adjourned 8:20pm

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.