

In City Council April 12, 2021

Council Chambers, 2nd. floor
City Hall
45 School St.
Brockton, MA 02301
7PM

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. The City Council members, staff, and certain invited guests with matters on the agenda will attend the meeting in-person in Council Chambers at Brockton City Hall. Out of respect for public health and in response to the Governor's declared state of emergency, this meeting will be closed to the public and interested parties can instead access the deliberations via a livestream <https://www.youtube.com/user/TheBrocktonChannels/live>.

A regular meeting of the City Council was held on Monday March 22, 2021, in the Council Chambers, 2nd. Floor, City Hall. President Farwell presiding. The meeting was called to order at 7:00 PM with eleven members present.

186 Acceptance of the minutes of the March 22, 2021 City Council meeting

Accepted and placed on file

APPOINTMENTS

170 Of Jacqueline Murphy of 138 Torrey Street, Brockton, MA to the Diversity Commission for a three (3) year term ending April 2024.

Referred to Finance

171 Of Timothy J. Cruise to the position of Assistant City Clerk for the City of Brockton

Referred to Finance

Petition of National Grid to install new pole, P5-84 65' West of existing pole, P5 in order to relocate guy wire off the tree to new pole for #178 Channing Ave

Sam Yeung, engineer of National Grid appeared in favor.

The Council President notified the officer that if anyone was here for the petition, to let them in.

No one was in opposition.

Hearing held.

PETITIONS

Petition of Hannoush Jewelers, George Hannoush of 170 Quarry Rd., West Springfield, Ma, for a New Second Hand Precious Metal and Gems License located at 200 Westgate Drive, Brockton.

Referred to Public Safety

REPORTS

173 Of the Finance Committee for its meeting of April 5, 2021.

Accepted and placed on file

COMMUNICATIONS

174 From Councillor Timothy Cruise, submitting his resignation from the Brockton City Council as Ward One City Councillor, effective Tuesday, March 23, 2021, as presented by him at the City Council meeting of March 22, 2021.

Accepted and placed on file

175 From the Council President appointing Ward 3 Councillor, Dennis R. Eaniri, as Ordinance Committee Chairperson, due to the resignation of Councillor Timothy Cruise as Ordinance Committee Chairperson.

Accepted and placed on file

176 From the Mayor notifying the City Council that Reginald Thomas of 161 Kevin Rd., Brockton, MA has resigned from the Planning Board effective April 7, 2021.

Accepted and placed on file

177 From the Chief of the Police Department requesting authorization to expend donated funds from Hawkeye Fence, LLC to be used exclusively 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

178 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 Hawkeye Fence, LLC to the City of Brockton Police Department. The donation will be used to purchase equipment for K-9 related needs. There is no required match for these funds.

Accepted and placed on file

179 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the donation in the amount of \$1,000 from Hawkeye Fence, LLC to the Brockton Police Department.

Accepted and placed on file

180 From the Library Director requesting an outstanding Midwest Tape Bill in the amount of \$341.82 from FY2020 budget be paid with the FY2021 budget. There was confusion with Midwest Tape in sending paper bills. When the library became aware of the issue, it was quickly addressed.

Accepted and placed on file

181 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total payment of \$341.82 from Library-Books/Periodicals. (This money will be used to support the payment of a bill from FY2020).

Accepted and placed on file

182 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the payment of a bill from FY2020 in the amount of \$341.82 from Library-Books/Periodicals.

Accepted and placed on file

COMMUNICATIONS (cont'd)

183 From the Chief of the Police Department requesting authorization to expend funds related to the Massachusetts Chiefs of Police Association Opioid Prevention Grant from the Pharmaceutical Research and Manufacturers of America (PhRMA) in the amount of \$5,000.00.

Accepted and placed on file

184 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 Pharmaceutical Research and Manufacturers of America (PhRMA)-Massachusetts Chiefs of Police Association Opioid Prevention Grant to the City of Brockton Police Department- Massachusetts Chiefs of Police Association Opioid Prevention Grant Fund. (The Massachusetts Chiefs of Police Association Opioid Prevention Grant will be used to purchase Deterra drug deactivation packages to be given to Brockton residents and to fund officer overtime for outreach events related to the prevention of Substance Abuse disorders). There is no required match for these funds.

Accepted and placed on file

185 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total grant in the amount of \$5,000.00 from Pharmaceutical Research and Manufacturers of America (PhRMA)-Massachusetts Chiefs of Police Association Opioid Prevention Grant to the City of Brockton Police Department- Massachusetts Chiefs of Police Association Opioid Prevention Grant Fund.

Accepted and placed on file

UNFINISHED BUSINESS

131 Acceptance of the Reconsideration from the Council President, Winthrop Farwell, filed in the City Clerk's Office on Wednesday, March 24, 2021: Ordered: 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 Council President stated that he filed reconsideration on the item pursuant to the City Charter and ask that they vote against reconsideration. He shared information that he has received since he filed the reconsideration. There was a zoom meeting held with the Chief of Staff, Councillors Thompson, Eaniri, and Nicastro to ask questions about the plans that were submitted after the meeting and questions about where the grant and how it could be used and during the conversation it came to light that we have a structure that has been erected by a property owner in that area of the Bat Bus terminal, that encroaches upon city property and there were questions about liability if someone were to fall off that structure. Obviously we want to protect the city. The long and short of it is the City Solicitor is working with all those issues and they will be straightened out with the property owners and there will be an agreement for use with any property and there will be protection against any liability before the city, so he does want to see the grant to go forward. He wants to see the improvements that this money will bring. At this time, for himself, he would be against reconsideration, so that the money could be expended and the work continued. He doesn't know if Councillors Eaniri, Nicastro or Thompson would like to add anything.

UNFINISHED BUSINESS (cont'd)

The Clerk to the Council stated that the question is on reconsideration only. If reconsideration passes, then this discussion would follow. If reconsideration is refused or rebuked, then this is the end of it and the vote stands.

The Council President stated he wasn't looking for discussion, but if they had any general information. He urges the councilors to vote no on reconsideration.

Councillor Asack questioned if voting no meant that reconsideration would fail.

Attorney Resnick stated that a no vote would mean reconsideration would fail and the vote would stand.

Reconsideration fails by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative.

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

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

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

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

Adopted 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. (FAVORABLE)

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

- 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. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

Councillor Nicaastro wanted say that last week when they came before them in Finance, the Head of Grants stated that the Police Department used 60 doses of Narcan. She reached out to the Fire Department to find out the amount used in 2020 and it was 276 doses of Narcan. She wanted that information available as they voted on this

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

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

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

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

129 Ordered: Transfer of \$492,000

From Stabilization Fund

To Fire Department-Capital for \$200,000, Information Technology Center –Capital for \$136,000, Planning & Economic Development–Capital for \$120,000 and Weights and Measures–Capital for \$36,000 (FAVORABLE)

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

130 Ordered: Transfer of \$11,389,487.00

From: The Stabilization Fund, to various departments, such as Animal Control, Auditing, Finance Department, Human Resources, Law Department, Library, Mayor’s Office, Parks & Recreation, Public Property, Schools and Treasurer Collector. (FAVORABLE)

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

170 Ordered: Pursuant to Provisions of General laws, Chapter 43, Section 59A as appears below, an election shall be held to fill said vacancy of the position of Ward One Councilor. (FAVORABLE)

The Council President stated that he filed this, but that they have a homerule petition pending and he asked that a councilor would move to postpone to the next City Council meeting.

Councillor Asack motioned to postpone until the next City Council meeting and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; ten members present and 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 Council for amendments to the City ordinances and/or City Charter relative to the functions, responsibility, job description and accountability of the positions of City Clerk, Assistant City Clerk and Clerk of the Council. (FAVORABLE)

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

ORDERS

- 187** Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan
Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended by striking “\$25,000” in the Rate column for Dir. Emerg. Mgmt. and inserting in its place “\$35,568.00”.
- Referred to Ordinance
- 188** Ordered: That Chapter 39, Section 23D of the Massachusetts General Laws be and hereby is accepted by the City of Brockton. Said Section 23D. Judiciary Hearing-Absent Member
- Referred to Finance
- 189** Ordered: That the City Council of the City of Brockton petitions the Great and General Court for special legislation relating to the City of Brockton to be filed with an attested copy of this Order be and hereby is approved under the provisions of Clause One (1) Section Eight (8) of Article Two (2), as amended, of the Articles of Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted as follows, except for clerical or editorial changes of form only: Petition For Special Law Re: Filling Vacancies Of Brockton City Council Ward Seats During The Year 2021
- Referred to Finance
- 190** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Gloucester Street, extending from Pinehurst Avenue easterly to Annadea Road, a distance of 1,051.42 feet, more or less, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton
- Referred to Finance and Planning
- 191** Ordered: Pursuant to Chapter 20, Section 20-2 of the Revised Ordinances of the City of Brockton, the street to be constructed as part of the so-called Trinity Development between Main Street and Montello Street, and which will intersect with Petronelli Way, shall be named: “Marvin Hagler Drive.”
- Referred to Finance
- 192** Ordered: Acceptance and expenditure of a donation in the amount of \$1,000.00
From: Hawkeye Fence, LLC
To: the City of Brockton Police Department
- Referred to Finance
- 193** Ordered: Authorization of the total payment of \$341.82 from Library-Books/Periodicals (bill from FY2020)
- The Council President questioned if on item #193, the bill in the amount of \$341.82 from FY2020, if anyone was interested in suspending the rules and acting on it tonight.
- Councillor Rodrigues motioned to move under suspension of the rules on item #193 and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative.
- 194** Ordered: Acceptance and expenditure of the total grant award in the amount of \$5,000.00
From: the Pharmaceutical Research and Manufacturers of America (PhRMA)-
Massachusetts Chiefs of Police Association Opioid Prevention Grant
To: the City of Brockton Police Department- Massachusetts Chiefs of Police Association Opioid Prevention Grant Fund.
- Referred to Finance

ORDERS (CONT'D)

The Council President states that items # **195-196** have scrivener's errors on them and that the clerk's office have the corrected orders.

- 195** Ordered: That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit: *18 Highland Street*. For further reference see Plymouth County Registry of Deeds Book 41056, Pages 144-145. Owners: Richard and Lenieve M. Henry

Amount: \$440,000.00

Should be Ordered: That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit *18 Highland Street*. For further reference see Plymouth County Registry of Deeds Book 38395, Pages 94-95. Owner: Raymond Metelus

Amount: \$420,000.00

Referred to Finance

- 196** Ordered: That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit: *26 Highland Street*. For further reference see Plymouth County Registry of Deeds Book 38395, Pages 94-95. Owner: Raymond Metelus

Amount: \$420,000.00

Should be Ordered: That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit: *26 Highland Street*. For further reference see Plymouth County Registry of Deeds Book 38395, Pages 94-95. Owner: Richard and Lenieve M. Henry

Amount \$440,000.00

Referred to Finance

- 197** Resolve: To invite the City Clerk for the City of Brockton, to appear before a committee of the Council as to the workings of the Clerk's Office.

Referred to Finance

Granting of National Grid to install new pole, P5-84 65' West of existing pole, P5 in order to relocate guy wire off the tree to new pole for #178 Channing Ave

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

LATE FILES

Councillor Lally motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

- 199** Communication: From the Parking Director requesting a transfer of \$3,000.00 from Parking Authority Full Time Salaries to Personnel Services-Overtime (The transfer will be used to pay overtime from April to June 2021).

Accepted and placed on file

- 200** Communication: From the Mayor recommending that the City Council provide authorization to transfer monies from Parking Authority Full Time Salaries to Overtime for \$3,000.00. The transfer will be used to pay overtime from April to June 2021.

Accepted and placed on file

LATE FILES (Cont'd)

- 201** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total transfer of \$3,000 from Full Time Salaries to Overtime

Accepted and placed on file

- 202** Ordered: That the City Council provide authorization to transfer monies
From: Parking Authority Full Time Salaries
To: Overtime for \$3,000.00.

Referred to Finance

Councillor Cardoso motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

- 198** Resolved, that the Mayor, Director of the Board of Health, and Chief Financial Officer come before the Finance Committee to discuss establishment of a Health Department consistent with the City's adoption of M.G.L. c. 111§26A-E, and to inform the Council of any planning and financial considerations for implementation of said Health Department.

Referred to Finance

Councillor's Recognition

Councillor Asack wanted to thank the Mayor, the Board of Health, Neighborhood Health Center, and the National Guard for their work in the vaccine rollout over the past weekends at the Shaw Center. She received good comments and feedback from the residents and employees.

Councillor Rodrigues stated that in the City of Brockton, more than 400 residents were lost due to Covid 19. The passing of the individuals has caused a great deal of pain and financial burden on the families. There is some good news, though that the Federal Government is making some funding available to assist the families who have lost loved ones. This is going to be done through FEMA. The requirements aren't that hard. It doesn't matter where the individual that passed came from, their legal status, but the only requirement on the applicant side is they are U.S. citizens or carriers of the green card. These funds are to reimburse the families for funeral costs. Often our city is left behind when it comes to funding and taking advantage of situations. His wish is to see the 400 plus families that have been affected by this disease to apply for and acquire funding from the Federal Government, so they can lessen the burden on themselves. On some occasions, people had to borrow money from other individuals to pay for funeral expenses. His hope is to work with every single one of those individuals and families. We have made the association available for individuals to help them in this process. To make sure every single person that qualifies for this help do go after the funds for the good of themselves and their families. Any questions, individuals can call any of the councillors. It is also on the FEMA website designated clearly as funeral assistance.

The Council President reminds the members of the council, that they will be meeting on Tuesday, April 20, 2021 for Finance Committee at 7pm, due to the holiday on Monday.

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: 7:33pm