

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 April 26, 2021, in the Council Chambers, 2<sup>nd</sup>. Floor, City Hall. President Farwell presiding. The meeting was called to order at 7:00 PM with ten members present.

**203** Acceptance of the Minutes of the April 12, 2021 City Council meeting

Accepted and placed on file

**APPOINTMENTS**

**204** Of Samantha Ambroise of 10 Kingman St., Brockton, MA to the Planning Board for a five (5) year term ending April 2026.

Referred to Finance

**205** Of Jorge Veiga of 40 Goldfinch Dr., Brockton, MA to the Library Board of Trustees for a three (3) year term ending April 2024.

Referred to Finance

**HEARINGS**

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.

The hearing was opened.

Councillor Lally motioned to postpone the hearing to the next council meeting, as the representative of Fuss & O'Neil could not be present, but can come on May 10, 2021, and was properly seconded. The motion carried by a hand vote.

Petition of RKW Group, Inc. dba Stop N' Gas, Abdullah Mahmud, 605 Truman Hwy., Boston, MA for a Transfer of Flammable Storage License located at 81 Warren Ave., Brockton (previous owner NEK Realty Corp.)

Abdullah Mahmud appeared in favor.

No one was in opposition.

Hearing held.

Granted by a hand vote.

**REPORTS**

**206** Of the Real Estate Committee for its meeting of April 6, 2021

Accepted and placed on file

**207** Of the Public Safety Committee for its meeting of April 7, 2021

**69.**  
**REPORTS (CONT'D)**

Accepted and placed on file

**208** Of the Finance Committee for its meeting of April 20, 2021

Accepted and placed on file

**COMMUNICATIONS**

**209** From the Director of the COA requesting authorization to accept and expend a total grant award in the amount of \$190,596.00 from the Executive Office of Elder Affairs-FY21 Formula Grant to the City of Brockton Council on Aging-FY21 Formula Grant Fund. (The Formula Grant Funds will be used for salaries including overtime, energy, department equipment repair, printing, office supplies, and registration, memberships, and subscriptions) There is no required match for these funds.

Accepted and placed on file

**210** 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 \$190,596.00 from the Executive Office of Elder Affairs-FY21 Formula Grant to the City of Brockton Council on Aging-FY21 Formula Grant Fund. (The Formula Grant Funds will be used for salaries including overtime, energy, department equipment repair, printing, office supplies, and registration, memberships, and subscriptions). There is no required match for these funds.

Accepted and placed on file

**211** From the CFO in accordance with Section 5 of Ch. 324 of the acts of 1990, certifying the proposed acceptance and expenditure of the total grant award in the amount of \$190,596.00 from the Executive Office of Elder Affairs-FY21 Formula Grant to the City of Brockton Council on Aging-FY21 Formula Grant Fund.

Accepted and placed on file

**212** From the Executive Director of the Brockton Retirement Board requesting that the City Council authorize the acceptance of M.G.L., Ch. 32, ss 103 (j) to approve the acceptance by the Brockton Retirement Board of an increase of \$1,000.00 in the maximum base amount upon which COLA is calculated for pension payments for FY21 and each year thereafter.

Accepted and placed on file

**213** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance of M.G.L., Ch. 32, ss 103 (j) to approve the acceptance by the Brockton Retirement Board of an increase of \$1,000.00 in the maximum base amount upon which COLA is calculated for pension payments for FY21 and each year thereafter.

Accepted and placed on file

**214** From the CFO in accordance with Section 5 of Ch. 324 of the acts of 1990, certifying the acceptance of M.G.L., Ch. 32, ss 103 (j) to approve the acceptance by the Brockton Retirement Board of an increase of \$1,000.00 in the maximum base amount upon which COLA is calculated for pension payments for FY21 and each year thereafter. The Brockton Retirement Board has taken a generous approach to the City's yearly obligation, opting for a schedule that has softened the impact for our annual payment. This was achieved through adjustments in the schedule and a commitment to a more aggressive investment return rate, saving the city significant funds in the overall payback amounts. This adjustment in the COLA is part of the overall funding plan.

**70.**  
**COMMUNICATIONS (cont'd)**

Accepted and placed on file

- 215** From Locke Lord LLP, Bond Counsel for the City, as requested from the CFO, submitting the form of loan order for the authorization of refunding bonds or notes of the city, for the purpose of paying or refunding all or any designated part of an issue of bonds or notes then outstanding, including the amount of any redemption premium thereon; provided, however, that no such refunding bonds or notes shall be payable over a period longer than the period during which the original bonds or notes so refunded must be paid pursuant to law.

Accepted and placed on file

- 216** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the issuance of refunding bonds or notes of the city, for the purpose of paying or refunding all or any designated part of an issue of bonds or notes then outstanding, including the amount of any redemption premium thereon; provided, however, that no such refunding bonds or notes shall be payable over a period longer than the period during which the original bonds or notes so refunded must be paid pursuant to law.

Accepted and placed on file

- 217** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying to support the issuance of refunding bonds or notes of the city, for the purpose of paying or refunding all or any designated part of an issue of bonds or notes then outstanding, including the amount of any redemption premium thereon; provided, however, that no such refunding bonds or notes shall be payable over a period longer than the period during which the original bonds or notes so refunded must be paid pursuant to law, without a detrimental impact. (The relevant section of the General Laws provides that, for a refunding, the typical publication and deliberation requirements do not apply. Therefore, the Council can move forward with approval in a more rapid fashion) This refunding is similar to refinancing of a private mortgage. Historically low interest rates are allowing the City to refinance this debt (called refunding in public finance) and save approximately \$442,000 in repayment costs over the remaining life of the debt repayment. He recommends that the City Council approve this as soon as possible so that his team can move forward with this significant savings.

Accepted and placed on file

**UNFINISHED BUSINESS**

- 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 IN FINANCE, POSTPONED FROM APRIL 12, 2021 CITY COUNCIL MEETING)

This would be moot depending what happened

Councillor Nicastro motioned to postpone to end of meeting and was properly seconded.

- 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. (FAVORABLE)

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

**UNFINISHED BUSINESS (cont'd)**

- 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. (FAVORABLE, AS AMENDED)

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

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

- 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. (FAVORABLE)

Councillor Cardoso asked the chair to give a brief outline.

Councillor Nicastro stated it was a very interesting meeting. Both Chief Williams and Chief Gomes explained the changes they had to make and adjustments PPE that they had to make with their team working in spite of Covid. Chief Williams went into detail about how the firefighters had to garb up to go into houses. It was very informative and very helpful. The meeting was about 3 hours long for the three items on the agenda.

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

- 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. (FAVORABLE)

Councillor Cardoso asked the chair to give a brief outline, as the residents would like to have the information available.

The Council President stated that he believes they are posted on the City’s website.

Councillor Nicastro stated that she does not have the report with her that was filed, but she stated that it was very informative. Chief Gomes stated that it was very difficult, because people are using marijuana in cars but they are not pulling cars over for it since there is not a test to ascertain inebriation levels with marijuana. They talked about how things will change as they will be delivered and social consumption as neither of those rules have come down yet from the CCC and they did acknowledge it and said that they will deal with it and instruct their officers when the rules do come down. It was very interesting. She urges her colleagues and the public to watch it, as it was very worthwhile.

Councillor Cardoso encourages the public to watch the meetings. They have 3 very important resolves and she urges them to watch those meetings to get some important information on those topics.

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

**UNFINISHED BUSINESS (cont'd)**

- 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. (FAVORABLE)

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

- 171** Appointment of Timothy J. Cruise to the position of Assistant City Clerk for the City of Brockton (FAVORABLE)

Councillor Mendes states that she asked for the letter from the State Ethics Committee and she received it from Mr. Cruise. She stated that Mr. Cruise is a member of the City Council interested in the possibility of becoming the Assistant City Clerk. He has sought the advice of whether it would be a conflict of interest for him to resign of his position and accept the appointment as the Assistant City Clerk. Based on the facts presented, Mr. Cruise would not have to wait 6 months for him to be approved as Assistant City Clerk. According to the City Charter and the letter from State Ethics Committee, the City Council is not the appointing authority for the appointing of Assistant City Clerk. It does not supervise the City Clerk position. As a result, Councillor Cruise resigns from his position as City Councillor, under Section 21A, he would not be immediately prohibited from being appointed as Assistant City Clerk and would not be required to wait 30 days to be eligible. They have received several comment and emails related to the process of this appointment. Our ordinances, Sec. 2-171, state that there shall be an Assistant City Clerk for the City. The Assistant City Clerk shall be nominated by the City Clerk to the City Council and confirmed by the City Council. They have received complaints about the legal procedure and legal process, but this is what our law states. Everyone that complained, was complaining about the process and procedure, but not a single person complained the Mr. Cruise was not qualified for this position. Not one stated that this is the wrong appointment because he was not qualified. The question was on the process. She doesn't agree with the process. She believes it should be an open process and have applications in HR Department, but that is not what is currently on the books. We have to follow what is on the books. We have the Ad hoc committee going forward that will be addressing these issues. We have to address the law and change it. She is supporting this appointment and working hard to change it going forward, so that whoever comes in next, there will be an open process for the entire city.

The Council President states that the Clerk is retiring after almost 30 years, the clerk doing the council business is retiring after 20 years, and another woman in the clerk's office that is retiring after 35 years and a gentleman that has just left. We're losing 90 plus years of experience in the clerk's office. He wanted to make that known to the public.

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present with nine voting in the affirmative. Councillor Cardoso voting in the negative. Councillor Monahan motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by "yeas" and "nays"; ten members present with one voting in the affirmative. Councillors Asack, Eaniri, Farwell, Lally, Mendes, Monahan, Nicaastro, Rodrigues and Thompson voting in the negative.

Council President Farwell congratulated Mr. Cruise.

Councillor Monahan stepped down.

**UNFINISHED BUSINESS (cont'd)**

- 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 (FAVORABLE)

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

- 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. (FAVORABLE)

Councillor Monahan stepped back in.

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

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

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

- 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: *26 Highland Street*. For further reference see Plymouth County Registry of Deeds Book 38395, Pages 94-95. Owner: Raymond Metelus Amount: \$420,000.00 (FAVORABLE)

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

- 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: *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 (FAVORABLE)

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

- 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.” (FAVORABLE)

Councillor Thompson thanks the Council President for his co-sponsorship on this street naming. He stated that it has been 17 years since accepting a street naming honor Mr. Hagler’s boxing achievements status as a Brockton icon. It is not an endorsement of this man’s life. He has asked the clerk the last time this chamber has named a new street? It was about 17 years ago. It’s not common. He is honored to sponsor his first, with one so significant; Marvin Hagler Drive. Growing up as a kid in Brockton, Marvin Hagler was a legend. He never had the pleasure to meet the champ, but he watched his legendary fights and spoke to people who knew him. The lesson that he took, was that Marvin Hagler had an obsession with sharing his talent and his determination with the world. He literally got punched in the face and kept moving forward. Marvin Hagler from Dover St., had a God

**UNFINISHED BUSINESS (cont'd)**

given talent, as does every kid from Brockton. He hopes Marvin Hagler Drive inspires all of us to be obsessed with sharing our talents with each other and with the world.

Councillor Asack stepped down.

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

Councillor Asack stepped back in.

- 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 (FAVORABLE)

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

- 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 (FAVORABLE, AS AMENDED)

The Council President stated that he spoke to Attorney Resnick on Sunday and offered questions relating to this item that were brought up by the councilors at the last meeting. Legislative Counsel, Attorney Resnick is here this evening to answer any questions. Attorney Resnick explains the homerule process. When it is approved it would overrule what the charter states. So until such time, your charter trumps the petition. Unless you have a homerule petition signed by the governor, you're obligated to do what the charter says. She drafted the homerule petition that was discussed in Finance Committee and she mirrored it almost exactly to what came out of Boston. They requested pretty much the same thing when they had a vacancy in the mayor position. They said the same thing. It would be costly to have an election, they were having primaries around the same time Brockton was, so she thought the easiest thing would be to get a homerule petition through the state legislature. It would be the same process as Boston. The turnaround time for Boston was fairly quick. It came out of their City Council the beginning of February and she believes the governor signed it February 22, or sometime around that timeframe, around 2-3 weeks. She read what the charter says. If you don't get the homerule petition, this is the process. The charter differentiates between an At-Large Councillor position and a Ward Councillor position. The Special election only applies because the vacancy occurred prior to July 1. It would stay a vacant seat for that 6 month period. Just some clarification to the Finance meeting that she thought they may want to hear. In terms of what the council can do, the amendment- to leave it vacant. That is something that they can do. They would just need the state to approve. The way that it was drafted, it could be done that way also, again if it was approved by the state legislation. Unless they agree on a homerule petition, they would have to call a special election.

Councillor Cardoso thanks Attorney Resnick for clarifying that. As it was written, it would be for the councilors to seek an appointment. With the amendment, it is allowing for the seat to be vacant. Can they submit it with an amendment or they have to draw up a whole new petition?

Attorney Resnick stated that what would get sent to the legislation would be the amended version, if the amendment carries.

**UNFINISHED BUSINESS (cont'd)**

Councillor Cardoso questions that legally, they can do that?

Attorney Resnick stated yes, legally you can ask the state legislature to do that. Whether you ask them to appoint or to leave it vacant, they still stamp it at the end, to trump calling a special election.

Councillor Cardoso states that the way they are going about this is not fair to the residents of Ward 1. Some folks think they the council shouldn't dictate for them, but they are basically doing the same thing by leaving the seat open. They are dictating that the seat stays open. She will not vote for this. She believes if circumstances were different and individuals of ward 1 hadn't shown some interest in wanting to be appointed, we wouldn't be having this discussion. If there was only one person that was chosen by some of the few councilor folks here to be appointed would just slide through and that is the culture of this city and that is why she is voting no, as amended.

Councillor Thompson asked what is the legislative process? We approve this today and send to the state delegation, for them to file it?

Attorney Resnick stated typically it would be sponsored by Rep. Cronin or someone like that would bring it as a homerule petition on behalf of the area they represent. They would pass it through the committee that it needed to be passed through.

Councillor Thompson stated it would go through the committee then representative and then the senate then to the governor for his signature? That could happen within a 3 week period?

Attorney Resnick stated that she can't guess at this session, because they are coming up on their budget hearing, but she thinks they have a good opportunity to get it through right now. If this is something that was put in their mailbox in June, their response would be that they are working on the budget. Without physically being on Beacon Hill, she can't say exactly how it would go. She can say that Boston's passed within that time period.

Councillor Thompson questions her about the last agenda item. With the Special Election item if this matter passes for a favorable vote, does that agenda item become moot, or do we continue that matter for another city council hearing waiting for the feedback from the governor or approval or disapproval from the governor and that way that matter is still alive?

Attorney Resnick states there is nothing that charter that says when the special election needs to be called, but again you can't use this process to frustrate that purpose. So we can't just let it table or pass it just because we don't want to call the special election. She thinks if they continue it to the next meeting in 2 weeks, they may be able to come back and get a little bit more information from your state delegation. They can probably get this done in May. It might take until June. You'll know a little bit more. She thinks they can certainly continue this to the next meeting. Until they have a sign off from the state, your charter stays unchanged.

Councillor Thompson states we should keep that alive until we get a sign off or disapproval of the governor.

Attorney Resnick states that is correct.

Councillor Thompson states that last week he asked residents of Ward 1 to reach out to him to give their opinion on this matter of homerule petition to either appoint a temporary position or to leave the seat vacant until the general election > He thanked all of the residents of Ward 1 who reached out to him via email or phone call to express their opinion. The overwhelming majority reached out desired this council to allow the seat to



**UNFINISHED BUSINESS (cont'd)**

remain vacant until the general election seats a new councilor next term. He supports this position. It is the most fair open and transparent method for residents to choose who represents them on this council and if this process is chosen he asks that the Councillors-At-Large be available to the Ward 1 residents.

Councillor Asack states that this is City Council meeting and councilors should stand when they speak.

The Council President stated that she is correct.

Councillor Rodrigues requests permission to stay seated, due to his back hurting and was allowed by the Council President.

Councillor Rodrigues stated that he was the sponsor of the homerule petition that they are sponsoring with the commonwealth, but there was a perception here at the meeting last week that the decision was the council's decision, and it's not the council's decision whether to hold an election or to go via the petition. The state dictates which direction we are going to go, because if the state says no to the homerule petition, we are left choiceless when it comes to the election. He wants to make sure that the individuals at home understand that. We are choosing to go to the state and ask for relief, so that we don't have to go through a special election for the 6 months in the city. He also received calls from residents to try to convince him and as soon as you explain to them exactly where we stand, the conversation changed. He wants to make sure that when you put it out there do we elect or do we not appoint. That is not the choice, until that homerule petition comes back to us saying yes, it was approved and you can go about it this way. Understand there is no guarantee this thing is going through. There's a very good chance that it may come back otherwise, because we're going a way different than Boston did, because what the attorney stated was that they petitioned the legislature to forego the mayor's election in Boston.

Attorney Resnick said that is correct. She also wanted the public to know that this is a one year exemption. We are not asking to change the charter. It's a one time request as Boston did.

Councillor Rodrigues stated that it was a mayor's election, not a councilor election.

Attorney Resnick said that the City Councilor seat in Boston has stayed vacant as well if she recalls correctly.

Councillor Rodrigues asks what their charter says?

Attorney Resnick said she wants to make it clear, that she is not versed as if she worked for Boston. She looked at it and theirs was very similar to our charter. She thinks they have precincts. It is similar. A very similar process. She googled to see what happened with it, as she thought it may come up and the mayor's seat hasn't been filled.

Councillor Rodrigues asks if they petitioned to keep that seat vacant?

Attorney Resnick said she doesn't know that exactly.

Councillor Rodrigues stated that was his issue. That means that their charter probably allowed them to do that and leave it vacant, because otherwise they would have to go through the whole petition process to ask for relief on that as well.

Attorney Resnick said it could be, she doesn't work for the city of Boston but she tried to make this, whether you have a vacancy or an appointment, otherwise the homerule petition mirrors exactly what Boston did. So it seems like it can be done, though it was for the mayor position.

**UNFINISHED BUSINESS (cont'd)**

Councillor Rodrigues submitted the petition, but now he is looking at it as is it fair as we are interfering in the process by telling the residents that we're not going to hold an election, so we are already interfering in that process by telling the residents we shall not hold an election and by going to the state for relief in this area.

The Council President states that we have spent an hour on this subject and if the councilor has specific questions, regarding this, because the first order is to get as much information from the Legislative Counsel as we can. What they did in Boston may or may not be relevant. What he wanted to share with the council is whatever knowledge the attorney has regarding the legality of what we were doing, whether it would pass the legislature quickly, what are the repercussions if we don't do anything, or what are the repercussions if we do something. If we get into what they did in Boston or if we disenfranchised Ward 1. Respectfully, we did that when we chose not to follow the charter we did that. They deserved an election at that point. No, we are here in late April to submit something and it will go to the legislature and he doesn't know when it will be back and however it goes in, there is no guarantee that they will approve this. He asks Attorney Resnick if that is correct.

Attorney Resnick stated that is correct and they can't guarantee the timeline.

Councillor Rodrigues spoke to the Council President and stated that he spent the last few minutes doing exactly the same thing he was doing. This is why he is saying that in this body, if we are to be taken serious, there is 10 City Councilors sitting here now. When someone is the president of this body, the person is not the President of the Democratic Republic of China or Russia. They are here equally and we deserve to be treated with the same dignity and respect. The whole issue that happened last Tuesday when they were there, the discussion was wait until the Attorney comes in so she can answer the questions. She's there at the podium and he has some questions and this is the right time to ask them. With all due respect he doesn't really care what he says about this, because you cannot dictate. They have all been president of this body. You feel that you have authority over this body to dictate and that is not what you must do. You can allow me to ask my questions as we go forward.

Council President stated to Councillor Rodrigues everyone is different as Council President. If you want to ask her a specific question relating to the action that was taken at the last Finance Committee meeting whereby vote of that body a favorable recommendation made on an amendment, to the original homerule petition, knock yourself out. He has no problem, but he is not going to have all of the council sit there while they wax and wane poetic about whether they have disenfranchised the people of Ward 1. Let's stick to the issue before us tonight.

Councillor Rodrigues stated that the President got out of the President's box to state how they were disenfranchising the voters, so now the President is saying that he can't do the same thing?

The Council President stated that is not what he said, but proceed with his questions.

Councillor Rodrigues asked if there were instances where the homerule petition wasn't approved?

Attorney Resnick stated yes, but what the literature out there is that your government should govern itself. So the role and the literacy about homerule petition is you know what's best for your city and that's what your state delegation is going to go and say. This is a financial burden to Brockton. This is them having to do another election a month or so before their primary and their full election. So they are still arguing policy to support your position.

**UNFINISHED BUSINESS (cont'd)**

Councillor Rodrigues asked in her opinion, as a counselor, what do you think the temperature is going to be on this particular petition?

She thinks it should be very hot in your favor, because she doesn't see how Boston gets this and Brockton does not. The difference is substantial difference in the money the election was going to cost Boston, as opposed to Brockton's estimate, but if Boston got it, Boston should as well.

Councillor Rodrigues asked if she believed it would go through.

Attorney Resnick stated that is a better question for the state delegation to answer. Seeing what Boston got, she thinks it would, as it is drafted nearly verbatim, as to what was submitted in February.

Councillor Monahan questioned if Councillor Rodrigues was referring to the amended Petition or the original petition as filed?

Councillor Rodrigues stated that he feels that submitting the homerule petition to appoint someone then amending it, would take away from the residents the ability to choose a councilor for Ward 1.

Attorney Resnick wanted to comment. The reason she read 59A, is if she were predicting what the state delegation would say is this would be the same process as leaving a spot vacant if this occurred on July 1. So the fact that they are 3 months before then, it is not a substantial change. What you have said is if a vacancy occurs in a ward position it's actually not the process for your At-large position. She thinks it kind of assumes that there is a reasonable period of time in which a seat in a ward could be vacant. That would be her argument, if she was arguing in front of the delegation. She would state that they do it with their At-large position so they can do it with their ward councilor position. It's there in your charter. So it's up to you That is the best way I can explain it.

Councillor Asack thanked Attorney Resnick for the explanation and asked, if it doesn't pass do we go forward with an election? She doesn't know the time frame.

Attorney Resnick stated that going back to the Finance Committee meeting 2 sessions ago, she believes that there would still be time for it, but she thinks realistically she doesn't know how close this would be to the September mark.

Councillor Asack stated if this was last year she would have no problem with having an election or appointing someone, whatever they had to do, but because this is an election year, it makes it exceptionally difficult. She thinks people at home realize this at home too. The residents that contacted her from Ward 1 via email or phone call, they felt that there's an election this year and they wanted to go through and elect their own councilors.

Attorney Resnick agrees with her. If it had been last year it would have been different.

The Council President read the amendment:

To edit the proposal before us to state: Notwithstanding any general or special law to the contrary, if a vacancy shall occur in a Ward City Council seat during any time in the year 2021, the vacancy shall not be filled by special municipal election.

The amendment passed by a roll call vote taken by "yeas" and "nays"; ten members present with eight voting in the affirmative. Councillors Cardoso and Rodrigues voting in the negative.

**UNFINISHED BUSINESS (cont'd)**

Adopted, as amended, by a roll call vote taken by “yeas” and “nays”; ten members present with eight voting in the affirmative. Councillors Cardoso and Rodrigues voting in the negative.

- 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. (FAVORABLE)

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

Councillor Nicastro motioned to file for reconsideration on item #189 with the wish that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; ten members present with two voting in the affirmative. Councilors Asack, Eaniri, Farwell, Lally, Mendes, Monahan, Nicastro and Thompson voting in the negative.

**ORDERS**

- 218** Ordered: Acceptance and expenditure of the total grant award in the amount of \$190,596.00  
From: The Executive Office of Elder Affairs-FY21 Formula Grant  
To: The City of Brockton Council on Aging-FY21 Formula Grant Fund.

Referred to Finance

- 219** Ordered: That the City Council authorize the acceptance of M.G.L., Ch. 32, ss 103 (j) to approve the acceptance by the Brockton Retirement Board of an increase of \$1,000.00 in the maximum base amount upon which COLA is calculated for pension payments for FY21 and each year thereafter.

Referred to Finance

- 220** Ordered: That in order to reduce interest costs, the City Treasurer with the approval of the Mayor, is authorized to issue refunding bonds, at one time or from time to time, pursuant to M. G. L. c. 44, subsection 21A, or pursuant to any other enabling authority, to refund all or any portion of the city’s general obligation bonds outstanding as of the date of adoption of this order, and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; and that the Mayor and the City Treasurer are each authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company. Further Ordered; that the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under G. L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of the Commonwealth of Massachusetts may require.

Referred to Finance

Councillor Lally motioned to table item #170 and was properly seconded. The motion carried by a hand vote.

**LATE FILES**

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

**80.**  
**LATE FILES (cont'd)**

**221** Communication 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 \$275,000 from the Department of Housing & Community Development Grant to City of Brockton-Mayor's Office  
Accepted and placed on file

**222** Communication from the CFO in accordance with Section 5 of CH. 324 of the Acts of 1990, certifying to support the total grant in the amount of \$275,000 from the Department of Housing & Community Development Grant to City of Brockton-Mayor's Office

Accepted and placed on file

**223** Ordered: Acceptance and expenditure of the total grant award in the amount of \$275,000  
From: The Department of Housing & Community Development Grant  
To: City of Brockton-Mayor's Office

Referred to Finance

**Councilor's Recognition**

Councillor Asack asked residents to save the date Keep Brockton Beautiful Day will be held Saturday, May 22, 2021. They couldn't have it last year, due to Covid. They won't have the annual barbeque afterwards. It will be great to clean our streets. Look on website for more info. As usual contact Pat at recycling to sign up or contact her. It is always a great event. She also stated that the meeting of the Cultural Affairs and Tourism will be held on Thursday, May 6 at North Baptist Church located at 899 N. Main St. The main goal is planning for Summerfest 2021. It is the 50<sup>th</sup> anniversary of Summerfest.

Councillor Eaniri reminds members of the Ad hoc Committee that they will meet Thursday at 6pm in the Council Chambers, April 29. It won't be a long meeting. He hopes to be getting information back by the 1st or 2<sup>nd</sup> week of June and it will be covered on tv. He also states that the Ordinance Committee will meet on Tuesday, May 4 at 6:30pm and it will be covered on tv.

**Adjourned 8:07pm**

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.