

In City Council, April 26, 2021

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>

1. Acceptance of the Minutes of the April 12, 2021 City Council meeting

APPOINTMENTS:

2. Of Samantha Ambroise of 10 Kingman St., Brockton, MA to the Planning Board for a five (5) year term ending April 2026.
3. Of Jorge Veiga of 40 Goldfinch Dr., Brockton, MA to the Library Board of Trustees for a three (3) year term ending April 2024.

HEARINGS:

4. 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.
5. 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.)

REPORTS:

6. Of the Real Estate Committee for its meeting of April 6, 2021
7. Of the Public Safety Committee for its meeting of April 7, 2021
8. Of the Finance Committee for its meeting of April 20, 2021

COMMUNICATIONS:

9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

UNFINISHED BUSINESS:

18. 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)

19. 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)
20. 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)
21. 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)
22. 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)
23. 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)
24. Appointment of Timothy J. Cruise to the position of Assistant City Clerk for the City of Brockton (FAVORABLE)
25. 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)
26. 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)
27. Ordered: That the City Council provide authorization to transfer monies
From: Parking Authority Full Time Salaries
To: Overtime for \$3,000.00. (FAVORABLE)
28. 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)

29. 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)
30. 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)
31. 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)
32. 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)
33. 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)

ORDERS:

34. 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.
35. 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.
36. 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.

Councilor's Recognition

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.