

In City Council, May 24, 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>

A regular meeting of the City Council was held on Monday May 24, 2021, in the Council Chambers, 2nd. Floor, City Hall. President Farwell presiding. The meeting was called to order at 7:01 PM with eight members present.

Councillor Nicastro takes a moment to present 2 citations, one to Patricia Chinn for her over 35 years of service and another to Robin Gardikis for her almost 20 years of service, both retiring from the City of Brockton, City Clerk's Office, and City Council.

A two-minute recess was called.

Back in session.

267 Acceptance of the City Council minutes of the May 10, 2021 meeting

Accepted and placed on file

REPORTS

268 Of the Ordinance Committee for its meeting of May 4, 2021.

Accepted and placed on file

269 Of the Public Safety Committee for its meeting of May 6, 2021

Accepted and placed on file

270 Of the Finance Committee for its meeting of May 17, 2021

Accepted and placed on file

HEARINGS

The Council President stated that Councillor Mendes was absent, due to her son being sick and that Councillor Cardoso was present via phone and Councillor Asack was stuck in traffic, but was on her way.

Petition on behalf of AT&T and while reserving all rights, accept this submission as an application for approval for one (1) small cell wireless facility installed in and on a replacement light pole owned by the City of Brockton and located near the above-referenced address in Brockton, MA pursuant to the federal telecommunications Act of 1996, the Declaratory Ruling and Third Report and Order 18-133 issued by the FCC in September 2018 and, to the extent applicable, M.G.L., Ch. 166, Sec. 21,22,25A for telecommunication wires and wireless attachments appurtenances installed within the public right-of-way. The small cell wireless facility complies and is in accordance with the Act, the Order and Massachusetts Law. (Near 150 School St.)

111.
Hearings (Cont.)

Due to the Covid 19 pandemic restrictions, any member of the public that wishes to speak on this agenda item must pre-register at councilcomment@cobma.us. Please leave your name, address and phone number and you will be allowed into the City Council chamber at the time of the public hearing. You will be required to exit the City Council chamber immediately following.

Edward Pare of Brown Rudnicki appeared in favor of the petition and was there to answer any questions. Due to the demand for more wireless service he believes that it is good for the public to provide service. It will be located on the pole located at 170 School St. There are a dozen of these poles in the city.

Councillor Thompson stated that this will replace the light and provide service up to half a mile of service. He thinks it is a great location and asked Mr. Pare to speak about how it will help the residents.

Mr. Pare stated that AT&T will pay for the light and electricity. This will keep larger sites functioning.

No one was in opposition.

Hearing held.

The Council President stated that the granting would be at the end of the meeting.

Granted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

Petition of NWSOMA 121 Main LLC of 422 Washington St., Quincy, MA for a Garage License located at 121 Main St., Brockton, MA (new Garage Development)

Due to the Covid 19 pandemic restrictions, any member of the public that wishes to speak on this agenda item must pre-register at councilcomment@cobma.us. Please leave your name, address and phone number and you will be allowed into the City Council chamber at the time of the public hearing. You will be required to exit the City Council chamber immediately following.

Rob Corley of Neighborhood Solutions appeared in favor. He thanked the City and hoped that he could get occupancy permit by mid June.

Councillor Monahan stated that it was moving along well and he was in favor of the petition.

Councillor Rodrigues asked if Mr. Corley could give more information on the number of apartments and parking spots. Mr. Corley stated that there were 48 units.

No one was in opposition.

Hearing held.

Granted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

COMMUNICATIONS

271 From the City Clerk to the City Council submitting a letter of retirement from his position as City Clerk and Clerk to the Council effective June 30, 2021.

Accepted and placed on file

112.
Communications (Cont.)

272 From the Mayor in accordance with the provisions and stipulations of section 53E ½ of Ch. 44 of the M.G.L., recommending the re-authorization of the Comcast Revolving Fund for FY2022, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2022

Accepted and placed on file

273 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed re-authorization of the Comcast Revolving Fund for FY2022, under the control of the Mayor, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2022, and shall be limited to spending purposes for cable related activities, including funding provided by Brockton Community Cable Corporation

Accepted and placed on file

274 From the Executive Director, Brockton Parking Authority requesting renewal of FY 2022 of the revolving fund for revenues from parking violation fines in order to pay expenses of the Authority's parking enforcement program, including salaries and other support costs of the enforcement personnel and capital projects of the Authority as approved by the Parking Authority Board of Directors.

Accepted and placed on file

275 From the Mayor in accordance with the provisions and stipulations of section 53E ½ of Ch. 44 of the M.G.L., recommending that the City Council provide authorization for the renewal for FY2022 of the revolving fund for revenues from parking fine violation fines up to and including the amount of \$250,000.

Accepted and placed on file

276 From the CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed re-authorization of the Parking Authority Revolving fund for revenues from parking fines up to and including the amount of \$250,000 for FY2022.

Accepted and placed on file

277 From the Superintendent of Buildings, requesting the reauthorization of the revolving funds FY2022 for Demolition.

Accepted and placed on file

278 From the Mayor in accordance with the provisions and stipulations of Section 53E ½ of Chapter 44 of the Massachusetts General Laws, recommend the re-authorization of the Demolition Revolving Fund for FY2022 for the sole purpose of helping to fund cost in connection with demolition of buildings in the City of Brockton. The Demolition Revolving Fund shall receive the receipt of payments of all demolition charges of the city of Brockton. Expenditures from the Demolition Revolving Fund shall be made at the direction of the building Superintendent, with the written approval of the Mayor, provided that not more than \$110,000 may be so expended from the Demolition revolving Fund During FY2022. The Building Superintendent shall comply with the reporting requirement of M.G.L., Chapter 44, Section 53E ½.

Accepted and placed on file

113.
Communications (Cont.)

279 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed re-authorization of Demolition Revolving Fund for the demolition Charges and fees for the FY2022, limited to annual expenditures of not more than \$110,000, during FY2022, for demolition costs of buildings of the City of Brockton.

Accepted and placed on file

280 From the Chief of Police requesting authorization to expend \$3,000.00 in donated funds from Easton Festival of Trees to be used for K-9- related items as needed for the Brockton Police Department.

Accepted and placed on file

281 From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the donation in the amount of \$3,000.00 from Easton Festival of Trees to the City of Brockton Police Department. (The donation will be used to purchased equipment for K-9 related needs). There is no required match for these funds.

Accepted and placed on file

282 From CFO in accordance with Section 5 Chapter 324 of the Acts of 1990, certifying the donation in the amount of \$3,000 from Easton Festival to City of Brockton Police Department.

Accepted and placed on file

283 From the Superintendent of Buildings requesting reauthorization of the revolving funds FY2022 for the Vacant & Abandoned account

Accepted and placed on file

284 From the Mayor in accordance with the provisions and stipulations of section 53E ½ of Ch. 44 of the M.G.L., recommending the re-authorization of the Vacant and Abandoned Buildings Revolving Fund for the purpose of maintaining the Abandoned Building Registry, as well as the closing, boarding up and care of vacant and abandoned buildings. The Vacant and Abandoned Building Revolving Fund shall receive the receipts of payments of fines and fees for the registration of vacant and abandoned buildings. Expenditures from the Vacant and Abandoned Buildings revolving fund shall be made on the authority and direction of the Brockton Building Commissioner, provided that not more than two hundred and fifty thousand (\$250,000) may be so expended without further appropriation from the Vacant and Abandoned Buildings Revolving Fund during FY22. The Brockton Building Commissioner shall comply with the reporting requirements of M.G.L., Ch. 44, Section 53E ½.

Accepted and placed on file

285 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed re-authorization of the Vacant and Abandoned Buildings Revolving Fund for the sole purpose of maintaining the Abandoned Building Registry, limited to annual expenditures of not more than \$250,000, during FY2022.

Accepted and placed on file

114.
Unfinished Business

128 Ordered: The City Council of the City of Brockton petitions the Great and General Court under the provisions of Section 8 of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts for an Act as follows: An Act Authorizing the City of Brockton To Grant Additional Wine and Malt Beverage Licenses (FAVORABLE)

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

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”. (FAVORABLE, AS AMENDED)

The amendment passed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

Passed to a third reading, as amended by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

Petition of Hannoush Jewelers, George Hannoush of 170 Quarry Rd., West Springfield, Ma, for a Second Hand Precious Metal and Gems License located at 200 Westgate Drive, Brockton. (FAVORABLE WITH STIPULATION TO OBTAIN CORI APPROVAL PRIOR TO ISSUANCE)

Granted, with stipulation to obtain CORI approval prior to issuance, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative, with stipulation to obtain CORI approval prior to issuance.

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

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

228 Appointment of David Sylvestre of 363 Ash St., Brockton to the War Memorial Board of Trustees for a three year term ending May 2024. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

258 Ordered: Acceptance and expenditure of the total grant award in the amount of \$250,000
From: the Massachusetts Department of Public Health-Bureau of Substance
Addiction Services
To: City of Brockton-Mayor’s Office. (FAVORABLE)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

266 Ordered: Total transfer of \$30,000
From: Human Resources-Separation Costs
To: Emergency Management-Full Time Salaries \$14,000
Auditing-Telephone \$12,300
Auditing-Personal Services Other Than Overtime \$3,700 (FAVORABLE)

115.
Unfinished Business (Cont.)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

254 Ordered: Total transfer of \$400,000.00
From: DPW-Highway - Snow Removal
To: DPW- Highway-Capital (FAVORABLE)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

259 Ordered: Acceptance and expenditure of additional grant monies in the amount of \$460,623.82
From: the Executive Office of Health and Human Service’s -FY21 Safe and Successful Youth Initiative Grant
To: City of Brockton Police Department- FY21 Safe and Successful Youth Initiative Grant Fund (FAVORABLE)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

260 Ordered: Acceptance and expenditure of the total grant award in the amount of \$40,000
From: Massdevelopment’s TDI Challenge Grant
To: City of Brockton Planning and Economic Development (FAVORABLE)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

256 Ordered: Acceptance and expenditure of the total grant award in the amount of \$222,064
From: the Department of Public Health-Office of Local and Regional Health-Centers of Disease Control Grant
To: City of Brockton Board of Health –Centers of Disease Control Grant.
(FAVORABLE)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

257 Ordered: Acceptance and expenditure of additional grant monies in the amount of \$52,320
From: the Department of Public Health-Office of Local and Regional Health
To: City of Brockton Board of Health (FAVORABLE)

Adopted, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

261 Resolve: To invite Brockton Library Director, Mr. Paul Engle to provide an overview of our libraries during covid and all the amazing programs and activities taking place this year. (FAVORABLE)

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

ORDERS

286 Ordered: That the naming of North Manchester Street also have the honorary name of “Ruth E. Silva Way” in recognition of Ruth E. Silva, who is a resident of the City of Brockton and has fostered over 250 children on North Manchester Street.

116.
Orders (Cont.)

Referred to Finance

287 Ordered: Acceptance and expenditure of a donation in the amount of \$3,000.00 from Easton Festival of Trees to the City of Brockton Police Department.

Referred to Finance

288 Ordered: That the City Council authorizes the re-authorization of the Comcast Revolving Fund for FY2022, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2022.

Referred to Finance

289 Ordered: That the City Council authorizes the re-authorization of the Demolition Revolving Fund for FY2022 for the sole purpose of helping to fund cost in connection with demolition of buildings in the City of Brockton. The Demolition Revolving Fund shall receive the receipt of payments of all demolition charges of the city of Brockton. Expenditures from the Demolition Revolving Fund shall be made at the direction of the building Superintendent, with the written approval of the Mayor, provided that not more than \$110,000 may be so expended from the Demolition revolving Fund During FY2022. The Building Superintendent shall comply with the reporting requirement of M.G.L., Chapter 44, Section 53E ½.

Referred to Finance

290 Ordered: That the City Council authorize the re-authorization of the Vacant and Abandoned Buildings Revolving Fund for the purpose of maintaining the Abandoned Building Registry, as well as the closing, boarding up and care of vacant and abandoned buildings. The Vacant and Abandoned Building Revolving Fund shall receive the receipts of payments of fines and fees for the registration of vacant and abandoned buildings. Expenditures from the Vacant and Abandoned Buildings revolving fund shall be made on the authority and direction of the Brockton Building Commissioner, provided that not more than two hundred and fifty thousand (\$250,000) may be so expended without further appropriation from the Vacant and Abandoned Buildings Revolving Fund during FY22. The Brockton Building Commissioner shall comply with the reporting requirements of M.G.L., Ch. 44, Section 53E ½.

Referred to Finance

291 Ordered: In accordance with the provisions and stipulations of section 53E ½ of Ch. 44 of the M.G.L., that the City Council authorize the renewal for FY2022 of the revolving fund for revenues from parking fine violation fines up to and including the amount of \$250,000.

Referred to Finance

LATE FILES

Councillor Eaniri motioned to accept a late file and was properly seconded.

The Council President asked to suspend the rules and vote on this tonight because the next financial meeting won't be until June 21 and the regular scheduled meeting won't be until June 28.

117.
Late Files (Cont.)

Councillor Rodrigues motioned to suspend the rules and act on this tonight and was properly seconded. The motion carried by a roll call vote taken by “yeas’ and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

292 Communications: From the Brockton Public School C.F.O., requesting that the school should be considered under MSBA priority category #1. Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternatives exists. If a district selects this priority, the MSBA must receive a hard copy of the engineering or other professional report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The report must be from an independent source that is not under control of the school district or the city/town. In addition to the independent report, the district must submit photographs of the conditions which caused the district to select Priority #1.

Accepted and placed on file

293 Communications: From the Mayor, In accordance with General Laws of Massachusetts, chapter 44, requesting that the City council Authorize the superintendent to submit to the Massachusetts School Building authority the Statement of Interest (SOI) Form date May 6, 2021, for the Brockton High School, located at 470 Forest Avenue, Brockton, Ma, which describes and explains the deficiencies and priority category(s), as delineated on the attached addendum, for which an application may be submitted to the Massachusetts School Building Authority in the future: Brockton High School- full renovation; and hereby further specifically acknowledges that by submitting this statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Brockton to filing an application for funding with the Massachusetts School Building Authority.

Accepted and placed on file

294 Communications: From the C.F.O., In accordance with Section 5 Chapter 324 of Acts of 1990, requesting that City Council authorize the submission of the Statement of Interest (SOI) only, to the Massachusetts School Building Authority (MSBA) dated May 6, 2021 for the Brockton High School, located at 470 Forest Avenue, Brockton MA. The Addendum describes and explains the deficiencies and the priority category(s), for which an application may be submitted to MSBA in the future: Brockton High School- full renovation; and hereby further specifically acknowledges that by submitting this Statement of Interest form, the MSBA in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the MSBA or commits the City of Brockton to filing an application for funding with the MSBA. Furthermore, the City Council and Mayor should be aware that MSBA regulations indicate that a SOI should not be submitted unless the community has the ability to fund the project within two fiscal years. This will entail appropriating funds for planning and feasibility as well as construction. At the present, these costs are unknown, but in my professional opinion, the city’s share of the project can be funded with our current debt plan. However, a debt exclusion vote would provide more flexibility.

Accepted and placed on file

295 Ordered: In accordance with M.G.L., Ch. 44, that the City council Authorize the superintendent to submit to the Massachusetts School Building authority the Statement of Interest (SOI) Form date May 6, 2021, for the Brockton High School, located at 470 Forest Avenue, Brockton, Ma, which describes and explains the deficiencies and priority category(s), as delineated on the attached addendum, for which an application may be submitted to the Massachusetts School Building Authority in the future: Brockton High School- full renovation; and hereby further specifically acknowledges that by submitting this statement of Interest Form, the Massachusetts School Building authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Brockton to filing an application for funding with the Massachusetts School Building Authority.

118.
Late Files (Cont.)

The motion carried by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

Councilor Thompson made a statement to clarify the remodeling of the Brockton High School if it was the same one from last year.

The Council President called a brief recess.

Back in Session.

The order was acted on with stipulation from Councilor Thompson to forward a copy of the order and application to all the council members.

Adopted, with stipulation, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Asack and Mendes absent.

Councilor’s Recognition

Councilor Eaniri reminded the councilors that there is an Ordinance Committee meeting Wednesday June 2, 2021 in the Council Chambers at City Hall.

Councilor Nicastro stated that at a recent Massachusetts Annual Science and Engineering Fair which hundreds of students across the commonwealth competed in, stated that Christian Nichols, a Brockton High School Junior won a Coveted Patent award. She stated that the award came with funding to cover the cost for patenting his idea which is a process for finding bones. She’s in awe of his smarts and just wanted to congratulate Christian and his family on this excellent award and all the other fellow students who competed.

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: 7:47pm