

In City Council, June 28, 2021

The regularly scheduled meeting of the Brockton City Council will be held on Monday, June 28, 2021 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the June 1, 2021 Special City Council meeting.
2. Acceptance of the Minutes of the June 14, 2021 Special City Council meeting.

APPOINTMENTS:

3. Appointment of Brian J. Benvie Jr. to the rank of Lieutenant in the Brockton Police Department.
4. Appointment of Ruben A. DelValle to the rank of Sergeant in the Brockton Police Department.
5. Appointment of Steven B. Pierce to the rank of Sergeant in the Brockton Police Department.
6. Appointment of Anthony Michael Branch, 25 Montello Street Ext. Brockton, MA 02301 as a constable in the City of Brockton for a term of three (3) years.

HEARINGS:

7. Petition of Adilson DePina DBA AAT Real Estate Investments LLC, 787 Main St. Brockton, MA for a transfer of name and removal of previous partner (Valter Miranda) on Garage license.
8. Petition of Adilson DePina DBA Auto Pro's Repair Center LLC, 787 Main St. Brockton, MA for a transfer of name and removal of previous partner (Valter Miranda) on Motor Vehicle Repair Mechanical License.

PETITIONS:

9. Petition of John Kivlin for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
10. Petition of Anthony Ceglio for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
11. Petition of Joshua Page for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
12. Petition of Jaye Wynter for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
13. Petition of Ernest Curum for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
14. Petition of Dylan Peterle for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.

15. Petition of Bruce McDermott for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
16. Petition of Julian Bailey for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
17. Petition of Eric Berg for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
18. Petition of Dylan Maroney for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
19. Petition of Daniel Swiatek for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
20. Petition of Gary Blough for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
21. Petition of Christian Chatman for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
22. Petition of Korey Scurry for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
23. Petition of Curtis Miller for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
24. Petition of Jonathan LaPorte for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
25. Petition of Devon Chapman for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
26. Petition of Javian Engram for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
27. Petition of David Chapman for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
28. Petition of Steven Scharlau for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
29. Petition of Bryan Ravit for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.

30. Petition of Robert Schlechter for a license to Solicit and Canvass on behalf of Vivint, Inc., an installation, monitoring, and service of security and smart home automation systems provider.
31. Petition to place a Non-Binding referendum question on the November 2, 2021 City Election Ballot.

REPORTS:

32. Of the Ordinance Committee for its meeting of June 2, 2021.
33. Of the Finance Committee for its meeting of June 21, 2021.

COMMUNICATIONS:

34. From the Mayor recommending that the City Council amend the City of Brockton ordinances to include Juneteenth as a designated holiday.
35. From the Mayor to the City Council submitting a letter appointing Mr. Patrick Hill as Interim Commissioner of Public Works pursuant to Massachusetts General Laws Chapter 41, Section 61A effective on June 18, 2021 at 4:30pm.
36. From the DPW Engineering Superintendent, to the City Council for the layout and acceptance of Sunset Avenue.
37. From the DPW Engineering Superintendent, to the city council for the layout and acceptance of Berkley Street.
38. From the Mayor in accordance with the provisions and stipulations of Section 53E ½ of Chapter 44 of the Massachusetts General laws, recommending the reauthorization of Parking Authority Revolving Fund to receive revenues from Parking Violations Fines up to and including the amount of \$250,000, said funds to be expended by the Parking Authority to pay expenses of parking regulation enforcement , repair, and maintenance of lots, facilities, and equipment and capital projects, but expenditures for capital project shall require the written approval both of the Parking Authority Board of Directors and the Mayor for Fiscal Year 2022. Amounts in excess of \$250,000 shall be credited to the General Fund.
39. From the CFO in accordance with Section 5 Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed additional expenditure of the re-authorization of the Parking Authority Revolving Fund to for revenues from parking fines up to and including the amount of up to \$250,000 for FY2022 without a detrimental impact on the continuous provision of the existing level of municipal services.
40. From the Executive Director, Brockton Parking Authority requesting renewal for fiscal 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.
41. From the Mayor recommending that the City Council provide authorization to transfer monies in the amount of \$1, 052 from Assessors-Purchase of Service–Consultants to Assessors–Personal Services-Holiday.
42. From the CFO in accordance with Section 5 Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed transfer of \$1, 052 from Assessors- Purchase of Services- Consultants toAssessors-Personal Services of Services-Holiday without a detrimental impact on the continuous provision of the existing level of municipal services.

43. From the Chairman Board of Assessors requesting to transfer \$1,052 from Consultants to Holiday. This transfer is necessary to cover the new holiday and extra day pay Ordinance employee's received for Juneteenth.
44. From the Mayor recommending that the City Council provide authorization to transfer monies in the amount of \$300,000 from Non Net School Spending to Stabilization Fund.
45. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed appropriation of \$300,000 from...Non Net School Spending to.... Stabilization Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
46. From the Mayor recommending that the City Council provide authorization to transfer monies in the amount of \$700,000 from Department of Public Works-Highway Division-Snow Removal to stabilization Fund.
47. From the CFO in accordance with Section 5 Chapter 324 of Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed appropriation of \$700,000 from ...Department of Public Works-Highway Division-Snow Removal to.... Stabilization Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
48. From the DPW Commissioner requesting that the City Council transfer \$700,000.00 from the Highway Division's snow removal fund to the City's Stabilization Fund.
49. From the Mayor Recommending City Council authorization for the appropriation of and borrowing authorization for \$19,100,000 for the purpose of paying costs of designing and constructing water system improvements without a detrimental impact on the continuous provision of the existing level of municipal services.
50. From the CFO in accordance with Section 5 Chapter 324 of Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed appropriation of and borrowing authorization for \$19,100,000 for the purpose of paying costs of designing and constructing water system improvements without a detrimental impact on the continuous provision of the existing level of municipal services. This debt is supported entirely through the additional revenue created by the enterprise fund user fees and will not increase costs to the city's rate payers.
51. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, Recommending that the city Council authorize the acceptance and expenditure of an additional grant award in the amount of \$25,000 from the Executive Office of Public safety and Security FY2021 Senator Charles E. Shannon, Jr. Community Safety Initiative Grant to the City of Brockton Police Department-FY2021 Senator Charles E. Shannon, Jr. Community Safety Initiative Grant Fund.
52. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of the additional grant award in the amount of \$25,00 from...Executive Office of Public safety and Security 2021- Senator Charles E. Shannon Jr. Community Safety Initiative Grant to.....Police Department - Senator Charles E. Shannon Jr Community safety Initiative Grant without a detrimental impact on the continuous provision of the existing level of municipal services.
53. From the Chief of Police requesting for authorization to expend additional grant monies related to Executive Office of Public Safety & Security's 2021 Senator Charles E. Shannon, Jr. Community Safety Initiative grant award in the amount of \$25,000.
54. From the Mayor Recommending that the City Council provide appropriation and borrowing authorization for \$360,900,000 for the purpose of funding all or a portion of the unfunded pension liability of the retirement system of the City of Brockton.

55. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed appropriation of and borrowing authorization for \$360,900,000 for the purpose of funding all or a portion of the unfunded pension liability of the retirement system of the City of Brockton without a detrimental impact on the continuous provision of the existing level of municipal services. In the end, this initiative will save the City more than \$150 million in real dollars and will provide relief from the potentially crushing impact of our looming retirement liability.
56. From the Mayor recommending that the City Council provide authorization to transfer monies in the amount of \$23,000 from Parking Authority-Full Time Salaries to Snow Removal and \$21,285 from Parking Authority-Part Time salaries to Snow Removal for a total transfer of \$44,285.
57. From the CFO in accordance with Section 5 Chapter 324 of Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the total transfer of \$44,285 from Parking Authority Full Time Salaries \$23,000 and Parking Authority Part Time Salaries \$21,285 to Snow Removal \$44,285 without a detrimental impact on the continuous provision of the existing level of municipal services.
58. From the Executive Director of Parking Authority Requesting the following transfer of funds from Parking Authority Full Time Salaries \$23,000 and Parking Authority Part Time Salaries \$21,285 to Snow Removal \$44,285.
59. From the Mayor supporting The Sale of Plot 66, 243 Green Street, Parcel ID: 051-081 – Abutter Lot Program.
60. From the Chairman-Board of Assessors Reporting on the Assessment of Plot 66, 243 Green Street, Parcel ID: 051-081 – Abutter Lot Program.

UNFINISHED BUSINESS:

61. 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” so that the pay plan for the Director of Emergency Management. (IN CITY COUNCIL MAY 24, 2021, AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED BY ROLL CALL VOTE)
62. Ordinance: An Ordinance Amending Section 2-181 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Section 2-181 is repealed in its entirety and in its place the following is inserted: “The city solicitor shall be an active attorney at law in the Commonwealth of Massachusetts, properly licensed and in good standing with the Massachusetts Bar Association. He or she shall have a minimum of five (5) years of experience in the practice of law in Massachusetts with a thorough knowledge of Massachusetts General Laws including municipal law. He or she shall have demonstrated trial experience including the research, preparation, and management of civil or criminal cases during the various stages of litigation. The provisions of Section 2-110 of the Revised Ordinances shall not apply to this position. However, where two or more candidates have equal qualifications and experience as determined by the mayor, preference shall be given to a resident of the city or a candidate willing to move into the city within one (1) year of appointment.” (FAVORABLE AS AMENDED)

63. Ordinance: An Ordinance Amending Article II, Section 1.004 of the Revised Ordinances of the City of Brockton Be It Ordained By The City Council Of The City Of Brockton As Follows: Section 1.004, Regulation of Marijuana Sales, is amended by adding the following sections where appropriate: (a) There shall be no more than two (2) licenses issued for the delivery of marijuana products pursuant to regulations promulgated by the Massachusetts Cannabis Control Commission. Priority shall be given to an applicant for a license to deliver marijuana products who currently holds a license for the conduct of marijuana businesses within the City of Brockton. (b) There shall be a moratorium on the issuance of any license to allow social consumption of marijuana for a period of two (2) years from the date of adoption of this ordinance. (FAVORABLE AS AMENDED)
64. Ordinance: An Ordinance Amending Revised Ordinance Of The City Of Brockton, Chapter 6, Article 1, Section 6-2 Composition Be it ordained by the City Council of the City of Brockton, that Chapter 6, Article 1, Section 6-2 of the Revised Ordinances of the City of Brockton be amended to strike the following provision: *“The increase in the number of Captains in the Fire Department shall be for a limited time only. The additional position of an Eighteenth (18th) Captain, as set forth in this Amendment, shall be eliminated and the number of captains allowed in the Fire Department shall revert back to seventeen (17) immediately upon a vacancy occurring in said title for any reason, including but not limited to the termination, resignation, retirement, promotion, or any other separation from employment by any one (1) of the eighteen (18) captains of the Fire Department.”* The Proposed Amendment, if adopted, shall result in the ordinance reading as follows: The fire department shall consist of a fire chief and the following assistants: (b) Eighteen (18) captains. (FAVORABLE)
65. 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. (FAVORBLE)
66. 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. (FAVORABLE)
67. 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. (FAVORABLE)
68. Ordered: That the City Council authorizes the re-authorization of the Demolition Revolving Fund for FY2022 for the sole purpose of helping to fund costs 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. (FAVORABLE)
69. 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. (FAVORABLE)

70. 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. (FAVORABLE)

ORDERS:

71. Ordinance: An Ordinance Amending the Revised Ordinances of the City of Brockton, Chapter 2, Article III., Section 2-134. Holidays Be it ordained by the City Council of the City of Brockton That Chapter 2, Article III, Section 2-134 of the City of Brockton's City Ordinances be amended to include Juneteenth as a designated holiday.
72. Ordinance: An Ordinance Amending Chapter 27 of the Revised Ordinance of the City of Brockton Concerning the Regulation and Zoning and Zoning of Marijuana. Be it ordained by the City Council of the Brockton. Article III. General Regulations and Permitted Modifications, Section 27-24.4 is hereby by adding the following language concerning the delivery of Marijuana.
73. Ordinance: An Ordinance Amending Towing Regulations. Be it ordained by the City Council of the City of Brockton Section 12-28. Towing.
74. Ordinance: Be it Ordained by the City Council of the City of Brockton, that the City Council Adopt the following Amendments to the Ordinance Establishing Licensing and Regulation for Adult Use Marijuana Establishments Section 1.003(1)(c).
75. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of Sunset Avenue, extending from Bouve Avenue, easterly a distance of 337.29 feet, 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.
76. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of Berkley Street, from Rutland Square northerly to Market Street, a distance of 354.79 feet, 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.
77. Ordered: That the Mayor or Treasure/Collector be authorized to execute any and all documents necessary to convey the property consisting of 690 square feet, located and known as Plot 114, Hillberg Avenue, Parcel ID: 072-267 to Alessandra Brown, 137 Hillberg Avenue, Brockton, MA 02301 for the purchase price of Five Hundred (\$500.00). Said property to be sold under the Abutter Lot Program and to be sold with a permanent non-buildable restriction. Said property shall also merge with abutting lot of the purchaser.
78. Ordered: That the law department and clerk's office be authorized to correct a scrivener's error in the Order Conveying Plot 6-1, 52 Market Street, Brockton, MA under the Abutter Lot Program with a permanent non-buildable restriction so that the transfer on the deed be made to Antonia Barros. The prior Order authorized conveyance to Fidelis Barros (Antonia's spouse) who is deceased.
79. Ordered: In accordance with the provisions and stipulations of Section 53E ½ of Chapter 44 of the Massachusetts General laws, recommending the reauthorization of Parking Authority Revolving Fund to receive revenues from Parking Violations Fines up to and including the amount of \$250,000, said funds to be expended by the Parking Authority to pay expenses of parking regulation enforcement , repair, and maintenance of lots, facilities, and equipment and capital projects, but expenditures for capital project shall require the written approval both of the Parking Authority Board of Directors and the Mayor for Fiscal Year 2022. Amounts in excess of \$250,000 shall be credited to the General Fund.

80. Ordered: Recommending that the City Council provide authorization to transfer monies in the amount of \$1, 052 from Assessors-Purchase of Service–Consultants to Assessors–Personal Services-Holiday.
81. Ordered: Recommending that the City Council provide authorization to transfer monies in the amount of \$300,000 from Non Net School Spending to Stabilization Fund.
82. Ordered: Recommending that the City Council provide authorization to transfer monies in the amount of \$700,000 from Department of Public Works-Highway Division-Snow Removal to stabilization Fund.
83. Ordered: That the City of Brockton appropriate the amounts of Nineteen Million One Hundred Thousand Dollars (\$19,100,000) for the purpose of paying costs of designing and constructing water system improvements, but not limited to, water main replacements in (i) the North Main Street/North Montello Street Loop, (ii) North main Street and (iii) Martland avenue, repairs and paving incidental to the making such improvements, and the payment of all costs incidental or related thereto. To meet this appropriation the City Treasurer, with approval of the Mayor, is authorized to borrow said amount under G.L. c.44, ss 8 (4), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G. L. c.44, ss 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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.

84. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, Recommending that the City Council authorize the acceptance and expenditure of an additional grant award in the amount of \$25,000 from the Executive Office of Public Safety and Security FY2021 Senator Charles E. Shannon, Jr. Community Safety Initiative Grant to the City of Brockton Police Department-FY2021 Senator Charles E. Shannon, Jr. Community Safety Initiative Grant Fund.
85. Ordered: Recommending that the City Council provide appropriation and borrowing authorization for \$360,900,000 for the purpose of funding all or a portion of the unfunded pension liability of the retirement system of the City of Brockton.
86. Ordered: Recommending that the City Council provide authorization to transfer monies in the amount of \$23,000 from Parking Authority-Full Time Salaries to Snow Removal and \$21,285 from Parking Authority-Part Time salaries to Snow Removal for a total transfer of \$44,285.
87. Ordered: That the Mayor and/or Treasurer/Collector be authorized to execute any and all documents necessary to convey the property consisting of 4,739 square feet, located and known as Plot 66, 243 Green Street, Parcel ID: 051-081 to Nicole Wiggins, 245 Green Street, Brockton MA 02301 for the purchase price of One Thousand Four Hundred (\$1,400.00). Said property to be sold under the Abutter Lot Program and to be sold with a permanent non-buildable restriction. Said property shall also merge with abutting lot of the purchaser.
88. Ordered: The City Council reviews an exemption from the residency requirement in accordance with the Revised Ordinances of the City of Brockton Article III Section 2-110, City of Brockton Ordinance Waiver of Residency extension in reference to AnnMarie Raymond.

89. Resolve: To have Dr. Richard Herman, appear before a committee of the City Council to update the community and the City Council of the Continuing efforts of the City of Brockton concerning the ongoing Covid 19 pandemic.

90. Resolve: BE IT RESOLVED, that the City Solicitor, Chief of Police, and Fire Chief for the City of Brockton come before the Finance Committee to discuss state law and the process of hiring, promotion and application of civil service for employment in the Brockton Police and Fire Departments.

BE IT FURTHER RESOLVED, that the individuals be invited to discuss diversity practices for hiring and promotions in the Brockton Police and Fire Department.

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.