

In City Council, June 28, 2021

A regular meeting of the City Council was held on Monday June 28, 2021, in the Council Chambers, 2nd. Floor, City Hall. President Farwell presiding. The meeting was called to order at 7:02 PM with ten members present.

President Farwell stated that there are a number of people who would like to be approved for a company to solicit in Brockton they can take them collectively under suspension of the rules and the manger is here if there are any questions. Second there is a Resolve late file , a representative from Fuss and O'Neil to make a presentation at the end.

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

Accepted and placed on file

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

Accepted and placed on file

APPOINTMENTS

Councilor Asack motioned to move under Suspension of rules and take items number 4, 5, and 6 from the Agenda collectively and act this evening and was properly seconded. The motion carried by a hand vote.

304 Appointment of Brian J. Benvie Jr. to the rank of Lieutenant in the Brockton Police Department.

305 Appointment of Ruben A. DelValle to the rank of Sergeant in the Brockton Police Department.

306 Appointment of Steven B. Pierce to the rank of Sergeant in the Brockton Police Department.

Appointments confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Lally motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

307 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.

Councillor Asack motioned to move under Suspension of rules and take item number 7 from the Agenda and act on this evening and was properly seconded. The motion failed by a roll call vote seven in the affirmative councilors Farwell, Nicastro, and Thompson in the negative.

Referred to Finance

HEARINGS

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.

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HEARINGS (CONT.)

Attorney Scott Ruben spoke on behalf Adilson DePina and was there to answer any questions.

Hearing held.

No one was in opposition.

Councilor Nicastro stated that Adilson has been wonderful to work with and has summited all paperwork and she supports this petition.

Transfer of name and removal of previous partner on garage licence granted by a hand vote. Ten members present.

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.

Attorney Scott Ruben spoke on behalf Adilson DePina and was there to answer any questions.

Hearing held.

No one was in opposition.

Councilor Nicastro stated the stipulations.

1. Applicant agrees that at all times during the term of the license, the business operated pursuant thereto will

comply with all city, state and federal laws and regulations.

2. Hours of operation M-F 8AM-6PM; Saturdays from 8AM-2PM; closed Sundays & all Legal holidays.

3. Hours of operation will be posted outside using a minimum of two (2) inch letters.

4. The premises and sidewalks shall be kept neat, clean and free of debris at all times.

5. The maximum number of vehicles associated with this business to be on the premises during the day will be 11 outside and 4 inside the building, including employee and customer vehicles as well as vehicles in need of repair.

6. The maximum number of vehicles to be stored outside overnight is 9 and 4 inside inclusive of all vehicles associated with the license holder.

7. Outside parking spaces will be sized not less than 9x18.

8. All outside storage of vehicles is prohibited on Main St. Tribou Street, and all public ways; in addition, no vehicle associated with this business will be parked or stored anywhere other than in the spaces provided as a set forth herein.

9. All vehicle repair work must only be undertaken inside the building on the premises.

10. Per City Ordinance, each off-street parking space must have an area of not less than 180 square feet exclusive of access drives and aisles, and a minimum width of 9 feet.

Applicant acknowledges the outside parking spaces will conform with said Ordinance. The 11 outside and 4 inside parking spaces are shown on the site plan submitted with the application and must be properly striped with four (4) inch wide painted stripes including cross hatched sections.

11. All outside storage of automotive parts and/or by products such as oil, grease, gasoline, etc., and debris is prohibited.

126.
HEARINGS (CONT.)

12. No outside coin operated machines including but not limited to payphones and vending machines.

13. No wrecked, damaged or dismantled motor vehicles or parts thereof will be placed or stored outside on the premises at any time.

14. Any dumpster will be properly fenced per Ordinances and/or state law and shown on plan provided with Application.

15. Further, this license is specifically conditioned upon the Property Owner, AAT Real Estate Investments, LLC, maintaining a Garage License.

16. Upon acceptance of this license, the Applicant/License Holder acknowledges that any violation of the stipulations set forth herein is punishable by a fine of \$360 per offense per day, and will be the reason for revocation of this license.

17. No painting, priming, or bonding of vehicles will be performed on site unless and until the proper equipment has been installed and approved by the Brockton Fire Department.

Councilor Rodrigues asked about the hours of operation. Adilson Depina would prefer his hours of operation to be changed to M-F 7:30AM-7PM; Saturdays from 7:30AM-2PM; closed Sundays. Councilor Rodrigues reminded him this is the time to speak if you would like any changes.

Councilor Lally stated that Councilor Nicastro is being smart putting in place these stipulations with garages.

Councilor Rodrigues made a motion.

President Farwell stated that since Councilor Nicastro already made a motion that they have to vote on that first if the vote fails then Councilor Rodrigues can place his motion to amend the stipulations.

Councilor Nicastro stated that these stipulations are from the 2013 license and that Adilson didn't mention the change in hours to her until before the meeting.

The question is on granting transfer of name and removal of previous partner on motor vehicle repair mechanical license with stipulations. Granting failed by a roll call vote of "yeas" and "nays". Ten members present two voting in the affirmative and Councilors Asack, Cardoso, Farwell, Eaniri, Mendes, Monahan, Rodrigues, Thompson, in the negative.

Councilor Rodrigues made a motion to change hours of operation and was properly seconded. The question is on granting transfer of name and removal of previous partner on motor vehicle repair mechanical license with new hours of operation on stipulations. Granted by a roll call vote of "yeas" and "nays"; ten councilors voting in the affirmative.

PETITIONS

Councilor Rodrigues motioned to take items numbered 9-15, 17-23, 25-30 from the Agenda take them collectively and was properly seconded.

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.

127.
PETITIONS (CONT.)

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

PETITIONS (CONT.)

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.

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.

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.

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.

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.

President Farwell asked Manager Bryan Ravit to speak on behalf.

Bryan Ravit stepped forward and explain what Vivint, Inc. is. He stated that it is an installation, monitoring, and service of security and smart home automation systems provider. Hours of operation would be M-F 2PM-6PM, Saturday 10AM-6PM, and they would be on foot going door to door and scheduling appointments.

Councilor Cardoso asked what does it involve are they asking for personal information because there are a lot of non-English speaking people in the community.

Bryan stated they are not asking for personal information and that they have the information in English and Spanish if someone doesn't understand no business will be conducted.

Councilor Monahan asked if they go through Cori and background checks.

Bryan stated that each employee goes through FBI and also went through Massachusetts background check.

Petition to solicit was granted by a hand vote. Ten members present.

Petition to place a Non-Binding referendum question on the November 2, 2021 City Election Ballot.

Councilor Cardoso stated that there were people in the chambers that wanted to speak about this and asked if they were able to.

President Farwell stated this is not an open hearing.

Referred to Finance.

REPORTS

333 Of the Ordinance Committee for its meeting of June 2, 2021.

Accepted and placed on file

334 Of the Finance Committee for its meeting of June 21, 2021.

129.
REPORTS (CONT.)

Accepted and placed on file

COMMUNICATIONS

335 From the Mayor recommending that the City Council amend the City of Brockton ordinances to include Juneteenth as a designated holiday.

Accepted and placed on file

336 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.

Accepted and placed on file

337 From the DPW Engineering Superintendent, to the City Council for the layout and acceptance of Sunset Avenue.

Accepted and placed on file

338 From the DPW Engineering Superintendent, to the city council for the layout and acceptance of Berkley Street.

Accepted and placed on file

339 From the Mayor supporting The Sale of Plot 114, Hillberg Avenue, Parcel ID: 072-267 – Abutter Lot Program.

Accepted and placed on file

340 From the Chairman-Board of Assessors Reporting on the Assessment of Plot 114, Hillberg Avenue, Parcel ID: 072-267 – Abutter Lot Program.

Accepted and placed on file

341 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.

Accepted and placed on file

342 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

130.
COMMUNICATIONS (CONT.)

the amount of up to \$250,000 for FY2022 without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

343 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.

Accepted and placed on file

344 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.

Accepted and placed on file

345 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.

Accepted and placed on file

346 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.

Accepted and placed on file

347 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.

Accepted and placed on file

348 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.

Accepted and placed on file

349 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.

Accepted and placed on file

131.
COMMUCATIONS(CONT.)

350 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.

Accepted and placed on file

351 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.

Accepted and placed on file

352 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.

Accepted and placed on file

353 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.

Accepted and placed on file

354 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.

Accepted and placed on file

355 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 \$25,000 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.

Accepted and placed on file

356 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.

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COMMUNICATIONS (CONT.)

Accepted and placed on file

- 357** 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.

Accepted and placed on file

- 358** 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.

Accepted and placed on file

- 359** 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.

Accepted and placed on file

- 360** 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.

Accepted and placed on file

- 361** 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.

Accepted and placed on file

- 362** From the Mayor supporting The Sale of Plot 66, 243 Green Street, Parcel ID: 051-081 – Abutter Lot Program.

Accepted and placed on file

- 363** From the Chairman-Board of Assessors Reporting on the Assessment of Plot 66, 243 Green Street, Parcel ID: 051-081 – Abutter Lot Program.

Accepted and placed on file

UNFINISHED BUSINESS

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” 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)

The Question is on Final passage by a roll call of “yeas” and “nays” ten members present all voting in the affirmative. The Ordinance is Ordained.

381 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)

Councilor Nicastro stated that the amendment that was made changed the wording from Massachusetts Bar Association to Massachusetts Board of Bar Overseers.

A Brief Recess.

Back in session.

Amendment : 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 Board of Bar Overseers. 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.”

A hand vote on adoption of the amendment. Ten members present. The amendment is adopted.

A hand vote on passage to a third reading. Passed to a third reading.

134.
UNFINISHED BUSINESS (CONT.)

156 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)

Councilor Nicastro motioned an amendment and was properly seconded.

Attorney Resnick stated the amendment. 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.

Councilor Nicastro amendment with additional language: There shall be a moratorium on the issuance of any license to allow delivery of retail marijuana for a period of one hundred and twenty (120) days or until such time as zoning and use ordinances are adopted by the City of Brockton, whichever shall occur first.

Councilor Cardoso stated that she was also at the Ordinance meeting and felt as though there wasn't enough information to make this decision. She would have like to hear from the people to get a better understand before deciding on the moratorium on social consumption. She states 120 days is more appropriate not two (2) years on the until she gets more information.

Attorney Resnick stated that if the first amendment doesn't pass Councilor Cardoso can motion to change the moratorium on social consumption to one hundred and twenty (120) days.

Councilor Rodrigues stated on why he would like to keep the moratorium at two (2) years in place that there are two different issues here consumption which can affect the community and delivery. These need to get sent to Ordinance committee so they can have a better conversation. He also feels that the people need a better explain of how the process and procedures are when wanting to speak on topics at the council meetings.

President Farwell stated that the mayor is the one who can truly make the decision if he doesn't feel as though the amount of time on social consumption is appropriate he doesn't have to have a host community agreement.

A roll call vote of "yeas" and "nays" on the amendment offered by councilor Nicastro. Nine members present Councilor Asack not present; The amendment carries eight councilors voting in the affirmative, Councilor Cardoso voting in the negative.

Councilor Cardoso motioned her amendment to change the original amendment from two (2) years to one hundred twenty (120) days and was properly seconded.

A roll call vote of "yeas" and "nays" on the amendment offered by councilor Cardoso. Nine members present Councilor Asack not present; The amendment does not carry four councilors voting in the affirmative, Councilor Farwell, Mendes, Monahan, Nicastro, and Rodrigues voting in the negative.

A hand vote on passage to a third reading as amended by Councilor Nicastro. Passed to a third reading.

UNFINISHED BUSINESS (CONT.)

251 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)

A hand vote on passage to a third reading. Passed to a third reading.

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. (FAVORBLE)

Councilor Thompson stated that he seeks the council’s approval on this. At last week at the Finance Committee they had the pleasure of having Jeffery Sousa one of the 250 foster boys that Mrs. Silva took care of, who spoke Passionately about how Mrs. Silva changed his life and set him on a path of success as she has done with the others as well.

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

Councilor Asack motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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 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)

136.

UNFINISHED BUSINESS (CONT.)

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

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. (FAVORABLE)

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

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. (FAVORABLE)

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

Councilor Lally motioned to reconsider item number seventy and was properly seconded. The motion carried by a hand vote. Ten members present. Item number seventy was reconsidered.

Councilor Lally motioned to table item number seventy on the agenda and was properly seconded. The motion carried by a hand vote. Ten members present. Item number seventy was Tabled.

ORDERS

364 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.

Referred to Ordinance

365 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.

Referred to Ordinance

366 Ordinance: An Ordinance Amending Towing Regulations. Be it ordained by the City Council of the City of Brockton Section 12-28. Towing.

137.
ORDERS (CONT.)

Referred to Ordinance

367 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).

Referred to Ordinance

368 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.

Referred to Finance/Planning

369 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.

Referred to Finance/Planning

370 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.

Referred to Real Estate

371 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.

Councillor Eaniri motioned to move under the suspension of the rules and was properly seconded. The motion carried by a hand vote.

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

372 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.

138.
ORDERS (CONT.)

Councillor Lally motioned to take item number seventy-nine on the agenda out of order and move under the suspension of the rules and was properly seconded. The motion carried by a hand vote.

Adopted by a roll call vote taken by “yeas” and “nays”; Nine members present and all voting in the affirmative. Councilor Nicastro not present.

- 373** 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.

Councilor Thompson motioned to move under the suspension of the rules and was properly seconded. The motion carried by a hand vote.

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

- 374** 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.

Councilor Thompson motioned to move under the suspension of the rules and was properly seconded. The motion carried by a hand vote.

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

- 375** 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.

Councilor Thompson motioned to move under the suspension of the rules and was properly seconded. The motion carried by a hand vote.

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

Councilor Asack thanked the CFO Troy Clarkson for keeping the councilors up to date on items on the agenda.

Councilor Eaniri motioned to file for reconsideration on items number eighty, eighty-one, and eighty- two on the agenda with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 376** 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

139.
ORDERS (CONT.)

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.

Referred to Finance

377 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.

Referred to Finance

378 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.

Referred to Finance

379 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.

Councillor Lally motioned to take item number eighty-six on the agenda out of order and move under the suspension of the rules and was properly seconded. The motion carried by a hand vote.

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

380 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.

Referred to Real Estate

381 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.

Referred to Finance

140.
ORDERS (CONT.)

382 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.

Referred to Finance

383 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.

Referred to Finance

LATE FILE

384 Resolve: That a representative of Fuss and O’Neill, Inc. be allowed to make a brief presentation on Brockton’s Integrated Water Infrastructure as requested by the city engineer and as required by a grant for which the city is an applicant or recipient.

Councilor Monahan motioned to accepted the late file and was properly seconded. by a hand vote. Ten members present.

Councilor Asack motioned to approve and place on file and was properly seconded. By a hand vote. Ten members present.

Councilor’s Recognition

Councilor Cardoso stated that they had a Vaccine Clinic over the weekend at Edger Park and wanted to thank everyone who participated and said it went great forty people were vaccinated.

Councilor Cardoso expressed her feelings concerning item number 6 on the agenda, she feels there were personal issues interfering with the appointment.

Councilor Cardoso also stated she wants to see the community patriciate.

Councilor Asack stated to give the people a better explain why she took the appointments on the agenda under suspension of the rules because council meetings are in summer session and won’t meet again until next month.

Councilor Nicastro stated yesterday at Fredrick Douglas Garden there was a reading on what the slave thinks of the fourth of July 40-50 people attended and people read in different languages and it was beautiful and wanted to thank everyone who participate.

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.

Meeting adjourned at 9:40PM