

In City Council July 26, 2021

The regularly scheduled meeting of the Brockton City Council will be held on Monday, July 26, 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 28, 2021 City Council meeting.

APPOINTMENTS:

2. Appointment of Fire Deputy Brian F. Nardelli to the rank of Fire Chief in the Brockton Fire Department.
3. Appointment of Mary James of 996 Court St. Brockton, MA 02302 as an alternate for the Council on Aging for a three (3) year term, ending July 2024.

HEARINGS:

4. Petition of National Grid and Verizon New England Inc., covering joint National Grid-Verizon New England Inc. pole locations.
Wellington PL
National Grid petitions to install new pole, P1 Wellington PL between P7 and P2 in order to raise wires higher crossing Curve St.

REPORTS:

5. Of the Finance Committee for its meeting of July 19, 2021.

COMMUNICATIONS:

6. From the Chief of the Fire Department Michael F. Williams to the City Council submitting a letter of retirement effective 12:01 A.M. on July 17th 2021 after thirty-five years of faithful and devoted service to the City of Brockton. Last official working day is July 16th 2021.
7. From the Mayor appointing Brian Nardelli as acting Chief of the City of Brockton Fire Department.
8. From Chief of Fire Department recommending the promotion of Fire Deputy Brian F. Nardelli to the rank of Fire Chief in the Brockton Fire Department. This promotion is due to the retirement of Fire Chief Michael F. Williams. Deputy Brian F. Nardelli is the number one candidate on the current Human Resources Fire Chief list.
9. From the Mayor promoting Fire Deputy Brian F. Nardelli to the rank of Fire Chief in the Brockton Fire Department.
10. From the DPW Engineering Superintendent to City Council for the layout and acceptance of Sheridan Street.
11. From the Chief of Police requesting authorization to expend grant monies related to the Executive office of Health and Human Services FY22 Safe and Successful Youth Initiative Grant award in the amount of \$500,000.
12. 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 grant award in the amount of \$500,000 from the Executive Office of Health & Human Services

-FY22 Safe & Successful Youth Initiative Grant to Police Department FY22 Safe & Success Youth Initiative Grant Fund.

13. 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 grant award in the amount of \$500,000 from ...Executive Office of Health & Human Service's-FY22 Safe & Successful Youth Initiative Grant to...Police Department- FY22 Safe & Successful Youth Initiative Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
14. From the Director of Social Services requesting the acceptance of the Prevention in Early Childhood Grant in the total amount of \$156,250 from the Department of Public Health's Bureau of Substance Addiction Services.
15. 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 grant award in the amount of \$156,250 from the Department of Public Health's Bureau of Substance Addiction Services-Prevention in Early Childhood Grant to the Mayor's Office-Early Childhood Grant Fund.
16. 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 total grant award in the amount of \$156,250 from... Department of Public Health's Bureau of Substance Addiction Services-Prevention in Early Childhood Grant to The Mayor's Office-Early Childhood Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
17. From the Chief of Police requesting authorization to expend \$50,000 in grant monies awarded by the Executive Office of Health and Human Services/Department of Mental Health as part of the FY 2022 Massachusetts Jail/Arrest Diversion Program.
18. 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 grant award in the amount of \$50,000 from the Executive Office of Health & Human Services-FY22 Massachusetts Jail/Arrest Diversion Program Grant to Police Department FY22 Massachusetts Jail/Arrest Diversion Program Grant Fund.
19. 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 grant award in the amount of \$50,000 from... Executive Office of Health & Human Services- FY22 Massachusetts Jail/Arrest Diversion Program Grant to.... Police Department FY22 Massachusetts Jail/Arrest Diversion Program Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
20. From the Chief of Police requesting authorization to expend \$11,255.54 in grant monies awarded by the Executive Office of Public Safety and Security as part of a subgrant of FY 2019 Byrne/ Justice Assistance grant award funds dedicated to the Sex Offender registry Board's 2021 Address Verification program.
21. 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 grant award in the amount of \$11,255.54 from the Executive Office of Public Safety and Security FY 2019 Byrne/ Justice Assistance Grant to Police Department FY2019 Byrne/Justice Assistance Grant Fund.
22. 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 grant award in the amount of

\$11, 255.54 from ... Executive Office of Public Safety and Security FY 2019 Byrne/ Justice Assistance Grant to....Police Department FY2019 Byrne/Justice Assistance Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.

23. From the Director of Planning and Economic Development requesting authorization for Site Readiness Grant from MassDevelopment in the amount of \$70,000.
24. 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 grant award in the amount of \$70,000 from the MassDevelopment Site Readiness Grant Award to the Department of Planning and Economic Development – MassDevelopment’s Site Readiness Grant Fund.
25. 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 total grant award in the amount of \$70,000 from... MassDevelopment Site Readiness Grant Award to.... Department of Planning and Economic Development – MassDevelopment’s Site Readiness Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
26. From the Chair of the Health Equity Task Force requesting acceptance of the donated funds in the amount of \$4,727.55 from the United Way of Greater Plymouth County to the Mayor’s Office.
27. 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 grant award in the amount of \$4,727.55 from the United Way of Greater Plymouth County to the Mayor’s Office.
28. 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 donation in the amount of \$4,727.55 From.... United Way of Greater Plymouth County to.... the Mayor’s Office without a detrimental impact on the continuous provision of the existing level of municipal services.

UNFINISHED BUSINESS:

29. 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 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.” (IN CITY COUNCIL JUNE 28, 2021, AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED BY ROLL CALL VOTE)
30. 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. 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. (IN CITY COUNCIL JUNE 28, 2021, AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED BY ROLL CALL VOTE)

31. 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. (IN CITY COUNCIL JUNE 28, 2021, PASSED TO A THIRD READING, BY ROLL CALL VOTE)
32. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of Chestnut Drive Extension, extending from the southerly terminus of the 2010 layout of Chestnut Drive, southerly, 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. (FAVORABLE)
33. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Gloucester Street, extending from Pinehurst Avenue easterly to Annadea Road, a distance of 1,051.42 feet, more or less, 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. (FAVORABLE)
34. 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. (FAVORABLE)
35. 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. (FAVORABLE)
36. 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 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. (FAVORABLE)

37. 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. (FAVORABLE)
38. 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. (FAVORABLE)

ORDERS:

39. Ordinance: AN ORDINANCE AMENDING REVISED ORDINANCE OF THE CITY OF BROCKTON, CHAPTER 11, ARTICLE 9, SECTION 11-161 NUMBER OF CLASS II LICENSES PERMITTED Be it ordained by the City Council of the City of Brockton, that Chapter 11, Article 9, Section 11-161 of the Revised Ordinances of the City of Brockton be amended to strike the following language "per thirteen hundred (1,300)" and insert in its place "per thousand (1,000)".
The Proposed Amendment, if adopted, shall result in the ordinance reading as follows:
There shall be no more than one (1) Class II motor vehicle dealers' licenses (used car dealers) issued per thousand (1,000) population.
40. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Sheridan Street, extending from the end of the 1944 layout, northerly, a distance of about 1,355 feet, more or less, to Kathleen Road, 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.
41. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$500,000 from the Executive Office of Health & Human Services - FY22 Safe & Successful Youth Initiative Grant to Police Department FY22 Safe & Successful Youth Initiative Grant Fund.
42. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$156,250 from the Department of Public Health's Bureau of Substance Addiction Services-Prevention in Early Childhood Grant to the Mayor's Office-Early Childhood Grant Fund.
43. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$50,000 from the Executive Office of Health & Human Services-FY22 Massachusetts Jail/Arrest Diversion Program Grant to Police Department FY22 Massachusetts Jail/Arrest Diversion Program Grant Fund.
44. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$11,255.54 from the Executive Office of Public Safety and

Security FY 2019 Byrne/ Justice Assistance Grant to Police Department FY2019
Byrne/Justice Assistance Grant Fund.

45. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$70,000 from the MassDevelopment Site Readiness Grant Award to the Department of Planning and Economic Development – MassDevelopment’s Site Readiness Grant Fund.
46. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$4,727.55 from the United Way of Greater Plymouth County to the Mayor’s Office.
47. Ordered: That the City Council of the City of Brockton petitions the Great and General Court for special legislation relating to the City of Brockton to be filed with an attested copy of this Order be and hereby is approved under the provisions of Clause One (1) Section Eight (8) of Article Two (2), as amended, of the Articles of Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted as follows, except for clerical or editorial changes of form only:
PETITION FOR SPECIAL LAW RE REDUCTION OF SPEED LIMIT ON CERTAIN STREETS IN THE CITY OF BROCKTON:
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:
Section 1
Notwithstanding any general or special law to the contrary, the following streets in the City of Brockton shall be affixed with speed limit signs designing a speed limit of twenty-five (25) miles per hour (mph):
Anne Marie Drive, Ardsley Street, Bellevue Avenue, Brewster Road, Carrlyn Road, Harvard Street, Harwich Road, Healey Terrace, Hillberg Avenue, Louis Street, Newbury Street, Provost Street, Sagamore Road, South Leyden Street, Sterling Road, Torrey Avenue, Vesey Street, Westfield Drive, and Wilder Street.
Section 2
The provisions of this act shall take effect upon passage.
48. Resolve: BE IT RESOLVED, that the Executive Health Officer of the Board of Health, City Solicitor, Chief of Police, Designee of the License Commission, and Fire Chief for the City of Brockton come before the Finance Committee to discuss code enforcement measures and processes in the City.
49. Resolve: BE IT RESOLVED, that Joseph Cardinal of National Grid (or its designees), the Commissioner for the Department of Public Works, and the Mayor of the City of Brockton come before the Finance Committee to discuss recent power outages and solutions for improvements, response, and reducing service interruptions in the City of Brockton, specifically in response to outages occurring in Wards 4, 5 and 6.
50. Question is on Granting National Grid Petition.

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.