

In City Council August 23, 2021

The regularly scheduled meeting of the Brockton City Council will be held on Monday, August 23, 2021 at 7:00PM in the Council Chambers, 2<sup>nd</sup>. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:02 PM with Ten members present.

The president asked for a brief moment of silence for Robert Casey who recently passed away he was a long-time principal of the Downey School.

407. Acceptance of the Minutes of the July 26, 2021 City Council meeting.

Accepted and placed on file

### APPOINTMENTS

Councilor Thompson motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Councilor Thompson made a motion to take items numbered 2-4 collectively and was properly seconded.

408. Promotion of Fire Captain Joseph R. Depasquale to the rank of Deputy Fire Chief in the Brockton Fire Department.

409. Promotion of Fire Lieutenant Stephen A. Monterio to the rank of Fire Captain in the Brockton Fire Department.

410. Promotion of Firefighter Daniel J. Santry to the rank of Fire Lieutenant in the Brockton Fire Department.

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

President Farwell congratulated the following gentlemen and called a brief recess.

Back in session

411. Appointment of Michael Mentor of 37 Barry Street, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

412. Appointment of Larry D. Young of 1111 North Main St. Brockton, Ma 02301 to the Brockton Community Access Board for a three (3) year term, ending August 2024.

Referred to Finance

### HEARINGS

Petition of Abe’s Garage, LLC for a Garage License located at 300 N. Montello St., Brockton, MA

Ben Resnickoff appeared in favor of the petition and was there to answer any questions.

Councilor Lally stated that he is in favor of this. Councilor Eaniri also stated he is in favor and thinks it’s a good idea.

## 156. (Hearings Cont.)

Hearing held.

No one was in opposition.

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

Petition of J.J. Simonelli, Realty Trust; for a transfer of Garage License located at 1489 Main St., Brockton, MA

John Simonelli appeared in favor of the petition and was there to answer any questions.

Councilor Nicastro stated she was in favor of this.

President Farwell questioned Mr. Simonelli purchased this property back in November and has been operating without a license.

Mr. Simonelli stated that it has been difficult to get his new license with Covid pandemic.

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of Simonelli's Automotive Inc., of 149 Packard Street, Avon, MA, for a transfer of Motor Vehicle Repair Mechanical License and transfer of Motor Vehicle Repair Body License located at 1489 Main St., Brockton, MA

John Simonelli appeared in favor of the petition and was there to answer any questions.

Hearing held.

No one was in opposition.

Councilor Nicastro stated that she has meet with Mr. Simonelli and they have come to an agreement.

Granted with stipulations by hand vote.

Petition of George Legrice, Basement Powersports, 105 Cedar Street, East Bridgewater, MA, for a Motor Vehicle Repair Mechanical License and Motor Vehicle Repair Body License located at 21 Terminal Place, Brockton, MA

Councilor Nicasrto motioned to Postponed to next meeting and was properly seconded. Postponed by a hand vote.

Petition of Colbea Enterprises, LLC., of 7 Starline Way, Cranston, RI 02921, for a flammable storage (Underground) License amendment located at 955 Belmont street., Brockton, MA.

Eric Simpson appeared in favor of the petition and was there to answer any questions.

Hearing held.

No one was in opposition.

## 157.(Hearings Cont.)

Granted by a hand vote.

### REPORTS

413.Of the Finance Committee for its meeting of August 16, 2021.

Accepted and placed on file

### COMMUNICATIONS

414.From the Plymouth County Commissioners concerning the Annual Assessment.

Accepted and placed on file

415.From the Mayor submitting a letter of Richard Bath stepping down from the War Memorial Board of Trustees effective July 27, 2021.

Accepted and placed on file

416.From the Mayor requesting that the City Council approves the request for a waiver under Section 2-100 of the Ordinances of the City of Brockton on behalf of Dr. Eno Mondesir, Executive Health Officer of the Board of Health.

Accepted and placed on file

417.From the Chief of Police requesting authorization to expend grant monies related to the State of Massachusetts Office of Grants and Research/ Executive Office of Public Safety and Security Bulletproof Vest Program in the amount of \$17,136.77.

Accepted and placed on file

418.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 \$17,136.77 from... State of Massachusetts Office of Grants and Research / Executive Office of Public Safety and Security Bulletproof Vest Program Grant to..... Brockton Police Department – Massachusetts Bulletproof Vest Grant Fund.

Accepted and placed on file

419.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 \$17,136.77 from.... State of Massachusetts Office of Grants and Research/Executive Office of Public Safety and Security Bulletproof Vest Program Grant to.....Brockton Police Department -Massachusetts Bulletproof Vest Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

**158.(Communications Cont.)**

420.From the Chief of Police requesting authorization to expend grant monies related to the Cincinnati Children's Hospital Medical Center, in partnership with Toyota Motor Company, 2021-2022 Buckle Up for Life grant in the amount of \$10,000.00.

Accepted and placed on file

421.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 \$10,000 from.....Cincinnati Children's Hospital Medical Center-Buckle Up for Life Grant to ..... Brockton Police Department – Buckle up for Life Grant Fund.

Accepted and placed on file

422.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 \$10,000 from.....Cincinnati Children's Hospital Medical Center-Buckle Up for Life Grant to ..... Brockton Police Department – Buckle up for Life Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

423.From the Acting IT Director requesting a Transfer in the amount of \$55,283 from .....Unappropriated Estimated Receipts to.....Information Technology Center- Full Time Salaries.

Accepted and placed on file

424.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total proposed approval of \$55,283 from .....Unappropriated Estimated Receipts to.....Information Technology Center- Full Time Salaries.

Accepted and placed on file

425.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 Transfer in the amount of \$55,283 from .....Unappropriated Estimated Receipts to.....Information Technology Center-Full Time Salaries without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

426.From the Acting Director of Green Communities Division Awarding a Grant in the amount of \$196,881 from... Executive Office of Energy and Environmental Affairs- Department of Energy Resources (DOER) Green Communities Competitive Grant to.... Finance Department -Green Communities Competitive Grant Fund.

Accepted and placed on file

**159.(Communications Cont.)**

427.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total proposed approval of \$196,881 from... Executive Office of Energy and Environmental Affairs- Department of Energy Resources (DOER) Green Communities Competitive Grant to.... Finance Department - Green Communities Competitive Grant Fund.

Accepted and placed on file

428.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 \$196,881 from... Executive Office of Energy and Environmental Affairs- Department of Energy Resources (DOER) Green Communities Competitive Grant to.... Finance Department -Green Communities Competitive Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

429.From the Chief of Police requesting authorization to expend donated funds from the Brockton Council on Aging/Triad to be used exclusively towards Project Lifesaver, a location technology program, as needed for the Brockton Police Department in the amount of \$8,810.13.

Accepted and placed on file

430.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 \$8,810.13 from.....Brockton Council on Aging /Triad to .....Brockton Police Department -Project Lifesaver Fund.

Accepted and placed on file

431.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 \$8, 810.13 from.....Brockton Council on Aging /Triad to .....Brockton Police Department -Project Lifesaver Fund without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

432.From the Grant Coordinator -Brockton Police Dept. requesting authorization of acceptance and expenditure of the grant award in the amount of \$568,038 from FY 2022 Massachusetts Executive Office of Public Safety and Security State 911 Department Support and Incentive Grant to.....Brockton Police Department – FY2022 Support and Incentive Grant Fund.

Accepted and placed on file

433.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 \$568,038 from FY 2022 Massachusetts Executive Office of Public Safety and Security State 911 Department Support and Incentive Grant to.....Brockton Police Department – FY2022 Support and Incentive Grant Fund.

Accepted and placed on file

**160.(Communications Cont.)**

434.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 total grant award in the amount 568,038 from FY 2022 Massachusetts Executive Office of Public Safety and Security State 911 Department Support and Incentive Grant to.....Brockton Police Department – FY2022 Support and Incentive Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

435.From the Chief of Fire Department requesting acceptance of a donation of 468 cases of water bottles from..... C. Carney Environmental to.....City of Brockton Fire Department.

Accepted and placed on file

436.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of a donation of 468 cases of water bottles from..... C. Carney Environmental to.....City of Brockton Fire Department.

Accepted and placed on file

437.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 of 468 cases of water bottles from..... C. Carney Environmental to.....City of Brockton Fire Department.  
without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

438.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$200,217.79 from.....Stabilization Fund to Library Department – Personal Services Other Than Overtime for purposes of funding the Collective bargaining agreement between the City and Library Union, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

439.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 \$200,217.79 from.....Stabilization Fund to Library Department – Personal Services Other Than Overtime for purposes of funding the Collective bargaining agreement between the City and Library Union, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

**161.(Communications Cont.)**

440.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$79,834.34

From: Stabilization Fund

To: Board of Health- Personal Services Other Than Overtime \$4,390.88  
Council on Aging-Personal Services Other Than Overtime \$4,694.42  
DPW-Administration -Personal Services Other Than Overtime \$5,708.94  
DPW-Engineering-Personal Services Other Than Overtime \$13,214.20  
DPW-Water Enterprise-Personal Services Other Than Overtime \$7,842.60  
Finance Department -Personal Services Other Than Overtime \$6,207.94  
Library Department -Personal Services Other Than Overtime \$7,783.10  
Parks & Recreation -Personal Services Other than Overtime \$7,477.62  
Police Department -Personal Services Other than Overtime \$7,342.60  
Procurement Department – Personal Services Other Than Overtime \$7,977.62  
Veterans Department-Personal Services Other than Overtime \$7,194.42

For the purpose of funding the SEIU, Local 888: Department Heads Unit Union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July1, 2019-June 30, 2022), of a three (3) year Contract.

Accepted and placed on file

441.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 \$79,834.34

From: Stabilization Fund

To: Board of Health- Personal Services Other Than Overtime \$4,390.88  
Council on Aging-Personal Services Other Than Overtime \$4,694.42  
DPW-Administration -Personal Services Other Than Overtime \$5,708.94  
DPW-Engineering-Personal Services Other Than Overtime \$13,214.20  
DPW-Water Enterprise-Personal Services Other Than Overtime \$7,842.60  
Finance Department -Personal Services Other Than Overtime \$6,207.94  
Library Department -Personal Services Other Than Overtime \$7,783.10  
Parks & Recreation -Personal Services Other than Overtime \$7,477.62  
Police Department -Personal Services Other than Overtime \$7,342.60  
Procurement Department – Personal Services Other Than Overtime \$7,977.62  
Veterans Department-Personal Services Other than Overtime \$7,194.42

For the purpose of funding the SEIU, Local 888: Department Heads Unit Union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July1, 2019-June 30, 2022), of a three (3) year Contract.

Accepted and placed on file

442.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$249,504.54

From: Stabilization Fund

To: Animal Control- Personal Services Other Than Overtime \$33,124.39  
Assessor's Office -Personal Services Other Than Overtime \$9,463.94  
Auditor's Office -Personal Services Other Than Overtime \$9,782.30  
DPW-Administration-Personal Services Other Than Overtime \$4,550.03  
DPW-Refuse Division-Personal Services Other Than Overtime \$4,914.03  
DPW-Sewer Enterprise -Personal Services Other Than Overtime \$2,411.54  
DPW-Water Enterprise -Personal Services Other Than Overtime \$2,411.54

Elections Commission -Personal Services Other than Overtime \$4,550.04  
Board of Health -Personal Services Other than Overtime \$4,550.04

## 162.(Communications Cont.)

Information Technology Center – Personal Services Other Than Overtime \$48,457.45  
Law Office-Personal Services Other than Overtime \$9,691.74  
License Commission- Personal Services Other than Overtime \$4,868.53  
Parking Authority- Personal Services Other than Overtime \$4,914.03  
Parks & recreation Department- Personal Services Other than Overtime \$5,216.35  
Police Department - Personal Services Other than Overtime \$81,579.63  
Public Property Department- Personal Services Other than Overtime \$4,823.03  
Veterans Office- Personal Services Other than Overtime \$4,550.04  
Weights & Measures Department- Personal Services Other than Overtime \$9,645.89  
For the purpose of funding the Brockton City Employees Union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July1, 2019-June 30, 2022), of a three (3) year Contract.

Accepted and placed on file

443.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 \$249,504.54

From: Stabilization Fund

To: Animal Control- Personal Services Other Than Overtime \$33,124.39  
Assessor's Office -Personal Services Other Than Overtime \$9,463.94  
Auditor's Office -Personal Services Other Than Overtime \$9,782.30  
DPW-Administration-Personal Services Other Than Overtime \$4,550.03  
DPW-Refuse Division-Personal Services Other Than Overtime \$4,914.03  
DPW-Sewer Enterprise -Personal Services Other Than Overtime \$2,411.54  
DPW-Water Enterprise -Personal Services Other Than Overtime \$2,411.54  
Elections Commission -Personal Services Other than Overtime \$4,550.04  
Board of Health -Personal Services Other than Overtime \$4,550.04  
Information Technology Center – Personal Services Other Than Overtime \$48,457.45  
Law Office-Personal Services Other than Overtime \$9,691.74  
License Commission- Personal Services Other than Overtime \$4,868.53  
Parking Authority- Personal Services Other than Overtime \$4,914.03  
Parks & Recreation Department- Personal Services Other than Overtime \$5,216.35  
Police Department - Personal Services Other than Overtime \$81,579.63  
Public Property Department- Personal Services Other than Overtime \$4,823.03  
Veterans Office- Personal Services Other than Overtime \$4,550.04  
Weights & Measures Department- Personal Services Other than Overtime \$9,645.89  
For the purpose of funding the Brockton City Employees Union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July1, 2019-June 30, 2022), of a three (3) year Contract.

Accepted and placed on file

444.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of \$81,313 from .... Unappropriated Estimated Receipts to... Finance Department – Full Time salaries.

Accepted and placed on file

445.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 approval of \$81,313 from .... Unappropriated Estimated

Receipts to... Finance Department – Full Time salaries. without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file



### 163.(Communications Cont.)

446.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation up to an amount of \$34,590,793 from .... Unappropriated Estimated Receipts-American Rescue Plan Act (ARPA) disbursement for purposes of COVID response, mitigation, and prevention activities. These funds are to be expended at the sole discretion of the Mayor without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

447.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 total proposed appropriation up to an amount of \$34,590,793 from .... Unappropriated Estimated Receipts-American Rescue Plan Act (ARPA) disbursement for purposes of COVID response, mitigation, and prevention activities. These funds are to be expended at the sole discretion of the Mayor without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

448.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize a revolving fund for Fiscal Year 2022, for the sole purposes of funding the creation and maintenance of the Roadway Design and Construction Fund. The Roadway Design and Construction Revolving Fund shall receive the receipts of payments of fines and fees for the engineering, design, construction and paving of projects. Expenditures from the Roadway Design and Construction fund Revolving Fund shall be made on the authority and direction of the Brockton Department of Public Works Commissioner, provided that no more than \$1,000,000 may be so expended from the Roadway Design and Construction Revolving Fund during fiscal year 2022.

Accepted and placed on file

449.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 authorization of the Roadway Design and Construction Revolving Fund, provided that no more than \$1,000,000 may be expended during Fiscal Year 2022 without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

#### UNFINISHED BUSINESS:

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

## 164.(Unfinished Business Cont.)

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, POSTPONED AT THE JULY 26 MEETING)

Attorney Resnick clarified to the councilors about the ordinance that they are voting on. She stated that (a) has been removed and what's written after (a) is the ordinance.

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

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 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. (IN CITY COUNCIL JUNE 28, 2021, PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING)

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Thompson motioned to file for reconsideration with the wish it not prevail and was properly seconded. reconsideration failed by a hand vote.

Before Item number 51 was read President Farwell stepped down since he is a part of the retirement system and recused himself from voting on the matter. Councilor Eaniri stepped in as President.

378.Ordered: That the City of Brockton appropriates the amount of \$360,900,000 Dollars for the purpose of funding all or a portion of the unfunded pension liability of the retirement system of the City and paying bond issuance costs and other expenses necessary or incidental thereto; that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount in accordance with Chapter 483 of the Acts of 2004 (Chapter 483); that the

## 165.(Unfinished Business Cont.)

total amount authorized to be borrowed pursuant to this order shall be reduced to the extent that the unfunded liability of the retirement system of the City, as determined by the Public Employee Retirement Administration Commission of The Commonwealth of Massachusetts and the City of Brockton Retirement Board, is less than the total amount authorized to be borrowed by this order; that the City hereby establishes on its books a pension stabilization fund which shall be available to mitigate unanticipated shortfalls in funding of the City's retirement system upon such terms and conditions as shall be approved by the Secretary of Administration and Finance of the Commonwealth in accordance with said Chapter 483; that the Treasurer with the approval of the Mayor, is authorized to secure the bonds with a municipal bond insurance policy; and that, in accordance with the guidelines published by the Executive Office for Administration and Finance dated April 14, 2004 relating to its criteria for the approval of the issuance of pension obligation bonds, the following disclosure is hereby acknowledged: "The use of pension obligation bonds may increase the potential losses associated with pension fund investment. The Commonwealth is not responsible for any losses incurred by a municipality due to the issuance of pension obligation bonds, nor for any increase in unfunded actuarial accrued liability due to deficient investment returns." 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, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The authorized but unissued amount of the pension obligation borrowing approved by the City Council in an order adopted on October 11, 2005, is hereby rescinded (IN CITY COUNCIL JUNE 28, 2021, AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED BY ROLL CALL VOTE JULY 26, 2021)

Councilor Cardoso stated that she has questions on the performance and has been speaking to CFO on this matter.

Councilor Eaniri reminded the councilors that the Brockton Retirement Board does not come under the City Council Jurisdiction, never has and never will.

CFO Troy Clarkson answered question and concerns. He stated that this Obligation is not negotiable. We owe that money to the Brockton Retirement Board.

Councilor Mendes questioned why are we still in this same position again.

CFO Troy Clarkson stated that they have reached their goals and it's not because of the performance it is to meet the contract of the employees.

Councilor Thompson questioned did the state legislation changed.

CFO Troy Clarkson state requires that all retirements system must be fully funded by 2040 according to State law.

Councilor Rodrigues stated he is clear on the understanding on the borrowing.

Councilor Cardoso motioned to postpone this item. There was no second.

CFO Troy Clarkson stated that he would urge the council to move forward and he will keep the council posted on this matter.

Councilor Eaniri stated we should move forward and we need to vote on this.

Councilor Cardoso withdrew her motion.

## 166.(Unfinished Business Cont.)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Farwell not present. Councilor Thompson motioned to file for reconsideration with the wish it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 310.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. (FAVORABLE)

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

- 390.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. (FAVORABLE)

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

- 406.Ordered: That the Mayor be authorized to enter into contract for WASTEWATER TREATMENT PLANT AND WATER TREATMENT FACILITIES OPERATION, MAINTENANCE AND MANAGEMENT AGREEMENT between the City of Brockton and Veolia Water North America – Northeast, LLC (summary and terms sheet attached hereto). The Wastewater Treatment Plant and Water Treatment Facilities Operation, maintenance, and management Agreement (the “Agreement”) is made in connection with the City of Brockton’s (the “City”) Request for Proposals dated August 2020 (the RFP). And further the Mayor be and hereby is authorized to execute any and all documents necessary to effectuate the contract. (FAVORABLE)

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

- 389.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 & Success Youth Initiative Grant Fund. (FAVORABLE)

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

- 391.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. (FAVORABLE)

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

## 167.(Unfinished Business Cont.)

392.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. (FAVORABLE)

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

404.Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the HDIP Tax Increment Exemption Agreement (TIE) between the City and 46 Montello, LLC., for the property located at 46 Montello St. (FAVORABLE AS AMENDED)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and nine voting in the affirmative. Councilor Cardoso voting in the negative. Councilor Asack motioned to file for reconsideration with the wish it not prevail and was properly seconded. reconsideration failed by a hand vote.

393.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. (FAVORABLE)

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

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. (FAVORABLE)

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

396.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. (FAVORABLE)

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

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 RESOVED, that the individuals be invited to discuss diversity practices for hiring and promotions in the Brockton Police and Fire Department. (FAVORABLE)

**168.(Unfinished Business Cont.)**

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

384.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. (FAVORABLE)

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

Councilors Cardoso and Lally stepped out.

**ORDERS:**

450.Ordered: That the City Council approves the request of Dr. Eno Mondesir for an exemption from Article III, Sec. 2-100 of the Revised Ordinance, such request being attached hereto and made a part hereof.

Referred to Finance

451.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 \$17,136.77 from... State of Massachusetts office of Grants and Research / Executive Office of Public Safety and Security Bulletproof Vest Program Grant to..... Brockton Police Department – Massachusetts Bulletproof Vest Grant Fund.

Councilor Rodrigues motioned to move under suspension of the rules and was properly seconded. The motioned 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 Cardoso not present.

452.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 \$10,000 from.....Cincinnati Children’s Hospital Medical Center- Buckle Up for Life Grant to ..... Brockton Police Department – Buckle up for Life Grant Fund.

Councilor Asack motioned to move under suspension of the rules and was properly seconded. The motioned carried by a hand vote. Adopted by a roll call vote taken by “yeas’ and “nays”; eight members present and all voting in the affirmative. Councilors Cardoso and Lally not present.

453.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total proposed approval of \$55,283 from .....Unappropriated Estimated Receipts to.....Information Technology Center- Full Time Salaries.

Referred to Finance

454.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44,

**169.(Orders Cont.)**

recommending that the City Council authorize the total proposed approval of \$196,881 from... Executive Office of Energy and Environmental Affairs- Department of Energy Resources (DOER) Green Communities Competitive Grant to.... Finance Department - Green Communities Competitive Grant Fund.

Referred to Finance

455.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 \$8,810.13 from.... Brockton Council on Aging /Triad to .... Brockton Police Department -Project Lifesaver Fund.

Referred to Finance

456.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 \$568,038 from FY 2022 Massachusetts Executive Office of Public Safety and Security State 911 Department Support and Incentive Grant to.....Brockton Police Department – FY2022 Support and Incentive Grant Fund.

Referred to Finance

457.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of a donation of 468 cases of water bottles from..... C. Carney Environmental to.....City of Brockton Fire Department.

Councilor Lally motioned to take item number 71 out of order and was properly seconded. The motion carried by a hand vote. Councilor Lally motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote.

Chief Brian Nardelli spoke briefly on the matter and asked that he could please get a yes vote on the order.

Councilor Asack motioned to approve and was properly seconded. Adopted by a hand vote.

458.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$200,217.79 from.....Stabilization Fund to Library Department – Personal Services Other Than Overtime for purposes of funding the Collective bargaining agreement between the City and Library Union, without a detrimental impact on the continuous provision of the existing level of municipal services.

Referred to Finance

459.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$79,834.34

From: Stabilization Fund

To: Board of Health- Personal Services Other Than Overtime \$4,390.88  
Council on Aging-Personal Services Other Than Overtime \$4,694.42  
DPW-Administration -Personal Services Other Than Overtime \$5,708.94  
DPW-Engineering-Personal Services Other Than Overtime \$13,214.20  
DPW-Water Enterprise-Personal Services Other Than Overtime \$7,842.60  
Finance Department -Personal Services Other Than Overtime \$6,207.94  
Library Department -Personal Services Other Than Overtime \$7,783.10  
Parks & Recreation -Personal Services Other than Overtime \$7,477.62  
Police Department -Personal Services Other than Overtime \$7,342.60

**170.(Orders Cont.)**

Procurement Department – Personal Services Other Than Overtime \$7,977.62

Veterans Department-Personal Services Other than Overtime \$7,194.42

For the purpose of funding the SEIU, Local 888: Department Heads Unit union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July1, 2019-June 30, 2022), of a three (3) year Contract.

Referred to Finance

460. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$249,504.54

From: Stabilization Fund

To: Animal Control- Personal Services Other Than Overtime \$33,124.39

Assessor's Office -Personal Services Other Than Overtime \$9,463.94

Auditor's Office -Personal Services Other Than Overtime \$9,782.30

DPW-Administration-Personal Services Other Than Overtime \$4,550.03

DPW-Refuse Division-Personal Services Other Than Overtime \$4,914.03

DPW-Sewer Enterprise -Personal Services Other Than Overtime \$2,411.54

DPW-Water Enterprise -Personal Services Other Than Overtime \$2,411.54

Elections Commission -Personal Services Other than Overtime \$4,550.04

Board of Health -Personal Services Other than Overtime \$4,550.04

Information Technology Center – Personal Services Other Than Overtime \$48,457.45

Law Office-Personal Services Other than Overtime \$9,691.74

License Commission- Personal Services Other than Overtime \$4,868.53

Parking Authority- Personal Services Other than Overtime \$4,914.03

Parks & recreation Department- Personal Services Other than Overtime \$5,216.35

Police Department - Personal Services Other than Overtime \$81,579.63

Public Property Department- Personal Services Other than Overtime \$4,823.03

Veterans Office- Personal Services Other than Overtime \$4,550.04

Weights & Measures Department- Personal Services Other than Overtime \$9,645.89

For the purpose of funding the Brockton City Employees Union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July1, 2019-June 30, 2022), of a three (3) year Contract.

Referred to Finance

461. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of \$81,313 from .... Unappropriated Estimated Receipts to... Finance Department – Full Time salaries.

Referred to Finance

462. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation up to an amount of \$34,590,793 from .... Unappropriated Estimated Receipts-American Rescue Plan Act (ARPA) disbursement for purposes of COVID response, mitigation, and prevention activities. These funds are to be expended at the sole discretion of the Mayor without a detrimental impact on the continuous provision of the existing level of municipal services.

Referred to Finance

463. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, Section 53E ½, the City Council authorize a revolving fund for Fiscal Year 2022, for the sole purpose of funding the creation and maintenance of the Roadway Design and Construction Fund. The Roadway Design and Construction Revolving Fund shall receive the receipts of payments of



**171.(Orders Cont.)**

finances and fees for the engineering, design, construction and paving of projects. Expenditures from the Roadway Design and Construction fund Revolving Fund shall be made on the authority and direction of the Brockton Department of Public Works Commissioner, provided that no more than \$1,000,000 may be so expended from the Roadway Design and Construction Revolving Fund during fiscal year 2022. The Brockton Department of Public Works Commissioner shall comply with the reporting requirements of M.G.L., Ch.44, Section 53E1/2.

Referred to Finance

464. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the City Primary will be held on Tuesday, September 14, 2021 and that the City Election will be held on Tuesday, November 2, 2021 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority, 70 Hawley St
Ward One	Precinct B	West Middle School, 271 West Street
Ward One	Precinct C	Hancock School, 125 Pearl Street
Ward One	Precinct D	Hancock School, 125 Pearl Street
Ward Two	Precinct A	Barret Russel School , 45 Oakdale St
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Senior Center, 10 Father Kenney Way
Ward Two	Precinct D	War Memorial Building, 156 West Elm
Ward Three	Precinct A	South Middle School, 105 Keith Avenue Ext
Ward Three	Precinct B	South Middle School, 105 Keith Avenue
Ward Three	Precinct C	John F. Kennedy School, 900 Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue
Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street
Ward Four	Precinct C	Davis Elementary School, 380 Plain Street
Ward Four	Precinct D	Campello High Rise Apts, 1380 Main Street
Ward Five	Precinct A	East Side Library, 54 Kingman Street
Ward Five	Precinct B	East Middle School, 464 Centre Street
Ward Five	Precinct C	Downey School, 55 Electric Avenue
Ward Five	Precinct D	Caffrey Towers, 755 Crescent Street
Ward Six	Precinct A	Brookfield School, 135 Jon Drive
Ward Six	Precinct B	Ashfield School Gymnasium, 225 Coe Road
Ward Six	Precinct C	Brookfield School, 135 Jon Drive
Ward Six	Precinct D	Brookfield School, 135 Jon Drive
Ward Seven	Precinct A	North Middle School, 108 Oak Street
Ward Seven	Precinct B	Belair Street High Rise, 105 Belair Street
Ward Seven	Precinct C	Sullivan Towers, 140 Colonel Bell Drive
Ward Seven	Precinct D	Raymond School, 125 Oak Street

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M. Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named offices, viz: Mayor, Councillors At Large, Councillors in each Ward, and members of the School Committee in each ward.

Councilor Eaniri Asack motioned to move under suspension of the rules and was properly seconded. The motioned 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.

## 172.(Orders Cont.)

465.Ordered: That pursuant to M.G.L. Chapter 40, Section 4, the City Council authorizes the Mayor to execute an Intermunicipal Agreement, inclusive of attached Development Agreement, with the Town of Avon for treatment of wastewater and sale of water.

Referred to Finance

466.Resolve: Be it Resolved, that the Chief of Police and the Director of the Traffic Commission for the City of Brockton appear before the Finance Committee of the Brockton City Council to discuss the ongoing problems caused by unlicensed motor vehicles, mopeds, minibikes and ATVs to the safety of the people of Brockton.

Referred to Finance

467. Resolve: Be it resolved that the Mayor of Brockton, The CFO, The School Superintendent be invited to the next Finance Committee meeting to discuss the American Rescue Plan Funding dispersed to Brockton. Be it also resolved that members of the Massachusetts Coalition to Prevent Gun Violence to be invited to discuss the importance of prioritizing and supporting community based violence prevent and intervention programs through this funding.

Referred to Finance

468.Resolve: To have representatives of Plymouth County government appear before a committee of the Brockton City Council and deliver an update on the Coronavirus Aid, Relief and Economic Security Act, also known as the CARES Act, including a reimbursement check.

Be it further resolved to have these representatives present a check from the Department of Justice Bryne Grant to the City of Brockton. Be it also further resolved that the Brockton City Council receives an update on the American Rescue Plan Act, also known as ARPA.

Councilor Nicastro motioned to take item numbered 82 out of order and was properly seconded. The motioned carried by a hand vote. Councilor Nicastro motioned to move under suspension of the rules and was properly seconded.

Councilor Cardoso stated on the motioned she would have liked some time to prepare questions because this is very important issue. She doesn't know if they would like to hold off for finance meeting.

Councilor Nicastro stated that the county commissioners are here this evening and would like to be heard this evening on this resolve. They are going to give an update and a reimbursement check this evening.

The motioned carried by a hand vote.

President Farwell stated there were some special guest this evening Senator Michael Brady, Register of Deeds John Buckley, Former Clerk Anthony Zeoli, County Treasurer Tom O'Brien, Chairman Greg Hanley, Sandra Wright, and Jared Valanzola from the Plymouth County Commioners and welcomed them.

Plymouth County Treasure Tom O'Brien spoke and thanked the council for hearing them tonight and wanted to present the City of Brockton with a check from the Bryne Grant for \$42,511.31. Senator Michael Brady spoke briefly and Commissioner Jared Valanzola spoke briefly. Treasure Tom O'Brien present a reimbursement check to the city of Brockton from the CARES Act in the

### 173.(Orders Cont.)

amount of \$874,539.07. Commissioner Sandra Wright spoke briefly and gifted the City Council with a Map of Plymouth County. The CFO Troy Clarkson explain the money would reimbursement for Covid funds that where used.

Councilor Lally motioned to approve the resolve and it was properly seconded by a hand vote.

469. Resolve: To have The Inspector of Buildings, James Plouffe, appear before a committee of the Brockton City Council to discuss the Building Department's ability to provide inspections of construction, plumbing and electrical work in a timely fashion.

Referred to Finance

### Late Files

Councilor Thompson motioned to accept a late file and was properly seconded. The motioned carried by a hand vote.

470.Ordered: That the sum of \$1,500,000 is hereby appropriated to lend funds for the **“Downtown Brockton Restaurant Infrastructure Fund”** loan program. Funds are to be loaned to property owners investing in the economic development activity of Brockton Downtown for installation of restaurant infrastructure, by providing funds to the Brockton Redevelopment Authority to make said loans and for the payment of all costs incidentals and related thereto; that to meet this appropriation the City Chief Financial Officer, City Treasurer with approval of the Mayor authorize said amount under pursuant to Chapter 74 of the Acts of 1945, or pursuant to any other enabling authority, including but not limited to the HUD Section 108 Program of the United States of America, and that the Mayor, Chief Financial Officer and City Treasurer are authorized to execute such documents as may be necessary or desirable to carry out this transaction. This certification conditional because the CDBG funding from U.S. Department of Housing and Urban Development to the City of Brockton which would repay the loan is subject to the discretion of the U.S. Congress.

Referred to Finance

Councilor Asack motioned to accept a late file and was properly seconded. The motioned carried by a hand vote.

471. Communcation From the Mayor in accordance with the Revised Ordinances of the City of Brockton Chapter 2, Section 2-186 appointing Gregory Mathieu to the position of Assistant City Solicitor- Full Time for a three- year term, effective August 16, 2021.

Accepted and Placed on file

472.Ordered: Re-appointing Jeffrey Charnel of 23 Madrid sq. Ste 12 Brockton, MA 02301 to the License Commission for a three (3) year term, ending August 2024.

Referred to Finance

President Farwell stated that the Finance Committee will meet September 8,2021 at 7:00PM. Councilors to know in advance so they can mark their calendars.

**Councilor's Recognition**

Councilor Asack to remind everybody that the Mayors Office and the Haitian Community Partners that they are collecting nonperishable items for the Earthquake victims.

Meeting adjourned at 9:40PM

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.