

In City Council September 27, 2021

The regularly scheduled meeting of the Brockton City Council will be held on Monday, September 27, 2021 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00 PM with Nine members present Councilor Monahan Absent.

President Farwell and Councilor Asack awarded the following members of Troop 17, Boy Scouts of America, with City Council Citations In recognition of Attaining Eagle Scout Status: Dale Quimby, Harold Peterson, Luke Cardillo, Joshua Gannon, and Matthew McAllister.

Brief Recess

Back in session

504. Acceptance of the Minutes of the September 13, 2021 City Council meeting.

Accepted and placed on file

HEARINGS:

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 (POSTPONED FROM CITY COUNCIL MEETING AUGUST 23, 2021 & POSTPONED FROM CITY COUNCIL MEETING SEPTEMBER 13, 2021.)

Councilor Nicastro stated that Mr. Legrice is not ready and she motioned to Table and was properly seconded. Tabled by a hand vote.

REPORTS:

505. Of the Real Estate Committee for its meeting of September 8, 2021

Accepted and placed on file

506. Of the Finance Committee for its meeting of September 20, 2021.

Accepted and placed on file

COMMUNICATIONS:

507. From the Mayor informing the City Council that David Sylvestre is stepping down from the War Memorial Board of Trustees effective September 9, 2021.

Accepted and placed on file

508. From the Brockton Police Department Grant Coordinator requesting the attached grant award documents be processed to allow the City of Brockton to expend the FY22 State 911 Training Grant from the Executive Office of public Safety and Security/State 911 Department in the amount of \$282,379.13.

Accepted and placed on file

509. 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 \$282,379.13 from Executive Office of Public Safety and Security

185. (COMMUNICATIONS CONT.)

/State 911 Department- FY22 State 911 Department Training Grant to City of Brockton Police Department -FY22 State 911 Department Training Grant Fund.

Accepted and placed on file

510.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 grant funds in the amount of \$282,379.13 from Executive Office of Public Safety and Security /State 911 Department- FY22 State 911 Department Training Grant to City of Brockton Police Department -FY22 State 911 Department Training Grant Fund without a detrimental impact on the continuous provision of existing level of municipal services.

Accepted and placed on file

511.From the Executive Health Officer requesting acceptance of a grant that the Department of Public Health has awarded to the City of Brockton a grant in the amount of \$1,000,000. The first portion of the grant is to be awarded in FY22 in the amount of \$500,000 and the second portion in FY23 in the amount of \$500,000. The purpose of the grant is for COVID-19 case investigation and contract tracing.

Accepted and placed on file

512.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 \$1,000,000...

From: Department of Public Health
To; Board of Health-FY22 Department of Public Health
Grant Fund \$500,000
And
Board of Health-FY23 Department of Public Health
Grant Fund \$500,000

Accepted and placed on file

513.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 \$1,000,000...

From: Department of Public Health
To: Board of Health-FY22 Department of Public Health
Grant Fund \$500,000
And
Board of Health-FY23 Department of Public Health
Grant Fund \$500,000
without a detrimental impact on the continuous provision of existing level of municipal services.

Accepted and placed on file

514.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the appropriation of \$4,503,179.20...

From: Stabilization Fund \$2,912,029.39
ARPA Fund \$1,591,149.81
To: Fire-FY20 Personal Services Other Than Overtime
Retroactive Payment \$457,335.82
Fire -FY20 Overtime Retroactive Payment \$25,211.37
Fire- FY21 Personal Services Other Than Overtime
Retroactive Payment \$1,313,816.82

186. (COMMUNICATIONS CONT.)

Fire -FY21 Overtime Retroactive Payment	\$67,209.56
Fire- FY22 Personal Services Other Than Overtime Retroactive Payment	\$2,619,060.10
Fire -FY22 Overtime Retroactive Payment	\$20,545.53

For purposes of funding Local 144 contract. This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract.
Accepted and placed on file

515.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 adequate to support the total proposed appropriation of \$4,503,179.20...

From: Stabilization Fund	\$2,912,029.39
ARPA Fund	\$1,591,149.81
To: Fire-FY20 Personal Services Other Than Overtime Retroactive Payment	\$457,335.82
Fire -FY20 Overtime Retroactive Payment	\$25,211.37
Fire- FY21 Personal Services Other Than Overtime Retroactive Payment	\$1,313,816.82
Fire -FY21 Overtime Retroactive Payment	\$67,209.56
Fire- FY22 Personal Services Other Than Overtime Retroactive Payment	\$2,619,060.10
Fire -FY22 Overtime Retroactive Payment	\$20,545.53

For purposes of funding Local 144 contract, without a detrimental impact on the continuous provision of existing level of municipal services.
This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract. This is a reasonable and financially sustainable settlement for the City.

Accepted and placed on file

UNFINISHED BUSINESS:

474.Re-appointment of Philip Griffin of 19 Emory St. Brockton, MA 02301 to the Brockton Redevelopment Authority for a five-year term, ending September 2026. (FAVORABLE)

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

Councilor Asack Stepped out

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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Asack not present. Councilor Monahan Absent.

Councilor Asack Stepped back in

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. (FAVORABLE)

187. (UNFINISHED BUSSINESS CONT.)

Councilor Thompson Motioned to Postpone to next City Council Meeting and was properly seconded. Postponed by a hand vote.

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. (FAVORABLE)

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

500.Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$10,671.36 from..... Massachusetts Commonwealth Security Trust Fund (CSTF) FY22 Grant to Brockton Police Department – Massachusetts Commonwealth Security Trust Fund (CSTF) FY22 Grant Fund. (FAVORABLE)

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

501.Ordered: in accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$8,750 from Massachusetts Department of Public Health, Bureau of Substance Addiction Services (BSAS)- FY2022 First Responders Naloxone Grant to.....City of Brockton Police Department- FY2022 First Responders Naloxone Grant Fund. (FAVORABLE)

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

497.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, Recommending that the City Council approve the expenditure of \$37,066.88 from Finance-Purchase of Services to True Green Capital. (FAVORABLE)

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

498.Ordered: In accordance with General Laws of Massachusetts, Chapter44, recommending that the City Council authorize the transfer of \$2,033.66

From: Veterans Services- Humanistic Supplies
To: Veterans Services-Full-Time Salaries \$1,531.40
Veterans Services-Admin Incentive \$500.00
Veterans Services- Stipend \$1.31
Veterans Services- Educational Incentive \$.95
(FAVORABLE)

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

499.Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council accept the donation in the amount of \$61.00 From.... Stop and Shop Bags4MyCause Program to.... Veterans Services. (FAVORABLE)

188. (UNFINISHED BUSSINESS CONT.)

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

405.Ordered: That the City, pursuant to the provisions of M.G.L. Ch. 40 SS 15A, hereby accepts as surplus that portion of the Keith Field property comprising of 47, 170 square feet as depicted, measured, and identified as area of potential excess land in the conceptual soccer field layout plan prepared by Beals and Thomas, Inc., and presented to the School Committee on May 18, 2021 (and attached hereto). The School Committee will maintain control of the remaining land. Be it further ordered that the surplus property is available for disposition to the most advantageous proposer after soliciting requests for proposals. The Mayor is hereby authorized to execute any and all documents necessary to dispose of said property.

(FAVORABLE)

Brief Recess

Back in session

Councilor Asack motioned to make an Amendment and was properly seconded. Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and Seven voting in the affirmative. Councilor Eaniri and Rodrigues in the negative. Councilor Monahan Absent.

Amendment: To include in the order that the transfer of land shall be subject to a deed restriction which provides that the City shall have the right of first refusal, which shall be subject to City Council approval, to execute an option to purchase the land at the purchase price provided for in the transfer made pursuant to the order. Said option shall be executed upon the expiration of one hundred and twenty days upon receipt of notice to the City, for the option to purchase back the transferred land in the event the purchaser elects to sell the land transferred in this order.

Councilor Rodrigues motioned to postpone to next meeting and was properly seconded. Failed by a roll call vote taken by “yeas’ and “nays”; nine members and three voting in the affirmative. Councilors Asack, Cardoso, Farwell, Lally, Nicastro, and Thompson voting in the negative. Councilor Monahan Absent.

Adopted as Amended by a roll call vote taken by “yeas” and “nays”; nine members present and Seven voting in the affirmative. Councilor Eaniri and Rodrigues in the negative. Councilor Monahan Absent.

Councilor Nicastro motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed 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. (FAVORABLE)

189. (UNFINISHED BUSSINESS CONT.)

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

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. The lots shall be merged within 12 months. (FAVORABLE AS AMENDED)

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

Councilor Asack Stepped out

198. Resolved, that the Mayor, Director of the Board of Health, and Chief Financial Officer come before the Finance Committee to discuss establishment of a Health Department consistent with the City’s adoption of M.G.L. c. 111§26A-E, and to inform the Council of any planning and financial considerations for implementation of said Health Department. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Asack not present. Councilor Monahan Absent.

Councilor Asack Stepped back in

503.Resolve: That the Superintendent of Cemeteries (acting), Chief Financial Officer, and interim DPW Commissioner be invited to a meeting of the Council to provide an overview of the outstanding issues relative to flooding, as well as projected financial implications for any mitigations. (FAVORABLE)

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

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. (FAVORABLE)

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

502.Resolve: To have a representative of STV Engineering appear before the Finance Committee of the Brockton City Council to make a presentation concerning the Hazard Mitigation Plan update for the City of Brockton. (FAVORABLE)

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

190. (UNFINISHED BUSSINESS CONT.)

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. (FAVORABLE)

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

ORDERS:

516.Ordinance: An Ordinance Creating a Revolving Fund pursuant to Massachusetts General Law, Chapter 44, Section 53E ½ Be it ordained by the City Council of the City of Brockton pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, that the following language be adopted as a City of Brockton Ordinance: *The Roadway Design and Construction Revolving Fund shall be created. Programs or activities for which the Roadway Design and Construction Revolving Fund may be expended shall be consistent with purposes for road paving, roadway repairs, design and construction of roads in the City of Brockton. Receipts of payments of fines and fees for the engineering, design, construction and paving of projects in the City of Brockton shall be credited to the Roadway Design and Construction Revolving Fund. Expenditures from the Roadway Design and Construction 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 expended from the Roadway Design and Construction Revolving Fund during fiscal year 2022.*

Referred to Ordinance

517.Ordinance: An Ordinance Amending Article IV, Section 27-32, C-5 Zone, Office Zones Be it ordained by the City Council of the City of Brockton, Article IV, Section 27-32 is hereby amended by adding the following language to the list of principal permitted uses:

- e. Research and Development Office or Laboratory*
- f. Independent Senior Residential*
- g. Assisted Care Senior Residential*
- h. Business Incubator*
- i. Agricultural Greenhouse*

Be it further ordained that the Ordinance be amended to provide the following section (4):

Research & Development or Laboratory - Defined

The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical equipment, communication & information technology, electronics, computer hardware, and their substantial equivalents. The following standard apply:

191. (ORDERS CONT.)

- a. *Research & Development and/or Laboratory does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.*
- b. *Ancillary development of mock-up and prototype products is permitted so long as the total floor area devoted to their fabrication or assembly is limited to twenty-five percent (25%) of the gross floor area occupied by the use.*

Referred to Ordinance

518.Ordinance: Amendment to Zoning Map for Parcel IDs identified

Be it ordained, pursuant to Section 27-5 of the City Ordinances “Zoning Map” whereby reference is made to and incorporation of said boundaries of each of the zones established as shown on the map entitled, “The City of Brockton, Massachusetts Zoning District Map” dated November 10, 1967, and thereafter amended, that said map be amended to reflect the following zoning change:

Parcel ID	143-237	C-2(current)	to	R-3 Zone
143-092		C-2(current)	to	R-3 Zone
143-093		C-2(current)	to	R-3 Zone
143-095		C-2(current)	to	R-3 Zone
143-097		C-2(current)	to	R-3 Zone
143-098		C-2(current)	to	R-3 Zone
143-087		C-2(current)	to	R-3 Zone
143-086		C-2(current)	to	R-3 Zone
143-085		C-2(current)	to	R-3 Zone
143-084		C-2(current)	to	R-3 Zone
143-088		C-2(current)	to	R-3 Zone
143-236		C-2(current)	to	R-3 Zone (northern 180 feet)

Parcel ID	143-077	C-2(current)	to	C-5 Zone
143-078		C-2(current)	to	C-5 Zone
143-079		C-2(current)	to	C-5 Zone
143-080		C-2(current)	to	C-5 Zone
143-081		C-2(current)	to	C-5 Zone
143-090		C-2(current)	to	C-5 Zone
143-082		C-2(current)	to	C-5 Zone
143-089		C-2(current)	to	C-5 Zone
143-083		C-2(current)	to	C-5 Zone
143-236		C-2(current)	to	C-5 Zone (southern 200 feet)

Referred to Ordinance

519.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 as follows: The chart in Sec. 2-127 – Pay Plan See Attached.

Referred to Ordinance

520.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 \$282,379.13 from Executive Office of Public Safety and Security /State 911 Department- FY22 State 911 Department Training Grant to City of Brockton Police Department -FY22 State 911 Department Training Grant Fund.

Referred to Finance

192. (ORDERS CONT.)

521.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 \$1,000,000...

From: Department of Public Health
To: Board of Health-FY22 Department of Public Health
Grant Fund \$500,000
And
Board of Health-FY23 Department of Public Health
Grant Fund \$500,000

Referred to Finance

522.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the appropriation of \$4,503,179.20...

From: Stabilization Fund	\$2,912,029.39
ARPA Fund	\$1,591,149.81
To: Fire-FY20 Personal Services Other Than Overtime Retroactive Payment	\$457,335.82
Fire -FY20 Overtime Retroactive Payment	\$25,211.37
Fire- FY21 Personal Services Other Than Overtime Retroactive Payment	\$1,313,816.82
Fire -FY21 Overtime Retroactive Payment	\$67,209.56
Fire- FY22 Personal Services Other Than Overtime Retroactive Payment	\$2,619,060.10
Fire -FY22 Overtime Retroactive Payment	\$20,545.53

For purposes of funding Local 144 contract. This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract.

Referred to Finance

523.Ordered: That the City of Brockton remove its order dated December 10, 2001 regarding the property located at and known as Plot 3 Melrose Ave Street (Map 164, Route 301) that declared said lot as having a "non-buildable" restriction so that a possible sewer main benefiting the residences of Melrose Ave may be installed and giving authority to the Mayor of the City of Brockton to execute any and all documents necessary to lift any restrictions in the deed to said property.

Referred to Real Estate

524.Resolve: To invite Ms. Cynthia Hogan Scrivani, Executive Director of the Elections Commission, to appear before the Finance Committee to discuss the September 14th preliminary election including without limitations, personnel and mechanical issues and how to address them before the November 2nd general election.

Referred to Finance

525.Resolve: To invite a representative of Brockton Community Access (BCA), to appear before the Finance Committee to discuss the television coverage of the September 14th preliminary election.

Referred to Finance

193. (ORDERS CONT.)

526.Resolve: To Invite representatives of the Brockton Redevelopment Authority, The Old Colony Planning Council and the City of Brockton Office of Planning and Economic Development to appear before the Finance Committee of the Brockton City Council.

Further resolved to have these representatives discuss how the City is dealing with attracting new businesses, keeping existing businesses and reaching out to prospective business owners, particularly in the minority community, to explain and promote all programs that are available to assist in the growth of their endeavors.

Referred to Finance

Councilor's Recognition

Councilor Asack reminded everyone that the ninth annual Down Town Brockton Feast is September 29th – October 13th there's great event and activities.

Councilor Nicastro reminded everyone That Friday October 1st from 5PM-8PM Copeland Toyota will have an expert on children's car seats available to make sure your child is riding safely and they are giving away some free car seats to who qualifies you must reregister by contact Brockton Police Department.

Councilor Eaniri reminded everyone that there is an Ad Hoc Meeting at 6PM and to follow with an Ordinance Meeting at 6:30pm Tomorrow night and please bring your calendars with you to set up an October meeting.

President Farwell thanked Clerk Cruise for working on the audio system all afternoon.

Meeting adjourned at 8:20PM

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.