

214.

This meeting is being held in accordance with Governor Charlie Baker's signed open meeting law order dated March 12, 2020 which relieves a public body from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means **following COVID-19 procedures.**

In City Council, December 28, 2020

A regular meeting of the City Council was held on Monday December 28, 2020 via Zoom. President Asack presiding. The meeting was called to order at 7:01 PM with eleven members present.

614 Acceptance of the minutes of the December 14, 2020 City Council meeting

Accepted and placed on file.

APPOINTMENTS

615 Of Tiffanie Ellis-Niles of 31 Overton St., Brockton, MA to the Brockton Redevelopment Authority for a five-year term ending December 2025.

Referred to Finance Committee

REPORTS

616 Of the Finance Committee for its meeting of December 21, 2020

Accepted and placed on file.

HEARINGS

Petition of Commonwealth Alternative Care, Inc. of 26 Watson St., Cambridge, MA, requesting an Adult Use Retail Marijuana License located at 1090 West Chestnut St., Brockton, MA 02301.

Roger Donoghue, attorney and consultant for Commonwealth Alternative Care, and Attorney Jim Burke and Gary Santo appeared in favor.

Attorney Donoghue said he has been brought in by his client to deal with issues before the Cannabis Commission.

Jim Burke, Attorney at 48 North Pearl St., representing Commonwealth Alternative Care, stated that the last meeting was difficult and he hopes that CAC will be able to make their presentation uninterrupted. The issue before the Council is whether or not CAC meets the qualifications for a recreational marijuana license.

Gary Santos, President of Tilt Holdings from British Columbia which is the parent company for CAC, and Attorney Donoghue will be speaking about their practice and procedure pathways through the CCC. Foster Boone, President of CAC, and Mitch Suzanne, Security Consultant for CAC, will be available for questions. Tilt Holdings is a Canadian corporation that is listed on the Canadian Stock exchange and over counter market in the U.S.

Mr. Santos stated he responsible for all plant touching businesses for his company. He said he is from Salem, MA and serves on their licensing board. He said when they are reviewing applications, they ask two key questions: Are they a good fit for the City and the surrounding communities and are they equipped for success. He stated that CAC is an established, licensed operated in the State with a definitive operating track record in Taunton. They have abided by all their regulations and followed through on their promise to create jobs and establish a diverse work force and have

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HEARINGS (cont'd)

contributed locally through their host community payments along with community social programs. He added this is the level of experience they will be bringing to Brockton. They expect to hire Brockton residents first and will hire a work force comparable to the City adding roughly 40 jobs for medical and adult use. They offer their employees full benefits. Mr. Santos continued that they have already engaged with the Brockton community, even though they are not open for business by hosting resume writing seminars and training session at their facility to educate entrance into the cannabis industry to turn their interests into a real career.

He continued that Brockton has always been part of their plan and they have been there since 2017. They were the second company to receive a permit for medical marijuana and when a competitor challenged them, they successfully fought them in court. They have invested over \$2 million dollars developing their dispensary unit. It is their intention to stay in Brockton and partner with the City. He said he sees this matter as a fight for a cause. He believes by reading the City requirements, there is a path where the City does not have to choose between CAC and other applicants. Both CAC and In Good health had licenses on or before July 2017 which would grandfather them for a recreational license, provided the licenses were co-located at the existing facilities. Mr. Santo stated that intend to be operating once their State license is squared away. He didn't believe they had to submit an application but as a priority applicant rectified that matter.

When looking at the limitations the City put on recreational use licenses, he believes the eight licenses in question were specifically allocated to zoning district C2 and C3 with a 75%-25% split. Both CAC and In Good health do not sit in either zone. As he reads this he believes it was not the intent to include the medical licenses in this eight-license cap. He believes there are two licenses that can be granted, irrespective of the medical providers. He concluded that they are an existing operator with a proven track record delivering what they promised to the communities they serve. They are fully built out and a ready to contribute to the economy of Brockton. They are in good standing with the Secretary of State, Department of Unemployment Assistance and the Department of Revenue. He understands any concerns regarding their adult use license at the State level and achieving resolution has been his highest priority. They have dealt with significant delays with the CCC, but continue to make good progress.

Mr. Donoghue stated he was brought on to resolve the difficult path with the CCC. He stated that there were a number of unanticipated speed bumps and they hit a large bump with the confluence of a new entity trying their best to move forward with applicants. When they ran into difficulties early on, the Commission elected to put a pause on to wind everything and to the credit of his client, they immediately concluded there weren't any issues of legal or regulatory violations, yet needed to erect a different structure with different personnel.

They reached out to the Commission Chairman, Steve Hoffman and Executive Director, Sean Collins, to affirm the fact that they are in the process of concluding the review of their application and that they will be making a decision in the near future and he has an email to that effect. They concluded their review virtually and will be getting this resolved quickly.

Attorney Burke spoke on some technical aspects of the application. CAC is a Massachusetts corporation and Tilt Holdings is a British Columbia corporation, regulated by the Canadian Securities law and U.S. Security Exchange Commission since they do business in the U.S. CAC currently hold 4 licenses from the CCC. They have a provisional medical marijuana dispensary license in Brockton and Cambridge and a final medical marijuana license (RMD) in Taunton. They also have a license to cultivate and process marijuana in Taunton. CAC has currently invested \$25 million in its cultivation facility in Taunton, in the same location as the medical dispensary. A comprehensive renovation plan was submitted for 1090 West Chestnut St. The special permit was granted by Zoning Board of Appeals and was supported by a number of sitting members of the Council. The special permit was appealed by Star Printing Corporation of 1020 West Chestnut St., the landlord of In Good Health. The CCC's stance on the complaint was that it was to prevent competition under the Circle

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HEARINGS (cont'd)

Lounge case and was dismissed 11 months later in June 2018. CAC then took out a building permit to construct and renovate its facility on West Chestnut St. They secured a certificate of use and occupancy in February 2019, spending \$2.7 million on the facility. They underwent a final inspection of the newly renovated facility in February 2020, with no complaints from the CCC. The next step would be the issuance of a provisional license and are working with that commission to expedite its issuance. Attorney Burke stated he believes the history is important because of talk that CAC has been sitting on their license, which he said couldn't be further from the truth. They have a state-of-the-art facility that will be opened in days of securing the license.

Attorney Burke continued it is CAC's position that they are grandfathered for the license, pursuant to M.G.L. Chapter 94 Section 3 and that was the position of the City's legal representation until recently. He referenced when In Good Health applied for its recreational license that the Council had to give them the license and they maintain their position that they have an exclusive right to the license and have submitted with the application a memorandum supporting the basis for that position. He also believes CAC is the most qualified applicant that has been in front of the Council. There is no comparing the financial strength of CAC's application to the others. Tilt Holdings is a public corporation regulated by the security exchange laws of the U.S. and Canada and is required to be audited by disinterested third parties and the Council can be assured that they will reach their goals, as shown in public record audited statements from independent third parties. They have shown this by their track record in Taunton, where it has an unblemished record of operations since its inception. CAC has contributed to nonprofits, even though they have not commenced operations. Their cultivating facility in Taunton will guarantee unfettered access to product for Brockton residents at competitive prices. He believes they should be approved for this license and a detailed memorandum has been submitted to the Council on their interpretation of the standard of the laws. Attorney Burke fully acknowledged that CAC is subject to the licensing requirements and states that the ordinance addresses a co-location license. He said the State statute addresses the authority of the City, what this does not grant is the ability of the City to refuse a co-location license to CAC based on some whimsical assessment of one candidate to another. If CAC meets the requirements in its application, he believes the license must be granted.

Attorney Burke quoted the minutes of the Council meeting on November 9, 2020, where Councilor Cardoso asked legislative council if CAC would be coming before the Council for a retail license. The response was yes, but the Council will have limited ability to deny a license. Barring extraordinary circumstances, which do not exist here, he believes the Council must grant the requested license to CAC and believes the Council has the right to grant the license under the current ordinance and request that the recreational license be granted.

Sean Sheridan, who is a social equity applicant with the CCC, spoke in opposition. He has tried to make a point of order where he thought that Mr. Woods' dispensary should have been considered before CAC. He said he was offended by the use of the term "grandfathered" and expected Mr. Burke as a member of the court would know this. He referred to a January 16, 2020 Boston Globe news article that stated that the CCC was investigating CAC and challenged that they are the best candidate. Mr. Sheridan said he believed Tilt Holdings is a failed company, according to the American Stock Exchange who do not trade them on market. He noted that CAC mentioned nothing about social equity, which is a calling of the State and something the CCC requires. He suggested this candidate be table to see if a better candidate exists.

Bri Nichols, a resident of Brockton, spoke in opposition. She stated that "pay to play" in Brockton has not been addressed. She believes the decision on this is racially motivated.

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HEARINGS (cont'd)

Hatim Jean-Louis, a resident of Brockton, spoke in favor of Mr. Woods application. He believes since Mr. Woods is a Brockton resident, he should get this license.

Emmanuel Cardosa, a Brockton downtown business owner, spoke in opposition. He questioned the writing of the ordinance and the breakdown of where the licenses are located.

Larry Gordon, a resident of Brockton, spoke in opposition. He believes their documents state they cannot get a license. The requirements of the ordinance are not in compliance.

Goldie Piff spoke in opposition and stated their track record is awful. She believes money is not the only issue and integrity is. She believes they do not have a bridge with the community.

Ziana Calloway, a resident of Brockton, spoke in opposition and agrees with Ms. Piff. She is a huge advocate for representation of people of color.

Ian Woods spoke in opposition. He appreciated what was said but CAC was failed. They should have been operation within 60 days of their provisional license and believes they owe the City over \$300k. He believes CAC should be postponed, the same as Terrasol.

Grant Smith Ellis spoke in opposition because this company is not operating as a medical dispensary. To issue CAC a license instead of a local minority applicant would be an insult.

JoJo Watson spoke in opposition. She said since they are not operational, they should not be considered as a priority applicant.

Kendrick Quidona spoke in opposition.

Brie Nichols stated that this would be indicative of pay to play if they are granted a license.

Cameron Keith spoke in opposition.

Andrew S. spoke in opposition.

Milton Nasiopoulos spoke in opposition and does not believe CAC is a financially sound company.

Dominique Grenish spoke in opposition.

Raymond Brown, a social equity applicant, spoke in opposition and recommended Ian Woods be reconsidered.

Jamal Braitwaite spoke in opposition. He said they did not hear anyone speak in favor and a lot of concerns were brought up by the community.

Christopher Fevry, President of Massachusetts Cannabis Association for Delivery, spoke in opposition and said if this is voted through there would be fair game for a law suit. He believes the process in Brockton has been unfair and has not been an objective process.

Colithia Lott, a Brockton resident, spoke in opposition.

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HEARINGS (cont'd)

Deven Alexander, Vice president of Massachusetts Cannabis Association for Delivery, spoke in opposition.

Tom Walsh spoke in opposition.

Natalia Guerrero spoke in opposition.

Aaron Goines spoke in opposition.

Hearing held.

Councilor Cardoso thanked all the residents who showed up to speak. She would have chosen to not hear CAC tonight.

Councilor Rodrigues asked Attorney Resnick regarding the validity of Attorney Burke's statement regarding the ordinance and the number of retail marijuana licenses and wanted clarification before a vote. Attorney Resnick looked at the legislative history and the minutes from the Ordinance committee meetings and from those meetings there was representation from the Law Department and the number of available licenses in the City was eight, inclusive of those available for medicinal sites. In order to limit the number of licenses, a calculation was done based on the number of liquor licenses and using a percentage of that. Councilor Rodrigues asked if the medical licenses are to be addressed separate from retail. Attorney Resnick said the legislative history contradicts that two recreational licenses were to be for medical and that there would be six recreational and two for medical. Councilor Rodrigues asked if there were any provisions that would impede the Council from augmenting that number. Attorney Resnick said that could be increased by an ordinance change.

Councilor Thompson made a point of order and questioned having a discussion with legal counsel in this forum and the issues have been getting used against the Council by the applicants. Councilor Rodrigues said he is being asked to make a decision based on comments made in the public hearing by the attorney of the applicant stating more licenses could be provided. He stated he has the right to ask the question from a legal stand point whether that is true. Attorney Resnick clarified that her comments were based off of public records and minutes from 2017 and 2018.

Councilor Thompson stated that the opposition brought up a number of questions and concerns. He asked if Attorney Burke or CAC would like to comment on any specific issue that was said. President Asack stated the public part of the hearing is closed. Attorney Burke stated there were so many out of left field comments that he disagreed with and didn't believe anything was based on fact. He said he would address any particular issue. Councilor Thompson asked, regarding Mr. Santo's statement regarding the license cap. He continued that Section 1004 of the ordinance sets a cap to 20% of the number of liquor licenses in the City and questioned why there wouldn't be a number in that section. Attorney Burke said he believed a general ordinance was passed identifying that percentage and agreed with Attorney Resnick that from day one there would be six licenses for the general public and two to the RMD. He said that what CAC is attempting to do is to provide to the Council after the review of the statutory ordinance and the subsequent zoning ordinance, with the zoning ordinance dealing with density in the community.

Councilor Thompson asked relating to the conversion issue that CAC, without exceptional circumstances, is entitled to that license. His interpretation of the ordinance is that there could be no municipal law which would prevent applying for the conversion and not necessarily the automatic granting of the license. Attorney Burke agrees that they are subject to municipal regulation in regards to location, time of operation and manner of operation. He said that the statute envisions those engaged and held a license before July 2017 and allows for a co-location and he said the State has granted to the City the authority to address certain items like hours of operation, location and the manner of operation. He believes the ordinance does not allow the

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HEARINGS (cont'd)

whimsical denial of a license, unless there were extraordinary circumstances. Attorney Burke believes under the language of the statute, the Council is obligated to grant a co-location license to CAC.

Councilor Thompson believes that all applications need to be evaluated under Section 1007 of the Marijuana Ordinance, due to multiple questions of whether the Council is complying with the ordinance. He believes that they should be proceeding in a fair and properly legal process.

Councilor Thompson motioned to instruct the legislative counsel to file an action with the Superior Court to seek a declaratory judgement to guide the Council on a final decision. The action should include the issues on conversion under Section 94G, the license cap issue and the zoning percentages, with an invitation for all applicants to file a memorandum on their behalf. Without declaratory relief, Councilor Thompson will abstain from a vote.

Councilor Nicastro asked why has CAC never opened their medical dispensary in Brockton. Attorney Burke answered that it was the result of unintended consequences. They secured a provisional license and a special permit that was appealed by an abutter and resolved. They were awaiting a final inspection for the location from the CCC. They could not get a commitment for an appointment for many months. In August, an inspector finally came down and made an observation that was without negative comment. They expected and requested the RMD license from the CCC, but there were questions regarding the investigation relating to the manufacturing and distribution of the facility and the RMD. The CCC has been very slow with this process, for whatever reason. They were not able to open the building without the final license that was withheld relating to other issues, not relating to the RMD.

Councilor Nicastro said that CAC was on the September 2020 CCC meeting agenda for renewal of the medical license, but cannot find whether that actually happened. Attorney Burke confirmed that the license has been renewed. Councilor Nicastro stated that they have a medical distribution license that has never been used and are now looking for a retail license. Attorney Burke reiterated that CAC had been engaged, though not operational. Councilor Nicastro asked if CAC has been granted more than three licenses in a particular class, which the answer was no. Councilor Nicastro asked if CAC or Tilt Holdings hold more than one retail license issued within the Commonwealth to which the answer was no they do not currently hold any. Councilor Nicastro has checked and an articles of entity conversion was filed for medical use in 2018 and several times there have been changes of supplemental information. In 2019, there was the addition of cultivation, manufacturing and sales of cannabis products. She said in July 2020, another supplemental information change was filed for medical cannabis and she does not understand how CAC identifies themselves, as medical or retail. Attorney Burke stated they have the ability to run both medical and retail within the Commonwealth. Councilor Nicastro stated it has been said that since this applicant has a medical license that it has priority for a retail license, but she is not finding a definition within the City or State ordinances regarding this and asked for an explanation of this interpretation. Attorney Burke answered that he believed the prioritization under the ordinance relates to the hearing for the license. Councilor Nicastro stated she is concerned about this application and the reputation of what she has heard regarding this applicant.

Councilor Monahan said Councilor Thompson made a motion and nothing was done. President Asack said she did hear a second.

Councilor Mendes said she feels uncomfortable taking a vote on this applicant and does not believe they are in a position to act on this, based on the different legal opinions offered. She would like to second Councilor Thompson's motion for a

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HEARINGS (cont'd)

declaratory action. Councilor Monahan, on the motion, stated that if they do this this will also include delaying action on Mr. Woods application. Councilor Thompson said yes it would be to hold off on any vote until declaratory relief is received for guidance. Councilor Monahan agreed that all questioned should be answered. He continued that they have already had a hearing on Mr. Woods and believes they should vote on that application tonight. Councilor Cruise asked, on the motion to Attorney Resnick, is this a proper way to proceed, since it is unclear which way to read the ordinance. Attorney Resnick explained that a declaratory judgement would answer a question on the legality and need to show that the action of the Court needs to be acted on soon. She doesn't know how long this will take under COVID guidelines. The other option would be to have the questions answered in defense to a litigation which may or may not be brought. Attorney Resnick stated there is a 90 day requirement to inform an applicant if there application has been approved or denied. Councilor Cardoso stated the time to do this was when there were five white applicants, not before hearing the black applicant. She believes this is a disservice can bring CAC back after all the questions are answered but that Ian Woods' license should be voted on tonight.

Attorney Resnick read that the City Council shall grant or deny a license not later than 90 following notification to that applicant that the application is considered complete. If you do not vote on this, you would need to provide notice in writing to the applicants on the decision to stay the application.

Councilor Monahan stated there are a lot of questions on this applicant and they have postponed others in the past. He believes that for now, they should move forward on Mr. Woods' application. He believes they should postpone the CAC application.

Councilor Rodrigues, on the motion, said we are asking the court to help with a candidate that has a lot less legal standing for what they are asking for because they feel privileged. He said they know that they are not functioning as a medical marijuana provider, yet there is a candidate that has gone through the process and they are still holding up the license. Councilor Rodrigues stated he would not vote to send to the courts.

Councilor Thompson said the reason he is seeking this is there will either be a law suit and a judge will make a ruling or a judge can make a decision addressing how they should act on this, through a declaratory judgement. He restated his motion being, to instruct legislative counsel to file an action with the Superior Court to seek a declaratory judgement to guide this Council on its' final decision. The action should include the issue of conversion under 94G Section 3, the license cap issue and the zoning percentages under Brockton's ordinance Section 27-24 four through three and was properly seconded. He hopes all applicants will file a memorandum with the court on their behalf explaining their position.

President Asack, on the motion, clarified that this would affect all applicants on this agenda and going forward.

Councilor Cardoso, on the motion, cautioned the councilors on their vote and believes this should have been done a long time ago. She said this was not done before the white applicants but is now being done before a black applicant. She believes as the legislative body they have the full power to vote tonight. Councilor Rodrigues also advised caution and would advise Mr. Woods tomorrow to go to the same Superior Court and file a law suit if this goes forward. He stated he would vote against the motion.

Motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present with six voting in the affirmative. Councilors Asack, Cardoso, Monahan and Rodrigues voted in the negative. Councilor Farwell recused.

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HEARINGS (cont'd)

Councilor Cruise asked if the previous motion postponed this hearing. Attorney Resnick answered it did not and only directed her to file an action.

Councilor Cruise motioned to postpone the applicants and was properly seconded.

Councilor Monahan, on the motion, stated he didn't have a problem with this postponement, but feels there should be a vote on Mr. Woods' application. Councilor Rodrigues clarified that they just voted to freeze all applicants, which includes Mr. Woods, and can't move forward with any applicants. Councilor Cruise withdrew his motion.

Councilor Monahan motioned for reconsideration of this vote and was properly seconded.

Councilor Nicastro stated she would like to vote on Terrasol's application tonight.

Councilor Cruise clarified that the vote is reconsidering the previous vote. Attorney Resnick said a yes vote would be to do away with the previous motion.

Motion failed to receive a majority vote with five voting in the affirmative. Councilors Cruise, Eaniri, Lally, Mendes and Thompson voting in the negative. Councilor Farwell recused himself.

COMMUNICATIONS

617 From the Chief of the Police Department requesting authorization to accept the donation of 76 Evenflo child passenger safety seats valued at \$4,000.00 through the Buckle Up for Life Gift of Safety Partnership operated by Toyota Motors North America and Cincinnati Children's Hospital. Copeland Toyota of Brockton is purchasing and storing the seats.

Accepted and placed on file.

618 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the form of 76 car seats from the Buckle Up for Life Gift of Safety Partnership Grant to the City of Brockton Police Department-Buckle Up for Life Gift of Safety Partnership Grant Fund. The Buckle Up for Life Gift of Safety Partnership is a new grant program through the Buckle Up for Life initiative of Toyota Motors North America and Cincinnati Children's Hospital. It partners a local Toyota Dealership with a public safety or social services agency to provide car seats to be installed at special events hosted by the dealership. Copeland Toyota will be the Brockton Police Department's partner and will be responsible for the purchase and storage of the 76 seats. There is no required match for these funds.

Accepted and placed on file.

619 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total grant in the form of 76 car seats from Buckle Up for Life Gift of Safety Partnership Grant to City of Brockton Police Department- Buckle Up for Life Gift of Safety Partnership Grant Fund.

Accepted and placed on file.

620 From the Chief of the Police Department requesting authorization to expend grant monies in the amount of \$40,000 received through the FY 2021 Municipal Road Safety Program award from the Executive Office of Public Safety and Security (EOPSS)/Office of Grants and Research/Highway Safety Division.

COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 621** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$40,000 from the Executive Office of Public Safety and Security/Office of Grants and Research-FY 2021 Municipal Road Safety Program Grant to the City of Brockton Police Department-FY 2021 Municipal Road Safety Program Grant Fund. The FY 2021 Municipal Road Safety Program Grant will be used to fund overtime shifts during five enforcement campaigns; Winter Impaired Driving (DSOGPO), April Distracted Driving, May Click it or Ticket, (CIOT), Summer Speed, and Summer Impaired Driving (DSOGPO). The remaining funds will be used to purchase 3 Kustom Signal Pro Laser 4 Traffic Safety handheld LiDAR units. There is no required match for these funds.

Accepted and placed on file.

- 622** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total grant in the amount of \$40,000 from Executive Office of Public Safety and Security/Office of Grants and Research-FY2021 Municipal Road Safety Program Grant to City of Brockton Police Department-FY2021 Municipal Road Safety Program Grant fund.

Accepted and placed on file.

- 623** From the Chief of the Police Department requesting authorization to expend \$500 in donated funds from an anonymous source to be used for K-9 equipment and/or a K-9 itself needed for the Brockton Police Department.

Accepted and placed on file.

- 624** From the Mayor, in accordance with M.G.L. Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the donation in the amount of \$500 from an anonymous source to the City of Brockton Police Department. The donation will be used to purchase equipment for K-9 related needs. There is no match required for these funds.

Accepted and placed on file.

- 625** From The CFO, in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of the donation in the amount of \$500 from an anonymous source to City of Brockton Police Department.

UNFINISHED BUSINESS

Petition of Terrasol, LLC, Ian Woods, for a Retail Marijuana License located at 702 N. Montello St., Brockton, MA 02301(IN CITY COUNCIL, NOVEMBER 9, 2020, POSTPONED TO MEETING OF DECEMBER 28, 2020)

President Asack stated that based on the motion on the previous applicant, this applicant will not be heard at this time.

Recess taken at 9:15PM

Back from recess at 9:20PM

Councilor Farwell motioned to items #596-601 collectively and was properly seconded. Confirmed by a roll call vote, taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

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UNFINISHED BUSINESS (cont'd)

595 Appointment of Retired Sergeant Michael V. Damiano as a Special Police Officer.
(FAVORABLE)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

596 Reappointment of Robert Graham of 6 Alphonse Rd. Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.
(FAVORABLE)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

597 Reappointment of Irene R. Clague of 179 Bellevue Avenue Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.
(FAVORABLE)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

598 Reappointment of Daniel S. Clague of 179 Bellevue Avenue Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.
(FAVORABLE)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

599 Reappointment of Clayton A. Reichenberg Jr. of 115 Darren Drive Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023. (FAVORABLE)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

600 Reappointment of Joan Madden of 96-A Earle St. Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023.
(FAVORABLE)

UNFINISHED BUSINESS (cont'd)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

601 Reappointment of Carol DeLorey of 19 North Bassett Road. Brockton, MA to the Council on Aging Board of Directors for a three-year term ending December 2023. (FAVORABLE)

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

Councilor Cruise motioned for reconsideration in the hopes that it not prevail and was properly seconded. Reconsideration failed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the negative.

610 Ordered: Transfer of \$1,500

From: Veteran’s Services-Humanistic Supplies and Costs

To: Veteran’s Services-Departmental Equipment Rent/Lease. (FAVORABLE)

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

383 Ordered: That the City Council of the City of Brockton finds that there is a clear need for an Urban Renewal Plan. In order to achieve the approved objectives on the Brockton Comprehensive Plan, A Blueprint for Brockton., that the Downtown / Trout Brook Urban Revitalization Plan, as described in Exhibit A, prepared by Harriman and RKG Associates, dated June 2020 is an Urban Renewal Plan prepared in accordance with MGL Chapter 121B and 760 CMR 12.00, that the City Council approves the boundaries of the Downtown / Trout Brook Urban Revitalization Plan. Plan located in City Clerk’s Office for review. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with ten voting in the affirmative. Councilor Nicaastro voted in the negative.

611 Ordered: Appropriation of \$136,000

From: Executive Office of Administration and Finance (EOAF)-Community Compact grant

To: Mayor’s Office-Community Compact Grant fund.

No match is required. (FAVORABLE)

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

612 Ordered: That the City of Brockton appropriate the amount of Ninety-Eight Million Dollars (\$98,000,000) for the purpose of paying costs of designing, constructing and equipping a public safety complex to house the Police, Fire, and Information Technology departments, as well as the Brockton Emergency Management Agency, including the payment of costs of designing and improving roadways and utilities in the vicinity of the public safety complex, making improvements to enhance traffic flow, and for the payment of all costs incidental or related thereto. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L.c.44, ss7(1), 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,

UNFINISHED BUSINESS (CONT'D)

ss20, 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)

Councilor Cardoso stated that there should be more thought on this item. This is a lot of money and this needs to put this out for public comment. People will have input and need to have more public comments. She feels the residents would have other input on how this money should be spent if it is available. She felt that the two most beautiful buildings should not be the court house and a public safety building.

Councilor Farwell said there will be a public meeting of some sort in the future. The danger in postponing could impact interest rates. We are approved for approximately 80% of the costs for new schools. We will be able to take care of both. Councilor Farwell hopes this will move forward and is a very important project for the downtown area and operational efficiency for the police and fire departments.

Councilor Cardoso said that if the City is in a good place to borrow \$98 million, the public should have input as to what is done with that money.

Passed to a third reading by a roll call vote taken by "yeas" and "nays"; eleven members present with all voting in the affirmative.

President Asack stated there were three items that did not get on the original agenda, but were emailed to all councilors.

524 Ordered: That the City Council hereby declare the City owned parcel at West Elm Street, Brockton, MA (known as Keith Field), Assessor Map 58, Route 71-1, Plot 56, being the same premises shown on "Plan of Land in Brockton, June 12, 1920, Hayward & Hayward, Surveyors, 28 Main Street, Brockton, filed with Plymouth County Land Court Records, as surplus and available for disposition. (FAVORABLE)

Councilor Cruise, as a point of order, stated there was an amendment that wasn't read or voted on. The amendment was by Councilor Thompson stating the order to designate Keith Field as surplus property be open until December 31, 2021. If no action is taken before this date, the property shall return to the City.

Councilor Cruise motioned for the amendment and was properly seconded. Motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present with all voting in the affirmative.

Adopted as amended by a roll call vote taken by "yeas" and "nays"; eleven members present with ten voting in the affirmative. Councilor Nicastro voting in the negative.

613 Resolve: That the Mayor, Chief Financial Officer, and such other individuals as the Mayor may determine to be appropriate, be invited to a Finance Committee meeting on December 21, 2020, to provide information to the City Council on the status of the public safety facilities project. (FAVORABLE)

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

566 Resolve: To invite Ms. Joanne Zygmunt of Brockton, as she serves as Chair of the Central Plymouth County Water District Commission, to come before a committee of this Council to discuss current work and projects of the Commission, including without limitation, a proposed water monitoring program for Silver Lake. (FAVORABLE)

UNFINISHED BUSINESS (CONT'D)

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

ORDERS:

626 Ordinance: An ordinance amending Appendix C (Zoning), Article VII (Board of Appeals), Section 27-50 of the Zoning Ordinances of the City of Brockton to increase the fee associated with buildable lot determinations from fifty (\$50.00) dollars to two hundred and fifty (\$250.00) dollars.

Referred to Ordinance Committee and Planning

627 Ordered: Acceptance and expenditure of the total grant award in the form of 76 car seats

From: The Buckle Up for Life Gift of Safety Partnership Grant

To: The City of Brockton Police Department-Buckle Up for Life Gift of Safety Partnership Grant Fund.

Referred to Finance Committee

628 Appropriation of \$40,000

From: The Executive Office of Public Safety and Security/Office of Grants and Research-FY 2021 Municipal Road Safety Program Grant

To: The City of Brockton Police Department-FY 2021 Municipal Road Safety Program Grant Fund.

Councilor Farwell motioned to take under suspension of the rules and was properly seconded. Motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

Councilor Nicastro read that the grant would be used to fund overtime shifts during five enforcement campaigns. The remaining funds will be used to purchase three custom signal pro laser four traffic safety lidar units. There is no required match.

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

629 Donation of \$500

From: An Anonymous Source

To: City of Brockton Police Department.

Referred to Finance Committee

Councilor’s Recognition

Councilor Cruise reminded members of the Ordinance Committee of the meeting tomorrow at 6:30PM.

President Asack said she spoke to IT Director to update electronic equipment to make it easier to access the meetings.

President Asack stated the council will go into caucus and will not be returning.

Meeting Adjourned at 10:01PM.

Caucus to elect Council President for 2021 and seat placement

CAUCUS...

CAUCUS...

CAUCUS...