

In City Council October 12, 2021

The regularly scheduled meeting of the Brockton City Council will be held on Tuesday, October 12, 2021 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:02 PM with all ten members present.

527. Acceptance of the Minutes of the September 27, 2021 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

Councilor Monahan Motioned to take items # 2 and #3 collectively and move under suspension of the rules and was properly seconded. The motioned carried by a hand vote.

528.Promotion of Officer Michael Schaaf to Permanent Police Sergeant.

529.Promotion of Sergeant Patrick Benvie to Permanent Police Lieutenant.

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

Councilor Lally motioned to take items #4 - #17 Collectively and move under suspension of the rules and was properly seconded. The motioned carried by a hand vote.

530.Appointment of Corey M. Cloudman of 40 Waleco Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

531.Appointment of Jordan A. Cohen of 47 West Elm Street, Apt #406, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

532.Appointment of Ryan P. Doherty of 31 John Berman Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

533.Appointment of Akim B. Dorn of 52 Fairfield Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

534.Appointment of Ryan P. Foley of 105 Hancock Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

535.Appointment of Robert F. Goodick of 349 North Pearl Street, Apt #503, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

536.Appointment of Helio C. Lima of 81 Richmond Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

537.Appointment of Anthony R. Lupica of 248 Menlo Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

538.Appointment of Cameron M. O’Reilly of 45 Brookside Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

539.Appointment of Devantey J. Pinto of 4 Raintree Circle, 4L, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

540.Appointment of Colin J. Reilly of 23 Breer Circle, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

195. (Appointments Cont.)

541.Appointment of Cody J. Scully of 245 Winter Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

542.Appointment of Colin M. Weathers of 90 Crickett Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

543.Appointment of Jared A. Wilson of 183 Pearl Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Fire Chief Nardelli spoke on behalf of the firefighters and said he was excited to fill these positions and its one of the largest groups that reside in Brockton and they will get great training in the number of weeks ahead and thanked everyone.

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.

Councilor Lally Motioned to take item #56 out of order and was properly seconded. The motioned carried by a hand vote.

Brief Recess

Back in session

544.Appointment of Pourita Das of 6 Ray Avenue Brockton, MA 02301 to the Planning Board for a five-year term, ending October 2026.

Referred to Finance

545.Appointment of Matthew Stanton of 160 Tribou Street Brockton, MA 02301 to the War Memorial Board of Trustees for a three-year term, ending October 2024.

Referred to Finance

546.Appointment of Sarah Yunits of 65 Longview Road, Brockton, MA 02301 to the War Memorial Board of Trustees for a three-year term, ending October 2024.

Referred to Finance

HEARINGS:

Petition of National Grid and Massachusetts Electric Company requesting permission to erect and maintain poles and wires to be placed thereon, together with sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways:

Montello St

Installing two new poles (p85-50 & p85-51) to provide electrical service to new building at 1200 Montello St.

President Farwell opened the Hearing

Councilor Monahan motioned to Postpone this until next meeting and was properly second. The motioned carried by a hand vote.

REPORTS:

547.Of the Ordinance Committee for its meeting of September 28, 2021.

Accepted and placed on file

196. (Reports Cont.)

548. Of the Finance Committee for its meeting of October 4, 2021.

Accepted and placed on file

COMMUNICATIONS:

549. From the Chief of Police requesting that Officer Michael Schaaf be promoted to the rank of Permanent Police Sergeant and Sergeant Patrick Benvie be promoted to the rank of Permanent Police Lieutenant.

Accepted and placed on file

550. From the Mayor recommending the promotions of Officer Michael Schaaf to Permanent Police Sergeant and Sergeant Patrick Benvie to Permanent Police Lieutenant.

Accepted and placed on file

551. From the Chief of Fire informing the City Council they have selected fourteen (14) candidates for appointments that were suitable for a Public Safety Position with the Brockton Fire Department.

Accepted and placed on file

552. From the Mayor recommending the appointment of the following fourteen candidates to the Brockton Fire Department.

Accepted and placed on file

553. From the Mayor appointing Pourita Das of 6 Ray Avenue Brockton, MA 02301 to the Planning Board for a five-year term, ending October 2026.

Accepted and placed on file

554. From the Mayor appointing Matthew Stanton of 160 Tribou Street Brockton, MA 02301 to the War Memorial Board of Trustees for a three-year term, ending October 2024.

Accepted and placed on file

555. From the Mayor appointing Sarah Yunits of 65 Longview Road, Brockton, MA 02301 to the War Memorial Board of Trustees for a three-year term, ending October 2024.

Accepted and placed on file

556. From the Mayor informing the City Council that Doryce Smith is stepping down from the Zoning Board of Appeals effective October 5, 2021.

Accepted and placed on file

197. (Communications Cont.)

President Farwell stated that they thank Ms. Smith for all her services.

557.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$332,421.50 from the Stabilization Fund and ARPA Fund for the purposes of funding the Laborer's 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

558.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 proposed total appropriation of \$332,421.50 from the Stabilization Fund and ARPA Fund for purposes of funding the Laborer's contract, without detrimental impact on the continuous provision of the 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.

Accepted and placed on file

559.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$236,862 from the Stabilization Fund and ARPA Fund for purposes of funding the Public Employees' Local Union 1162, Water & Sewer 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

560.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 proposed appropriation of \$236,862 from the Stabilization Fund and ARPA Fund for purposes of funding the Public Employees' Local Union 1162, Water & Sewer contract, without detrimental impact on the continuous provision of the 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.

Accepted and placed on file

561.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the appropriation of \$119,150.87 from the Stabilization Fund for purposes of funding the Brockton Association of Engineers, Technicians and Inspectors 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

562.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 proposed appropriation of \$119,150.87 from the Stabilization Fund for purposes of funding the Brockton Association of Engineers, Technicians and Inspectors contract, without detrimental impact on the continuous provision of the existing level of

198. (Communications Cont.)

municipal services. 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

563.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$215,267.48 from the Stabilization Fund for purposes of funding the Brockton City Hall Administrative Services Association 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

564.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 proposed appropriation of \$215,267.48 from the Stabilization Fund for purposes of funding the Brockton City Hall Administrative Services Association, without detrimental impact on the continuous provision of the 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.

Accepted and placed on file

565.From the Emergency Management Director requesting acceptance of the MAPC COVID-Safe Cooling Strategies Grant of \$50,000 (No Match Required). This funding will be used to provide equipment and items for extreme heat response during COVID-19 pandemic.

Accepted and placed on file

566.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$50,000 from Metropolitan Area Planning Council (MAPC) COVID-Safe Cooling Strategies Grant to.....Emergency Management Agency-Metropolitan Area Planning Council (MAPC) COVID-Safe Cooling Strategies Grant Fund.

Accepted and placed on file

567.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that it is my professional opinion, after an evaluation of all pertinent financial information reasonably available, 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 \$50,000 from METROPOLITAN AREA PLANNING COUNCIL (MAPC) COVID-SAFE COOLING STRATEGIES GRANT to..... EMERGENCY MANAGEMENT AGENCY- METROPOLITAN AREA PLANNING COUNCIL (MAPC) COVID-SAFE COOLING STRATEGIES GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

568.From the Library Director requesting acceptance of the \$50,000 ARPA funded grant to purchase a mobile planetarium which will be added to Library of Things collection.

199. (Communications Cont.)

Accepted and placed on file

569.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$50,000 from MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT to..... MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT FUND.

Accepted and placed on file

570.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 \$50,000 from MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT to..... MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

571.From the Library Director requesting acceptance of the \$15,000 LSTA grant to develop and create a cultural curriculum for immigrants trying to gain citizenship.

Accepted and placed on file

572.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 \$15,000 from MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT to..... MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT FUND.

Accepted and placed on file

573.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 \$15,000 from MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT to..... MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

200. (Communications Cont.)

574.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the proposed land taking located at 596 Summer Street, said property owners Five Ninety Six Summer Street Realty, LLC in the amount of \$3,998,460. This taking has been negotiated with the current property owner, so there is little risk of further financial exposure to the City. The cost for the taking will be paid from existing City funds and will not create further budgetary pressure on our finances. This taking is an important component of the public safety complex project and has been a collaborative effort of the City and Brockton Public Schools.

Accepted and placed on file

575.From the CFO In accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that it is my professional opinion, after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed land taking located at 596 Summer Street, said property owners Five Ninety Six Summer Street Realty, LLC in the amount of \$3,998,460 without a detrimental impact on the continuous provision of the existing level of municipal services. This taking has been negotiated with the current property owner, so there is little risk of further financial exposure to the City. The cost for the taking will be paid from existing City funds and will not create further budgetary pressure on our finances. This taking is an important component of the public safety complex project and has been a collaborative effort of the City and Brockton Public Schools.

Accepted and placed on file

UNFINISHED BUSINESS:

364.Ordinance: An Ordinance Amending the Revised Ordinances of the City of Brockton, Chapter 2, Article III., Section 2-134. Holidays Be it ordained by the City Council of the City of Brockton That Chapter 2, Article III, Section 2-134 of the City of Brockton's City Ordinances be amended to include Juneteenth as a designated holiday. (FAVORABLE)

Passed to a third reading by a hand vote.

367.Ordinance: Be it Ordained by the City Council of the City of Brockton, that the City Council Adopt the following Amendments to the Ordinance Establishing Licensing and Regulation for Adult Use Marijuana Establishments Section 1.003(1)(c). (FAVORABLE)

Councilor Nicastro motion to make an amended and was properly seconded.

Amendment Ordinance as follows: The reference of "Section 1.003(1)(c)" shall be stricken and inserting in its place "Sec. 11-422 (a)(3) Fee Schedule". The reference of "Section 1.003(1)(d)" shall be stricken and inserting in its place "Sec. 11-423 (a)(4)" and amending the reference to "9, 10, 11" to read instead "i, j, k". The purpose of this amendment is to mirror section references in the existing ordinance as reflected in the City Ordinances as adopted.

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

Passed to a third reading as amended by a hand vote.

201. (Unfinished Business 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. (FAVORABLE) (POSTPONED FROM SEPTEMBER 27, 2021 MEETING)

Councilor Nicastro stated this agreement has been edited to 40,000 gallons sewer and 30,000 gallons water a day.

Councilor Thompson stated that the Town of Avon will be paying at the highest block of water and sewer usage and each unit will have a separate meter and its an additional \$120 a year and there will be a penalty if they go above the usage of water and sewer. He feels as though this is a fair and reasonable agreement.

Councilor Rodrigues stated that he is worried and did anyone have a discussion with the developer.

Councilor Nicastro stated that she has been working with the developer and these are the real numbers and he was the one to suggest the numbers.

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

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. (FAVORABLE)

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

Councilor Asack Stepped out

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

(FAVORABLE)

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

Councilor Asack stepped back in

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

202. (Unfinished Business Cont.)

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	\$1,313,816.82
Retroactive Payment	
Fire -FY21 Overtime Retroactive Payment	\$67,209.56
Fire- FY22 Personal Services Other Than Overtime	\$2,619,060.10
Retroactive Payment	
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.	
(FAVORABLE)	

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.

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. (FAVORABLE)

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

ORDERS:

President Farwell stated in the order #58 he as the CFO to explain the phrase signing bonus.

576.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$332,421.50

FROM: STABILIZATION FUND	\$237,921.50
TO: CEMETERY DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$18,200
CEMETERY DEPARTMENT-OVERTIME	\$1,806
DPW-HIGHWAY- PERSONAL SERVICES OTHER THAN OVERTIME	\$80,080
DPW-HIGHWAY-OVERTIME	\$5,686
DPW MAINTENANCE- PERSONAL SERVICES OTHER THAN OVERTIME	\$7,280
DPW-MAINTENANCE-OVERTIME	\$383
DPW-REFUSE- PERSONAL SERVICES OTHER THAN OVERTIME	\$29,120
DPW-REFUSE-OVERTIME	\$2,170
LIBRARY DEPARTMENT-PERSONAL SERVICES OTHER THAN OVERTIME	\$7,280
LIBRARY DEPARTMENT-OVERTIME	\$300
PARKING AUTHORITY- FULL TIME SALARIES	\$21,840
PARKING AUTHORITY- PART-TIME SALARIES	\$8,872.50
PARKING AUTHORITY-OVERTIME	\$477
PARKS & RECREATION-PERSONAL SERVICES OTHER THAN OVERTIME	\$32,760
PARKS & RECREATION-OVERTIME	\$6,215

203. (Orders Cont.)

PUBLIC PROPERTY-PERSONAL SERVICES OTHER THAN OVERTIME	\$14,560
PUBLIC PROPERTY-OVERTIME	\$892
And	
FROM: ARPA FUND	\$94,500
TO: CEMETERY DEPARTMENT -SIGNING BONUS	\$7,500
DPW-HIGHWAY- SIGNING BONUS	\$33,000
DPW-MAINTENANCE- SIGNING BONUS	\$3,000
DPW-REFUSE-SIGNING BONUS	\$12,000
LIBRARY-SIGNING BONUS	\$3,000
PARKING AUTHORITY-SIGNING BONUS	\$16,500
PARKS & RECREATION-SIGNING BONUS	\$13,500
PUBLIC PROPERTY-SIGNING BONUS	\$6,000

For the purposes of funding the Laborer’s contract.

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

CFO Troy Clarkson clarified that the signing bonus is actually a one-time Covid bonus for the services during the pandemic.

Referred to Finance

Councilor Monahan motion to have items #59 - #61 read in summary by the Clerk and was properly seconded. The motion carried by a hand vote.

577.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of

	\$236,862
FROM: STABILIZATION FUND	\$172,362
TO: DEPARTMENT OF PUBLIC WORKS WATER ENTERPRISE- PERSONAL SERVICES OTHER THAN OVERTIME	\$101,920
DEPARTMENT OF PUBLIC WORKS WATER ENTERPRISE-OVERTIME	\$9,825
DEPARTMENT OF PUBLIC WORKS SEWER ENTERPRISE- PERSONAL SERVICES OTHER THAN OVERTIME	\$54,600
DEPARTMENT OF PUBLIC WORKS SEWER ENTERPRISE-OVERTIME	\$6,017
and	
FROM: ARPA FUND	\$64,500
TO: DEPARTMENT OF PUBLIC WORKS WATER ENTERPRISE- SIGNING BONUS	\$42,000
DEPARTMENT OF PUBLIC WORKS SEWER ENTERPRISE-SIGNING BONUS	\$22,500

for purposes of funding the Public Employees’ Local Union 1162, Water & Sewer contract. This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract.

Referred to Finance

578.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the appropriation of \$119,150.87

FROM: STABILIZATION FUND	
TO: BOARD OF HEALTH- PERSONAL SERVICES OTHER THAN OVERTIME	\$51,688.06
BOARD OF HEALTH- OVERTIME	\$1,315.00
DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION- PERSONAL SERVICES OTHER THAN OVERTIME	\$9,236.15
DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION-OVERTIME	\$300.00

204. (Orders Cont.)

DEPARTMENT OF PUBLIC WORKS WATER ENTERPRISE- PERSONAL SERVICES OTHER THAN OVERTIME	\$18,701.07
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$9,236.39
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT- OVERTIME	\$34.00
PUBLIC PROPERTY- PERSONAL SERVICES OTHER THAN OVERTIME	\$28,119.20
PUBLIC PROPERTY- OVERTIME	\$521.00

for purposes of funding the Brockton Association of Engineers, Technicians and Inspectors contract. This appropriation provides funding for three (3) years (July 1, 2019- June 30, 2022), of a three (3) year contract.

Referred to Finance

579. Ordered: in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$215,267.48

FROM: STABILIZATION FUND	
TO: ASSESSOR'S OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$7,279.96
AUDITOR'S OFFICE-PERSONAL SERVICES OTHER THAN OVERTIME	\$14,559.96
AUDITOR'S OFFICE- EDUCATIONAL INCENTIVE	\$36.40
CITY CLERK'S OFFICE-PERSONAL SERVICES OTHER THAN OVERTIME	\$10,919.94
CITY COUNCIL'S OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$10,920.60
COUNCIL ON AGING- PERSONAL SERVICES OTHER THAN OVERTIME	\$7,279.70
COUNCIL ON AGING- EDUCATIONAL INCENTIVE	\$36.40
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,639.85
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT- EDUCATIONAL INCENTIVE	\$36.40
DPW- ADMINISTRATION- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,639.91
DPW- ADMINISTRATION- EDUCATIONAL INCENTIVE	\$36.40
DPW HIGHWAY DIVISION- PERSONAL SERVICES OTHER THAN OVERTIME	\$7,279.70
DPW REFUSE ENTERPRISE- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,640.02
DPW SEWER ENTERPRISE- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,639.89
DPW WATER ENTERPRISE- PERSONAL SERVICES OTHER THAN OVERTIME	\$18,200.09
DPW WATER ENTERPRISE- EDUCATIONAL INCENTIVE	\$36.40
DPW ENGINEERING - PERSONAL SERVICES OTHER THAN OVERTIME	\$3,639.89
DPW ENGINEERING- EDUCATIONAL INCENTIVE	\$36.40
ELECTIONS COMMISSION- PERSONAL SERVICES OTHER THAN OVERTIME	\$10,919.70
FINANCE DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,640.02
FIRE DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$10,920.24
FIRE DEPARTMENT- EDUCATIONAL INCENTIVE	\$36.40
BOARD OF HEALTH- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,640.02

205. (Orders Cont.)

BOARD OF HEALTH- EDUCATIONAL INCENTIVE	\$36.40
HUMAN RESOURCES DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$10,919.49
LAW OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,640.13
LAW OFFICE- EDUCATIONAL INCENTIVE	\$36.40
PARKS & RECREATION- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,639.87
PARKS & RECREATION- EDUCATIONAL INCENTIVE	\$36.40
POLICE DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$18,199.49
POLICE DEPARTMENT- EDUCATIONAL INCENTIVE	\$36.40
PROCUREMENT DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,640.09
PROCUREMENT DEPARTMENT- EDUCATIONAL INCENTIVE	\$36.40
PUBLIC PROPERTY- PERSONAL SERVICES OTHER THAN OVERTIME	\$10,919.76
TAX COLLECTOR'S OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$18,199.94
TAX COLLECTOR'S OFFICE- EDUCATIONAL INCENTIVE	\$72.80
TREASURER'S OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$18,199.74
VETERAN'S OFFICE-PERSONAL SERVICES OTHER THAN OVERTIME	\$3,639.91
for purposes of funding the Brockton City Hall Administrative Services Association Contract. This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract.	

Referred to Finance

580.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 Metropolitan Area Planning Council (MAPC) COVID-Safe Cooling Strategies Grant to.....Emergency Management Agency- Metropolitan Area Planning Council (MAPC) COVID-Safe Cooling Strategies Grant Fund.

Referred to Finance

581.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 MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT to..... MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT FUND.

Referred to Finance

582.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 \$15,000 from MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT to..... MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS (MBLC)-LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) DIRECT GRANT FUND.

206. (Orders Cont.)

Referred to Finance

583. Ordered: That the City of Brockton does hereby take in fee in accordance with M. G.L. Ch. 79 and/or other applicable law, the following described parcels of land, to wit: 596 Summer Street For further reference see Plymouth County Registry of Deeds Book 54317, Page 257; Map 117, Route 243 Plot 44. We have considered and estimated the damages sustained by all persons who have not waived damages in their several estates and hereby determine and award the same as follows, to be paid from the bond amounts previously authorized by the City Council for purchase or taking of property for public safety and general municipal purposes.

PROPERTY/OWNER	AMOUNT
596 Summer Street Owner: Five Ninety Six Summer Street Realty, LLC	\$3,998,460.00

Said taking shall include all trees, soil or fixtures thereon.

Referred to Finance

584. Ordered: WHEREAS, Pending before the Ordinance Committee of the City Council are proposed, major zoning changes for certain parcels of land in the area of Beaumont Avenue, Quincy Street, Christo's Way, and the property formerly occupied by, or contiguous to, Christo's Restaurant and function facility, and, WHEREAS, If approved, these zoning changes would have a profound effect on the inventory of commercial parcels of property in the city, as well as traffic, school populations, and other effects on residents in this area.

ORDERED:

1. The zoning changes filed during the meeting of September 27, 2021, and numbered thirty-two (32) and thirty-three (33) on the revised agenda, shall be the subject of a public hearing at the East Middle School held by the Finance Committee of the City Council. Committee members wishing to hear public comment may attend.
2. The city council shall request and receive the most recent traffic count data from the Old Colony Planning Council for the intersections of Quincy and Centre Street and Quincy and Crescent Street.
3. The city council shall request and receive information from the Brockton Public Schools as to the impact R-3, multi-family zoning may have on school populations in the school buildings which would accommodate additional students.
4. The city council shall request and receive copies of all documents from the planning department, or any vendor which was compensated for studying the proposed zoning changes, where residents or businesses within a one (1) mile area were solicited and returned positive or negative comments about zoning changes.
5. The city council shall request and receive from the planning department all copies of email, letters, notes, or other documents from any source sent to, or received by that department regarding the proposed zoning changes.
6. The city council shall request and receive information from the chief of the fire department as to the technical, fire prevention requirements for R-3, multi-family, three (3) story residential buildings.

Referred to Finance

Clerk Cruise stated that before we get to #67 we have a few late files.

585. Election of the City Clerk

This is to fill the unexpired term of the retired City Clerk.

207. (Orders Cont.)

LATE FILES

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

594. Communication from the Chairman Board of Assessors requesting a transfer of \$885.67 from Consultants to Personal Services other than overtime. This is to cover a shortfall in the FY21 Budget.

Accepted and placed on file

595. Communication from the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$885.67 from.....ASSESSORS OFFICE-CONSULTANTS to..... ASSESSORS OFFICE-PERSONAL SERVICES OTHER THAN OVERTIME. The transfer is necessary due to shortfall in the FY21 budget.

Accepted and placed on file

596. Communication 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 transfer of \$885.67 from.....ASSESSORS OFFICE-CONSULTANTS to..... ASSESSORS OFFICE-PERSONAL SERVICES OTHER THAN OVERTIME without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

597. Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$885.67 From: Assessor's Office-Consultants To: Assessor's Office- Personal Services other than Overtime. This transfer is necessary due to a shortfall in the FY21 Budget.

Councilor Lally 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 voting all in the affirmative.

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

591. Communication from the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval in the amount of \$349,665,573 based on the report of KMS Actuaries, the actuary firm retained by the City of Brockton Retirement Board, to fund the entire unfunded pension liability of the City's retirement system as of July 1, 2021 and to provide for bond issuance costs and other expenses necessary or incidental thereto

208. (Late Files Cont.)

Accepted and placed on file

592. Communication 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 determination by the City of Brockton Retirement Board, based upon the report of KMS Actuaries, that actuary firm retained by the City of Brockton retirement Board, that \$349,665,573 is the amount necessary to fund the entire unfunded pension liability of the City's retirement system as of July 1, 2021 and to provide for bond issuance costs and other expenses necessary or incidental thereto without a detrimental impact on the continuous provision of the existing level of municipal services. The order is necessary to comply with the requirement of the special legislation in order to execute the pension bond sale approved by the City Council on August 23, 2021. This is not a re-authorization of the borrowing but rather a certification of the total amount of the City's unfunded pension liability.

Accepted and placed on file

593. Ordered: PROPOSED FORM OF DETERMINATION CITY COUNCIL PENSION OBLIGATION BONDS The City Council hereby approves of the determination by the City of Brockton Retirement Board, based upon the report of KMS Actuaries, the actuary firm retained by the City of Brockton Retirement Board, that \$349,665,573 is the amount necessary to fund the entire unfunded pension liability of the City's retirement system as of July 1, 2021 and to provide for bond issuance costs and other expenses necessary or incidental thereto. This order is necessary to comply with the requirement of the special legislation in order to execute the pension bond sale approved by the City Council on August 23, 2021.

President Farwell stepped down and Councilor Eaniri stepped in as President.

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

CFO Troy Clarkson stated that this is just to affirm the work of the retirement board for this loan order.

Councilor Nicastro stated that she wanted to see the back up paperwork and that she would be voting No on this.

CFO stated this is very important.

Councilor Thompson wanted clarification on the amount.

CFO stated that we are actually borrowing less than the original amount asked for borrowing.

Adopted by a roll call vote taken by "yeas" and "nays"; Nine members present and eight voting in the affirmative. Councilor Nicastro voting in the negative. Councilor Farwell not present. Councilor Monahan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

President Farwell stepped back in.

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

209. (Late Files Cont.)

588. Communication from the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of the donation in the amount of \$3,000 from.....BROCKTON ASSEMBLY OF GOD CHURCH to..... MAYOR'S OFFICE.

Accepted and placed on file

589. Communication 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 \$3,000 from..... BROCKTON ASSEMBLY OF GOD CHURCH to..... THE MAYOR'S OFFICE without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

590. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of the donation in the amount of \$3,000 from.....BROCKTON ASSEMBLY OF GOD CHURCH to..... MAYOR'S OFFICE.

Referred to Finance

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

586. Communication from the Mayor appointing Brian Madden of 15 Madrid Square #5 Brockton, MA 02031 to the War Memorial Board of Trustees for a three-year term, ending October 2024.

Accepted and placed on file

587. Appointment of Brian Madden of 15 Madrid Square #5 Brockton, MA 02031 to the War Memorial Board of Trustees for a three-year term, ending October 2024.

Referred to Finance

Councilor Rodrigues motioned to table item #67.

Brief Recess

Councilor Rodrigues rescinded his motion and as well as Councilor Asack on her second.

The motions have been withdrawn.

598. Resolve: BE IT RESOLVED, that Legislative Counsel to the City Council be invited to come before the Brockton City Council to provide a report and narrative relative to the Essential Functions and Qualifications recommended by the Ad Hoc Committee for discussion on the functions, responsibility, and accountability of the positions of City Clerk and Clerk of the City Council and to provide information relative to advertisement for the position of the City Clerk.

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

210. (Late Files Cont.)

Attorney Resnick explained the job duties of a Clerk and a Clerk to the Council.

Councilor Eaniri amended the education and experience from six(6) to Ten (10) years' experience in a professional capacity.

Councilor Cardoso asked who's vetting the applications and where are they posting this job and who is going to do the posting.

Attorney Resnick stated in the ordinances it's the role of the council to decide and she stated she would be willing to do the posting and it can be posted on the city website, Enterprise, and posted on the boards at city hall.

Councilor Nicastro questioned if the ordinance residence applies for this position.

Attorney Resnick said yes.

Councilor Rodrigues stated as a reminder we are not hiring a Clerk we are electing a Clerk every three (3) years and now that they have a point person the Legal Counsel that can share all the applications with all councilors.

Councilor Thompson thank the ADHoc Committee for all its work on this and stated that there should be a thirty (30) day window for the job posting.

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

Clerk Cruise explain that the term ends at the end of this year and when inauguration begins the term of the new Clerk or existing Clerk will as well.

Councilor Eaniri said he thinks the same day the new Council President is elected is when the new Clerk should be as well.

Councilor Rodrigues motioned to appoint Attorney Resnick as the point person on the advertising of the Clerk with stipulations and was properly seconded. The motioned carried by a hand vote.

President Farwell motion to accept the Resolve. The motioned carried by a hand vote.

Councilor's Recognition

All council business as listed on the agenda have been emailed to the City Council members in their complete form, with exception of oversized material, such as maps, photos, etc. Recommendations are based on reports from committees.

Councilor Asack stated that there was a Ward 7 community meeting about a purposed development for a gas station located at 609 Pleasant St. but this proposal was postponed at the zoning board meeting and if anyone has any questions please feel free to email Phillip Nessralla at info@nessrallalaw.com. There is a Tourism and cultural affairs meeting on Thursday October 14 at 6PM at the North Baptist Church on 899 North Main Street. Also there are events at the Main Library on one is on Tuesday October 19 there is the Scientific Telescope 6PM for Kids and 7:30PM for Adults and Young Adults for more info check out the website Brocktonpubliclibrary.org.

211. (Councilor's Recognition Cont.)

Councilor Nicastro stated that Brockton Cultural Council is accepting application and the deadline is October 15 you can apply online. Also, herself, councilor Asack, and Cindy from the Mayors office went to the Eagle Scout Trails Ceremony on Sunday where 5 young men were declared Eagle Scouts and that there is only one scout troop in Brockton and encourages young men and women to join and if anyone is interest to please contact her at (508) 727-1314. She will be hosting a Ward 4 meeting on Wednesday October 20 at 6:30PM at the Eager Davis School on Plain Street invited to attend are a Solar Developer for a proposal on Summer street, the Mayor, Fire and Police Chiefs, and Ward 4 School Committee representative.

Councilor Lally gave recognition to a couple of DPW employees who help the police stop a suspect from getting away from an accident on Tuesday and also a hats off to the Officer shot in the line of duty and for helping keep Brockton safe.

President Farwell stated that on October 14 there is a meeting which is being held by Father Bills Main Spring and they are purchasing 124 Manley street property which is to help the homeless and move them out from the center of Brockton.

Councilor Monahan motioned to nominate Timothy J. Cruise as City Clerk to fill the unexpired term of retired City Clerk Anthony Zeoli, at a Step 4 and was properly seconded.

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

Meeting adjourned at 8:56PM

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.