

In City Council November 8, 2021

The regularly scheduled meeting of the Brockton City Council will be held on Tuesday, November 8, 2021 at 7:00PM in the Council Chambers, 2<sup>nd</sup>. Fl., City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the October 25, 2021 City Council meeting.

HEARINGS:

2. 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. (POSTPONED FROM OCTOBER 12, 2021 & OCTOBER 25, 2021 CITY COUNCIL MEETING)**

Question is on Granting National Grid Petition.

3. Petition of LLC/Jonathan Snell (Trustee), 236 Matfield Street, West Bridgewater, MA 02379, for a Garage License Transfer located at 98 Forest Street, Brockton, MA 02301.
4. Petition of BAS Holding Corp. George L. Carney, Jr. President of 122 Fairview Avenue Brockton, MA 02301, for a Garage License located at 433 Forest Avenue, Brockton, MA 02301.

COMMUNICATIONS:

5. From the Mayor informing the City Council that Andrew Ambroise is stepping down from the Conservation Commission effective October 20, 2021, due to his relocation outside of Brockton.
6. From the Mayor informing the City Council that in accordance with the Revised Ordinances of the City of Brockton Chapter 2, Section 2-186 appointing Erica Pereira to the position of Assistant City Solicitor - Full Time for a three-year term, effective November 1, 2021.
7. From the Chief of Fire informing the City Council that Probationary Firefighter Jared A. Wilson has resigned his employment with the Brockton Fire Department.
8. From the Mayor due to the retirement of Captain Paul S. Cosgrove, recommending the requisition of promotional lists for the following ranks: One (1) Fire Captain in the Brockton Fire Department. One (1) Fire Lieutenant in the Brockton Fire Department due to promotion of a current Fire Lieutenant to the position of Fire Captain.
9. From the Police Department Grant Coordinator requesting the that the grant award be processed to allow the City of Brockton to expend the FY2022 Municipal Road Safety Program award funds from the Executive Office of Public Safety and Security/Office of Grants and Research in the amount of \$50,000. These funds are part of a pass-through from a National Highway Traffic Safety Administration grant. Brockton has been awarded a total of \$50,000: \$36,456.67 of these grant funds will be used to fund overtime shifts during five enforcement campaigns: Winter Impaired

Driving (DSOGPO) in December 2021, Distracted Driving in April 2022, Click It or Ticket (CIOT) in May 2022, Summer Speed in June 2022, and Summer Impaired Driving (DSOGPO) in August and September 2022. \$6,028.26 will be used for the Bike Unit to conduct bike rodeos, \$6,028.27 will be used for overtime shifts for pedestrian and bike safety enforcement, \$1,186.80 will be used to purchase 750 bicycle lights for youth and \$300 will be used to print 750 resource cards to be distributed during the bike rodeo.

10. 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.... EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY'S OFFICE OF GRANTS AND RESEARCH (OGR) – FY22 MUNICIPAL ROAD SAFETY (MRS) GRANT to.... BROCKTON POLICE DEPARTMENT - FY22 MUNICIPAL ROAD SAFETY (MRS) GRANT FUND. \$36,456.67 of these grant funds will be used to fund overtime shifts during five enforcement campaigns: Winter Impaired Driving (DSOGPO) in December 2021, Distracted Driving in April 2022, Click It or Ticket (CIOT) in May 2022, Summer Speed in June 2022, and Summer Impaired Driving (DSOGPO) in August and September 2022. \$6,028.26 will be used for the Bike Unit to conduct bike rodeos, \$6,028.27 will be used for overtime shifts for pedestrian and bike safety enforcement, \$1,186.80 will be used to purchase 750 bicycle lights for youth and \$300 will be used to print 750 resource cards to be distributed during the bike rodeo.
11. 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 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY'S OFFICE OF GRANTS AND RESEARCH (OGR) – FY22 MUNICIPAL ROAD SAFETY (MRS) GRANT to..... BROCKTON POLICE DEPARTMENT - FY22 MUNICIPAL ROAD SAFETY (MRS) GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.
12. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$2,000,000 from.... RETIREMENT FUND-CONTRIBUTORY PENSIONS to.... STABILIZATION FUND.
13. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the total proposed transfer of \$2,000,000 from.... RETIREMENT FUND- CONTRIBUTORY PENSIONS to.... STABILIZATION FUND without a detrimental impact on the continuous provision of the existing level of municipal services. \$20,000,000 will come from the retirement budget to fund the Contingency Reserve Fund (CRF), some funds will be left in their budget. This transfer will replenish the stabilization fund of some of the funds used to settle collective bargaining agreements.
14. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$20,000,000 from.... RETIREMENT- CONTRIBUTORY PENSIONS to.... PENSION STABILIZATION FUND (7251).
15. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the total proposed transfer of \$20,000,000 from.... RETIREMENT FUND-CONTRIBUTORY PENSIONS to.... PENSION STABILIZATION FUND (7251) without a detrimental impact on the continuous provision of the existing level of municipal services. This money will fund the initial amount of the Contingency Reserve Fund (CRF) that will provide a buffer against the potential market corrections. The pension

stabilization fund was created when you approved the initial request to issue pension obligation debt. This money became available in the retirement line in the budget because we met with the Brockton Retirement Board and agreed to defer a portion of the fiscal year (FY) 22 payment pending the outcome of the Pension Obligation Bond (POB) efforts. The successful competition of the process makes these funds available for the CRF. The creation of the CRF with cash sets this POB initiative apart from most others in the United States. Typically, municipalities or other government agencies that issue POB debt borrow additional funds to create a CRF. This approach is more fiscally sound and increases the overall savings of the initiative. It will give the city nearly \$30,000,000 in reserves, the most in its history.

16. From the Police Department Grant Coordinator requesting the that the grant award be processed to allow the City of Brockton to expend the FY2021 Patrick Leahy Bulletproof Vest Partnership Grant from the US Department of Justice in the amount of \$15,449.50. These grant funds are used for the reimbursement of 50% of the cost of bulletproof vests for Brockton police officers' whose vests need to be replaced in the upcoming cycle. There is no required match for these funds because this program allows the Department to recoup 50% of bulletproof vest expenses it must make for officer safety.
17. 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 \$15,449.50 from.... U.S. DEPARTMENT OF JUSTICE – FY21 BULLETPROOF VEST PROGRAM GRANT to.... BROCKTON POLICE DEPARTMENT - FY21 BULLETPROOF VEST PROGRAM GRANT FUND. These grant funds are used for the reimbursement of 50% of the cost of bulletproof vests for Brockton police officers' whose vests need to be replaced in the upcoming cycle. There is no required match for these funds because this program allows the Department to recoup 50% of bulletproof vest expenses it must make for officer safety.
18. 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 \$15,449.50 from U.S. DEPARTMENT OF JUSTICE – FY21 BULLETPROOF VEST PROGRAM GRANT to..... BROCKTON POLICE DEPARTMENT - FY21 BULLETPROOF VEST PROGRAM GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.
19. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$1,955,356.19....  
FROM: STABILIZATION FUND      \$1,356,621.87  
and  
FROM: ARPA FUND                      \$598,734.32  
for purposes of funding the Brockton Police Supervisors' Union contract.  
This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract.
20. 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 total proposed appropriation of \$1,955,356.19....  
FROM: STABILIZATION FUND      \$1,356,621.87  
and  
FROM: ARPA FUND                      \$598,734.32  
for purposes of funding the Brockton Police Supervisors' Union 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. This is a reasonable and financially sustainable settlement for the city.

21. From the Chief of Police requesting authorization to accept the following donation to be used for K-9-related items as needed for the Brockton Police Department:  
\$20,000.00 Donation from In Good Health.
22. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the amount of \$20,000 from.... IN GOOD HEALTH to..... BROCKTON POLICE DEPARTMENT. The donation will be used for K-9 related items as needed for the Brockton Police Department.
23. 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 a donation in the amount of \$20,000 from IN GOOD HEALTH to..... BROCKTON POLICE DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.
24. From the Chief of Police requesting authorization to accept the following donation to be used for K-9-related items as needed for the Brockton Police Department:  
\$100.00 Donation from Quincy Credit Union.
25. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the amount of \$100 from.... QUINCY CREDIT UNION to..... BROCKTON POLICE DEPARTMENT. The donation will be used for K-9 related items as needed for the Brockton Police Department.
26. 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 a donation in the amount of \$100 from QUINCY CREDIT UNION to..... BROCKTON POLICE DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.
27. From the Chief of Police requesting authorization to accept the following donation to be used for K-9-related items as needed for the Brockton Police Department:  
\$23.00 Donation from Joao Monterio.
28. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the amount of \$23 from.... JOAO MONTEIRO to..... BROCKTON POLICE DEPARTMENT. The donation will be used for K-9 related items as needed for the Brockton Police Department.
29. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, I hereby 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 a donation in the amount of \$23 from JOAO MONTEIRO to..... BROCKTON POLICE DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.
30. 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 \$85,000 from.... MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH- LEGISLATIVE EARMARK FUNDING GRANT to..... THE MAYOR'S OFFICE - LEGISLATIVE EARMARK FUNDING GRANT FUND. The grant funds will be used to support the Champion Plan. There is no match required.

31. 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 \$85,000 from MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH- LEGISLATIVE EARMARK FUNDING GRANT to..... THE MAYOR'S OFFICE - LEGISLATIVE EARMARK FUNDING GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.
32. 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 \$250,000 from.... UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) – EPA CLEANUP GRANT to..... DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT- EPA CLEANUP GRANT FUND. The grant funds will be used to remediate the environmental concerns at the Corcoran Building at 308 Montello Street. This grant requires a \$50,000 local match. Funds from the MassDevelopment Brownfield Grant award will be used as a source for this local match.
33. 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 \$250,000 from UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) – EPA CLEANUP GRANT to..... DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT- EPA CLEANUP GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.
34. From the Interim DPW Commissioner requesting to accept and authorize the expenditure of a grant received in the amount of Eighteen Thousand Seven Hundred and Fifty Dollars (\$18,750.00), from the Federal Emergency Management Agency (FEMA): Hazard Mitigation Grant Program (HMGP). The City is required to commit to providing non-federal cost share of 25% (\$6,250.00) of the total cost of the planning project, this cost share will be comprised of in-kind funding and cash match is not required to contribute any matching funds for expenditure of the grant. The grant will fund updating our Local Multi-hazard Mitigation Plan.
35. 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 \$18,750 from.... MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY- HAZARD MITIGATION GRANT to..... DEPARTMENT OF PUBLIC WORKS- HAZARD MITIGATION GRANT FUND. The grant funds will be used to update the Local Multi-Hazard Mitigation Plan. There is a 25% required in-kind match.
36. 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 \$18,750 from MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY- HAZARD MITIGATION GRANT to..... DEPARTMENT OF PUBLIC WORKS- HAZARD MITIGATION GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

UNFINISHED BUSINESS:

37. 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) (IN CITY COUNCIL OCTOBER 12, 2021, PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING)

38. 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) Amendment: 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. (FAVORABLE) (IN CITY COUNCIL OCTOBER 12, 2021, AMENDMENT PASSED BY A ROLL CALL VOTE. PASSED TO A THIRD READING, AS AMENDED BY ROLL CALL VOTE)

ORDERS:

39. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows: Appropriation of: \$50,000  
 From: Executive Office of Public Safety and Security’s Office of Grants and Research (OGR) – FY22 Municipal Road Safety (MRS) Grant  
 To: Brockton Police Department- FY22 Municipal Road Safety (MRS) Grant Fund (\$36,456.67 of these grant funds will be used to fund overtime shifts during five enforcement campaigns: Winter Impaired Driving (DSOGPO) in December 2021, Distracted Driving in April 2022, Click It or Ticket (CIOT) in May 2022, Summer Speed in June 2022, and Summer Impaired Driving (DSOGPO) in August and September 2022. \$6,028.26 will be used for the Bike Unit to conduct bike rodeos, \$6,028.27 will be used for overtime shifts for pedestrian and bike safety enforcement, \$1,186.80 will be used to purchase 750 bicycle lights for youth and \$300 will be used to print 750 resource cards to be distributed during the bike rodeo.)

40. 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: \$2,000,000  
 From: Retirement Fund- Contributory Pensions  
 To: Stabilization Fund

41. 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: \$20,000,000  
 From: Retirement Fund- Contributory Pensions  
 To: Pension Stabilization Fund (7251)

42. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:  
 Appropriation of: \$15,449.50  
 From: U.S. Department of Justice- FY21 Bulletproof Vest Program Grant  
 To: Brockton Police Department- FY21 Bulletproof Vest Program Grant Fund (These grant funds are used for the reimbursement of 50% of the cost of bulletproof vests for Brockton police officers’ whose vests need to be replaced in the upcoming cycle.  
 There is no required match for these funds because this program allows the Department to recoup 50% of bulletproof vest expenses it must make for officer safety.)

43. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:  
 Appropriation of: \$1,955,356.19  
 From: Stabilization Fund \$1,356,621.87  
 To: Police- FY20 Personal Services Other Than Overtime  
 Retroactive Payment \$167,002.40

Police-FY20 Overtime Retroactive Payment	\$12,719.77
Police- FY21 Personal Services Other Than Overtime Retroactive Payment	\$345,770.27
Police-FY21 Overtime Retroactive Payment	\$12,500.60
Police- FY22 Personal Services Other Than Overtime	\$799,070.77
Police-FY22 Overtime	\$19,558.06
and	
From: ARPA Fund	\$598,734.32
To: Police- FY20 Personal Services Other Than Overtime Retroactive Payment	\$7,556.09
Police- FY21 Personal Services Other Than Overtime Retroactive Payment	\$100,250.94
Police- FY22 Personal Services Other Than Overtime	\$355,927.29
Police- COVID Bonus	\$135,000

for purposes of funding the Brockton Police Supervisors' Union contract.  
This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract.

44. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$20,000...  
From: In Good Health  
To: Brockton Police Department  
(The donation will be used for K-9 related items as needed for the Brockton Police Department.)
  
45. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$100...  
From: Quincy Credit Union  
To: Brockton Police Department  
(The donation will be used for K-9 related items as needed for the Brockton Police Department.)
  
46. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$23...  
From: Joao Monteiro  
To: Brockton Police Department  
(The donation will be used for K-9 related items as needed for the Brockton Police Department.)
  
47. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:  
Appropriation of: \$85,000  
From: Massachusetts Department of Public Health- Legislative Earmark Funding Grant  
To: The Mayor's Office- Legislative Earmark Funding Grant Fund  
(These grant funds will be used to support the Champion Program. There is no matched required.)
  
48. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:  
Appropriation of: \$250,000  
From: United States Environmental Protection Agency (EPA) – EPA Cleanup Grant  
To: Department of Planning and Economic Development – EPA Cleanup Grant Fund  
(The grant funds will be used to remediate the environmental concerns at the Corcoran Building at 308 Montello Street. This grant requires a \$50,000 match. Funds from the MassDevelopment Brownfield Grant award will be used as a source for this match.)

49. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$18,750.  
From: Massachusetts Emergency Management Agency- Hazard Mitigation Grant  
To: Department of Public Works – Hazard Mitigation Grant Fund  
(The grant funds will be used to update the Local Multi-Hazard Mitigation Plan.  
There is a 25% required in-kind match.)

### **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.