

The regularly scheduled meeting of the Brockton City Council was held on Monday, December 13, 2021 at 7:00PM in the Council Chambers, 2<sup>nd</sup>. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00 PM with all ten members present.

690. Acceptance of the Minutes of the November 22, 2021 Special Meeting.

Accepted and placed on file

691. Acceptance of the Minutes of the November 22, 2021 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

Councilor Lally motioned to take item #3 under suspension of rules and act on it tonight and was properly seconded. The motion carried by a hand vote.

692. Promotion of Firefighter Andrew P. Wisocky to the rank of Lieutenant in the Brockton Fire Department.

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

Brief Recess

Back in Session

REPORTS:

693. Of the Ordinance Committee for its meeting of November 23, 2021.

Accepted and placed on file

694. Of the Finance Committee for its meeting of November 29, 2021.

Accepted and placed on file

695. Of the Ordinance Committee for its meeting of December 1, 2021.

Accepted and placed on file

696. Of the Finance Committee for its meeting of December 6, 2021.

Accepted and placed on file

COMMUNICATIONS:

697. From the Fire Chief recommending the promotion of Firefighter Andrew P. Wisocky to the rank of Fire Lieutenant in the Brockton Fire Department.

Accepted and placed on file

698. From the Mayor recommending the promotion of Firefighter Andrew P. Wisocky to the rank of Fire Lieutenant in the Brockton Fire Department.

Accepted and placed on file

**251.(Communication Cont.)**

699. From the Mayor informing the City Council that Stephen Bernard is stepping down from the Zoning Board of Appeals effective November 16, 2021. Mr. Bernard is stepping down due to moving out of the City of Brockton.

Accepted and placed on file

700. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total proposed approval of \$7,587.96 from FINANCE DEPARTMENT – PURCHASE OF SERVICES to PUBLIC CONSULTING GROUP, INC. in order to pay for an invoice dated April, 28, 2021.

Accepted and placed on file

701. 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 approval of \$7,587.96 from FINANCE DEPARTMENT – PURCHASE OF SERVICES to PUBLIC CONSULTING GROUP, INC. without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

702. From the Police Department Grant Coordinator requesting that the grant award documents be processed to allow the City of Brockton to expend the BJA FY 21 The Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Development Disabilities funding opportunity award #15PBJA-21-GG-02963-MAPX in the amount of \$150,000. These grant funds will be used to re-introduce the Project Lifesaver program into the Brockton Police Department. Locative bracelets and accessories will be purchased to be distributed to individuals with dementia or developmental disabilities, corresponding receivers will be purchased for the Police Station, Project Lifesaver Train the Trainer training will be provided to eight officers all sworn staff and cadets can then be trained in the program, and overtime for bi-monthly battery checks which will also serve as family check-ins and resource referral opportunities will be funded.

Accepted and placed on file

703. 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 \$150,000 from.... OFFICE OF JUSTICE PROGRAMS (OJP)- 2021 BJA FY21 THE KEVIN AND AVONTE PROGRAM: REDUCING INJURY AND DEATH OF MISSING INDIVIDUALS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES GRANT AWARD to..... BROCKTON POLICE DEPARTMENT - 2021 BJA FY21 THE KEVIN AND AVONTE PROGRAM: REDUCING INJURY AND DEATH OF MISSING INDIVIDUALS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES GRANT AWARD FUND.

These grant funds will be used to re-introduce the Project Lifesaver program into the Brockton Police Department. Locative bracelets and accessories will be purchased to be distributed to individuals with dementia or developmental disabilities, corresponding receivers will be purchased for the Police Station, Project Lifesaver Train the Trainer training will be provided to eight officers all sworn staff and cadets can then be trained in the program, and overtime for bi-monthly battery checks which will also serve as family check-ins and resource referral opportunities will be funded.

Accepted and placed on file

**252.(Communication Cont.)**

704. 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 \$150,000 from OFFICE OF JUSTICE PROGRAMS (OJP)- 2021 BJA FY21 THE KEVIN AND AVONTE PROGRAM: REDUCING INJURY AND DEATH OF MISSING INDIVIDUALS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES GRANT AWARD to..... BROCKTON POLICE DEPARTMENT - 2021 BJA FY21 THE KEVIN AND AVONTE PROGRAM: REDUCING INJURY AND DEATH OF MISSING INDIVIDUALS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES GRANT AWARD FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

705. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of a donation for 28.20 Acres of Vacant Land, Map C4 Lots 12 and 26 Off School St. Pembroke, MA owned by Richard M. Clemence. The value of this land is \$725,000.

Accepted and placed on file

706. 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 for 28.20 Acres of Vacant Land, Map C4 Lots 12 and 26 Off School St. Pembroke, MA owned by Richard M. Clemence. The value of this land is \$725,000. without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

**PETITIONS:**

Petition of James Murphy for a license to Solicit and Canvass on behalf of C C- Teknologys, a Solar and Energy Storage provider.

Referred to Finance

**UNFINISHED BUSINESS:**

516. Ordinance: An Ordinance Creating a Revolving Fund pursuant to Massachusetts General Law, Chapter 44, Section 53E ½ Be it ordained by the City Council of the City of Brockton pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, that the following language be adopted as a City of Brockton Ordinance: *The Roadway Design and Construction Revolving Fund shall be created. Programs or activities for which the Roadway Design and Construction Revolving Fund may be expended shall be consistent with purposes for road paving, roadway repairs, design and construction of roads in the City of Brockton. Receipts of payments of fines and fees for the engineering, design, construction and paving of projects in the City of Brockton shall be credited to the Roadway Design and Construction Revolving Fund. Expenditures from the Roadway Design and Construction Revolving Fund shall be made on the authority and direction of the Brockton Department of Public Works Commissioner, provided that no more than \$1,000,000 may be expended from the Roadway Design and Construction Revolving Fund during fiscal year 2022.* (FAVORABLE)

Passed to a third reading by a hand vote.

**253.(Unfinished Business Cont.)**

519. Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan

Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended as follows: The chart in Sec. 2-127 – Pay Plan See Attached. (FAVORABLE AS AMENDED)

Amendment granted by a hand vote.

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

Petition of KG Collective Brockton, LLC, requesting an Adult Use Retail Marijuana License located at 912 Crescent Street, Brockton, MA 02302. (FAVORABLE)

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

Councilor Lally motioned to take items #22-27 collectively and was properly seconded.

662. Re-appointment of Brian Madden of 15 Madrid Square #5 Brockton, MA 02301 to the Brockton Community Access Board for a three-year term, ending in November 2024. (FAVORABLE)

663. Re-appointment of Julie Castor-Deas of 13 N Byron Ave Brockton, MA 02301 to the Board of Assessors for a three-year term, ending in November 2024. (FAVORABLE)

679. Re-appointment of John O’Donnell of 30 Rock Meadow Dr. Brockton, MA 02301 to the Board of Assessors for a three-year term, ending in November 2024. (FAVORABLE)

661. Appointment of Peggy Curtis of 153 Dixon Rd. Brockton, MA 02302 to the Conservation Commission for a three-year term, ending in November 2024. (FAVORABLE)

677. Appointment of Ruby Clay of 607 Summer St Brockton, MA 02302 to the Conservation Commission for a three-year term, ending November 2024. (FAVORABLE)

678. Appointment of Janet Trask of 121 Longwood Avenue Brockton, MA 02301 to the Diversity Commission for a three-year term, ending in November 2024. (FAVORABLE)

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

657. Ordered: That the City Council of Brockton hereby authorizes the creation and operation of a municipal light plant, including a telecommunications system as allowed by Massachusetts General Law, Chapter 164, Sections 36 and 47E. (FAVORABLE)

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

656. 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 parcel of land, to wit:

99 Warren Avenue Parcel ID:053-014: for further reference see Plymouth County Registry of Deeds Book 55385, Page 81 and Book 27411, Page 97

**254.(Unfinished Business Cont.)**

And

(0) Highland Street (not numbered) Parcel ID: 053-015: further reference see Plymouth County Registry of DEEDs Book 55385, Page 81 and Book 27411, Page 97

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

99 Warren Avenue and (0) Highland Street

Owner: E-Z Cashing LLC \$2,447,080.00

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

Councilor Rodrigues motioned to make an amendment to reduce the amount by \$497,080.00. The new amount will read, \$1,950,000.00. The Amendment passed by a roll call vote taken by “yeas” and “nays”; ten members present and eight voting in the affirmative. Councilors Farwell and Nicastro in the negative. Adopted as Amended by a roll call vote “taken by “yeas” and “nays”; ten members present and eight voting in the affirmative. Councilors Farwell and Nicastro in the negative.

675. 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: \$3,591,312.63

From: Stabilization Fund	\$2,289,781.86
To: Police- FY20 Personal Services Other Than Overtime Retroactive Payment	\$265,904.67
Police-FY20 Overtime Retroactive Payment	\$28,585.09
Police- FY21 Personal Services Other Than Overtime Retroactive Payment	\$609,572.43
Police-FY21 Overtime Retroactive Payment	\$21,845.51
Police- FY22 Personal Services Other Than Overtime	\$1,333,359.52
Police-FY22 Overtime	\$30,514.62

and

From: ARPA Fund	\$1,301,530.79
To: Police- FY20 Personal Services Other Than Overtime Retroactive Payment	\$16,212.80
Police- FY21 Personal Services Other Than Overtime Retroactive Payment	\$215,104.48
Police- FY22 Personal Services Other Than Overtime	\$641,213.51
Police- COVID Bonus	\$429,000

for purposes of funding the Brockton Police Patrolmen’s Association contract. This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract. (FAVORABLE)

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

## 255.(Unfinished Business Cont.)

the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Brief Recess

Back in Session

City Clerk Timothy Cruise stated that there was an error that one block of land changed Wards from Ford Street to West Ashland Street to Cherry Street to Main Street went from Ward 7 to Ward 2.

676. Ordered: That the Brockton City Council adopts new precinct lines based upon the official United States 2020 Census block level data. These boundaries will take effect on December 31,2021. Attached maps and legal boundary descriptions as prepared by the Massachusetts Secretary of State's Office. (FAVORABLE)

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.

City Clerk Timothy Cruise thanked Geoffrey Keenan from DPW for all his work on the maps.

388. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Sheridan Street, extending from the end of the 1944 layout, northerly, a distance of about 1,355 feet, more or less, to Kathleen Road, and for that purpose it is necessary to take an easement for Highway purposes and lay out as a public street or way of said City of Brockton. Amendment: A public meeting is required if the city wishes to install sidewalks or repave Sheridan Street. (FAVORABLE AS AMENDED)

Amendment passed by a hand vote.

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

495. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of **Roberta Avenue**, from the end of the 1966 layout, a distance of 502.18 feet, to Harlan Circle, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public Street or way of said City of Brockton, said easement passing by or over lands, now or formerly, of those persons shown on "Exhibit A" attached hereto and made a part of this taking. (FAVORABLE)

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

496. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of **Harlan Terrace**, from Roberta Avenue easterly a distance of 367.38 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public Street or way of said City of Brockton, said easement passing by or over lands, now or formerly, of those persons shown on "Exhibit A" attached hereto and made a part of this taking. (FAVORABLE)

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

## 256.(Unfinished Business Cont.)

### ORDERS:

707. Ordered: That the City Council authorizes the total proposed approval of \$7,587.96.

From: Finance Department – Purchase of Services

To: Public Consulting Group, Inc.

(This will be used to pay an invoice dated April 28, 2021)

Referred to Finance

708. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$150,000.

From: Office of Justice Programs (OJP) – 2021 BJA FY21 The Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities Grant Award

To: Brockton Police Department- 2021 BJA FY21 The Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities Grant Award Fund

(These grant funds will be used to re-introduce the Project Lifesaver program into the Brockton Police Department. Locative bracelets and accessories will be purchased to be distributed to individuals with dementia or developmental disabilities, corresponding receivers will be purchased for the Police Station, Project Lifesaver Train the Trainer training will be provided to eight officers all sworn staff and cadets can then be trained in the program, and overtime for bi-monthly battery checks which will also serve as family check-ins and resource referral opportunities will be funded.)

Referred to Finance

709. Ordered: That the City Council authorizes the acceptance of a donation for 28.20 Acres of Vacant Land, Map C4 Lots 12 and 26 Off School St. Pembroke, MA owned by Richard M. Clemence. The value of this land is \$725,000.

Referred to Finance

Councilor Thompson motioned to accept a late file and was properly seconded.

### LATE FILES

### COMMUNICATION:

710. From the Interim DPW Commissioner requesting to accept and authorize the expenditure of a grant awarded to the City of Brockton in the amount of Sixty-Eight Thousand Dollars (68,000). This Grant is pursuant to the Green Communities Act, in support of the Massachusetts Solid Waste Master Plan, to which MASSDEP has awarded the City a Sustainable Material Recovery Program Grant under the Recycling Dividends Program (RDP). The RDP Program provides payments for municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste production and incentives to improve their recycling programs. The City is not required to provide any kind of matching funds.

Accepted and placed on file

711. 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 \$68,000 from... MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION – RECYCLING DIVIDENDS PROGRAM GRANT to..... DEPARTMENT OF PUBLIC WORKS - RECYCLING DIVIDENDS PROGRAM GRANT FUND. The grant funds will be used to provide payments for municipalities that have implemented specific programs and policies proven to maximize

**257.(Late Files Cont.)**

reuse, recycling and waste production and incentives to improve their recycling program. There is no required match for this grant.

Accepted and placed on file

712. 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 \$68,000 from MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION – RECYCLING DIVIDENDS PROGRAM GRANT to..... DEPARTMENT OF PUBLIC WORKS - RECYCLING DIVIDENDS PROGRAM GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

**ORDERS:**

713. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$68,000.

From: Massachusetts Department of Environmental Protection – Recycling Dividends Program Grant

To: Department of Public Works- Recycling Dividends Program Grant Fund  
(The grant funds will be used to provide payments for municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste production and incentives to improve their recycling program. There is no required match for this grant.)

Referred to Finance

**Councilor's Recognition**

City Clerk Timothy Cruise reminded everyone that in two weeks is the last meeting of the year and a new Council President will be picked and new seating for Councilors. Also, Inauguration is on January 3 at 10:00AM in Council Chambers if anyone would like to buy a ticket to the luncheon at Thorney Lea Golf Club they are available in the Clerk's Office for \$32 a ticket.

Meeting adjourned at 7:40PM

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