

In City Council February 28, 2022

The regularly scheduled meeting of the Brockton City Council will be held on Monday, February 28, 2022 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the February 14, 2022 City Council meeting.

APPOINTMENTS:

2. Promotion of Firefighter Jesse C. Chisholm to the rank of Fire Lieutenant in the Brockton Fire Department.
3. Appointment of Marcelin Ulysse, 10 Longworth Avenue, Unit 9, Brockton, MA 02301, as a Constable in the City of Brockton for a term of three (3) years.
4. Re-appointment of James C. Doucette, 260 Torrey Street, Brockton, Ma 02301, as a Constable of Brockton for a term of three (3) years.

REPORTS:

5. Of the Ordinance Committee for its meeting of February 17, 2022.
6. Of the Finance Committee for its meeting of February 22, 2022.

COMMUNICATIONS:

7. From the Fire Chief recommending the promotion of Firefighter Jesse C. Chisholm to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the retirement of Fire Lieutenant James E. Croker.
8. From the Mayor recommending the promotion of Firefighter Jesse C. Chisholm to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the retirement of Fire Lieutenant James E. Croker.
9. From the Mayor appointing Marcelin Ulysse, 10 Longworth Avenue, Unit 9, Brockton, MA 02301, as a Constable in the City of Brockton for a term of three (3) years.
10. From the Mayor re-appointment of James C. Doucette, 260 Torrey Street, Brockton, Ma 02301, as a Constable of Brockton for a term of three (3) years.
11. From the Superintendent of Parks requesting acceptance and expenditure of the state appropriations in the amount of \$75,000 for the installation of a shade structure and play equipment at Danny Goodwin Playground located at East Middle School.
12. 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 \$75,000 from... COMMONWEALTH OF MASSACHUSETTS-DEPARTMENT OF CONSERVATION AND RECREATION to.....CITY OF BROCKTON-PARKS AND RECREATION DEPARTMENT. These funds will be used for the improvements for Danny Goodwin Playground.
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 grant funds in the amount of \$75,000 from COMMONWEALTH OF MASSACHUSETTS-DEPARTMENT OF CONSERVATION AND RECREATION to.....CITY OF BROCKTON-PARKS AND RECREATION

DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.

14. From the Superintendent of Parks requesting acceptance and expenditure of the state appropriations in the amount of \$50,000 for the improvements for Gilmore Playground.
15. 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.... COMMONWEALTH OF MASSACHUSETTS-DEPARTMENT OF CONSERVATION AND RECREATION to.....CITY OF BROCKTON-PARKS AND RECREATION DEPARTMENT. These funds will be used for the improvements for Gilmore Playground.
16. 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 COMMONWEALTH OF MASSACHUSETTS-DEPARTMENT OF CONSERVATION AND RECREATION to.....CITY OF BROCKTON-PARKS AND RECREATION DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.
17. From the Director of Animal Control requesting \$15,000.00 be transferred from Full-Time salaries to Overtime to cover overtime expenses through the remainder of the fiscal year. The request is due to the department being down an animal control officer position.
18. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$15,000 from.... ANIMAL CONTROL– PERSONAL SERVICES -OTHER THAN OVERTIME to.... ANIMAL CONTROL – PERSONAL SERVICES- OVERTIME. This transfer is necessary to supplement overtime spending due to the department being down an animal control officer position.
19. 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 \$15,000 from.... ANIMAL CONTROL– PERSONAL SERVICES -OTHER THAN OVERTIME to.... ANIMAL CONTROL – PERSONAL SERVICES- OVERTIME without a detrimental impact on the continuous provision of the existing level of municipal services. Vacancies in full-time positions have required backfill with overtime. There are sufficient funds in the budget for this transfer.
20. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$7,000...

FROM: ARPA FUND	\$7,000
TO: PUBLIC PROPERTY-COVID BONUS	\$7,000

for purposes of funding the Brockton Building and Construction Trades 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.
21. 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 adequate to support the proposed total appropriation of \$7,000...

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for purposes of funding the Brockton Building and Construction Trades 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.

22. From the Fire Chief requesting a loan order in the amount of \$3,633,858 to purchase three new pieces of fire apparatus. The apparatus would be to replace Squad A at Station 1, 42 Pleasant Street, Ladder Company 2 at Station 2, 945 Main Street, and Ladder Company 4 Station 4, 305 Crescent Street.
23. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total appropriation of \$3,633,858 using the attached form of order with language as recommended by Attorney Kara K. Adams of Locke Lord, LLP, the City's bond counsel, in order to provide funding through borrowing said amount, for the purpose of purchasing three new pieces of fire apparatus to replace Squad A at Station 1, 42 Pleasant Street, Ladder Company 2 at Station 2, 945 Main Street, and Ladder Company 4 Station 4, 305 Crescent Street.
24. 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 appropriation of and borrowing authorization for \$3,633,858 for the purpose of purchasing three new pieces of fire apparatus without a detrimental impact on the continuous provision of the existing level of municipal services. As noted in the Chief's letter, this equipment will replace Squad A at Station 1, 42 Pleasant Street, Ladder Company 2 at Station 2, 945 Main Street, and Ladder Company 4 Station 4, 305 Crescent Street. It is important to note that the successful financing of this equipment is contingent upon establishing an equipment replacement line in the Fire Department operating budget of approximately \$300,000 that will be used on an ongoing basis to fund equipment purchases. It is expected that this line item will be able to be used when this debt expires to replace additional equipment. This is a funding strategy I have employed successfully in other communities.
25. From the Acting Chief of Police requesting authorization to expend grant monies in the amount of \$5,605.00 received through the FY 2022 Community Safety Projects Grant Program award from the Executive Office of Public Safety and Security (EOPSS)/Office of Grants and Research made available from a National Highway Traffic Safety Administration grant award.
26. From the Police Department Grant Coordinator requesting the grant award documents be processed to allow the City of Brockton to expend FY 2022 Community Safety Projects Grant Program award funds from the Executive Office of Public Safety and Security/Office of Grants and Research in the amount of \$5,605.00. These funds are part of a pass-through from a National Highway Traffic Safety Administration grant.
27. 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 \$5,605.00 from... THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY/OFFICE OF GRANTS AND RESEARCH-FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM to..... CITY OF BROCKTON POLICE DEPARTMENT- FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM
28. 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 appropriation of the grant award of \$5,605.00 from... THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY/OFFICE OF GRANTS AND RESEARCH-FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM to..... CITY OF BROCKTON POLICE DEPARTMENT- FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM, without a detrimental impact on the continuous provision of the existing level of municipal services.

UNFINISHED BUSINESS:

29. Appointment of Michelle Yaffe of 273 Belmont Avenue, Apt. 2, Brockton, MA 02301, as Parking Clerk for the City of Brockton. (FAVORABLE)

30. Appointment of Mary James of 996 Court Street Brockton, MA 02302 to the Council on Aging for a three (3) year term, ending February 2025. (FAVORABLE)
31. Appointment of Attorney Shannon Resnick of 131 Samoset Avenue, Hull, Ma. to the position of legislative counsel to the City Council for a two-year term ending in February of 2024. (FAVORABLE)
32. Ordinance: Be it ordained by the City Council of the City of Brockton as follows:
That the City Council adopt the following Amendments to the Section 24-24.4 “Adult use of Marijuana” relative to Regulation and Zoning of Marijuana:
To strike the language “*Marijuana Retailer operations shall not be conducted or located on the ground floor in C-3 Zones*” in its entirety in Sec. 27-24.4 (b)(i). (FAVORABLE)
33. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council adopt the following Amendments to the Section 24-24.4 “Adult use of Marijuana” relative to Regulation and Zoning of Marijuana: To strike the language “8 p.m.” and insert it its place “10 p.m.” in Sec. 27-24.4 (b)(ii). (FAVORABLE)
34. Ordinance: “An Ordinance to establish Honorary Positions for the Poet Laureate and Youth Poet Laureate in the City of Brockton”
Be it Ordained by the City Council of the City of Brockton as follows, and inserted into the Ordinances where appropriate:
(a) Poet Laureate
The City of Brockton shall designate a poet as the official Poet Laureate in the City of Brockton. The Poet Laureate shall be appointed by the mayor upon recommendation of the Brockton Library Board of Trustees and confirmed by the City Council. The Poet Laureate shall be a resident of the City of Brockton and shall serve for a two-year term.
(b) Youth Poet Laureate
The City of Brockton shall designate a poet as the official Youth Poet Laureate in the City of Brockton. The Youth Poet Laureate shall be appointed by the mayor upon recommendation of the Brockton Library Board of Trustees and confirmed by the City Council. The Youth Poet Laureate shall be a resident of the City of Brockton and shall serve for a one-year term. The Youth Poet Laureate shall be no more than twenty-one (21) years of age at the time of the appointment.
(c) Responsibilities
The responsibilities of the Poet Laureate and the Youth Poet Laureate may include, but not be limited to, providing public poetry readings, encouraging poetry appreciation within the city, and composing and publishing poems. These positions are honorary in nature and the positions shall not receive any monetary compensation from the city.
(FAVORABLE)
35. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$51,480.
From: Massachusetts Emergency Management Agency (MEMA)- Emergency Management Performance Grant (EMPG)
To: Brockton Emergency Management Agency- Emergency Management Performance Grant (EMPG) Fund
(These grant funds will be used to purchase a 2022 Polaris Ranger UTV for Fire Department, flashlights and radio equipment. This grant does not require a match.)
(FAVORABLE)
36. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.
From: Commonwealth of Massachusetts Department of Fire Services- FY2022 Firefighter Safety Equipment Grant
To: Brockton Fire Department- FY2022 Firefighter Safety Equipment Grant Fund
(These grant funds will be used to purchase a thermal imaging camera. This grant does not require a match.) (FAVORABLE)

37. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$275,000.
 From: Executive Office of Public Safety and Security – FY2022 Municipal Services Staffing Grant
 To: Brockton Police Department- FY2022 Municipal Services Staffing Grant Fund
 (These grant funds will be used to pay overtime wages for patrol shift minimum staffing; shift overruns, detective investigations; restraining order service, training, community police activities, etc. This grant does not require a match.) (FAVORABLE)
38. Resolve: To have Plymouth County District Attorney Timothy Cruz present before the Brockton City Council an update on crime statistics in Brockton and what his office has been doing to address crime in the city as well as the programs offered through the DA’s office such as the Safe Streets Meetings and programs for our youth. (FAVORABLE)

ORDERS:

39. Ordinance: Be it ordained by the City Council of the City of Brockton as follows:
 That the City Council adopt the following Amendments to the Section 27-24.3 “Humanitarian medical use of marijuana” relative to Regulation and Zoning of Marijuana for medical use:
 To strike the language “8:30 a.m.” and insert in its place “8:00 a.m.” and strike the language “7:00 p.m.” and insert in its place “10:00 p.m.” in Sec. 27-24.3 (c)(21).
40. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$75,000.
 From: Commonwealth of Massachusetts – Department of Conservation and Recreation
 To: City of Brockton- Parks and Recreation Department
 (These funds will be used for the improvements for Danny Goodwin Playground.)
41. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.
 From: Commonwealth of Massachusetts – Department of Conservation and Recreation
 To: City of Brockton- Parks and Recreation Department
 (These funds will be used for the improvements for Gilmore Playground.)
42. 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: \$15,000
 From: Animal Control– Personal Services- Other Than Overtime
 To: Animal Control – Personal Services- Overtime
 This transfer is necessary to supplement overtime spending due to the department being down an animal control officer position.
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: \$7,000.00
 From: ARPA Fund \$7,000
 To: Public Property – Covid Bonus \$7,000
 for purposes of funding the Brockton Building and Construction Trades 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 of Brockton appropriate the amount of Three Million Six Hundred Thirty-Three Thousand Eight Hundred Fifty-Eight Dollars (\$3,633,858) for the purpose of paying costs of purchasing three fire apparatus, and the payment of 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, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

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.

45. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$5,605.00.

From: The Executive Office of Public Safety and Security/Office of Grants and Research-FY22 Community Safety Projects Grant Program

To: City of Brockton Police Department -FY22 Community Safety Projects Grant Program.

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.