

In City Council February 28, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, February 28, 2022 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00 PM with ten members present. Councilor Nicaastro absent.

President Lally stated that Councilor Nicaastro sends her regrets and is under the weather and unable to make it to the meeting.

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

Accepted and placed on file

APPOINTMENTS:

93. Promotion of Firefighter Jesse C. Chisholm to the rank of Fire Lieutenant in the Brockton Fire Department.

President Farwell motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor Nicaastro absent. Councilor Farwell 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

94. 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.

Referred to Finance

95. Re-appointment of James C. Doucette, 260 Torrey Street, Brockton, Ma 02301, as a Constable of Brockton for a term of three (3) years.

Referred to Finance

REPORTS:

96. Of the Ordinance Committee for its meeting of February 17, 2022.

Accepted and placed on file

97. Of the Finance Committee for its meeting of February 22, 2022.

Accepted and placed on file

COMMUNICATIONS:

98. 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.

Accepted and placed on file

25. (COMMUNICATIONS CONT.)

99. 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.

Accepted and placed on file

100. 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.

Accepted and placed on file

101. 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.

Accepted and placed on file

102. 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.

Accepted and placed on file

103. 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.

Accepted and placed on file

104. 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.

Accepted and placed on file

105. 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.

Accepted and placed on file

106. 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.

Accepted and placed on file

107. 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

26. (COMMUNICATIONS CONT.)

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.

Accepted and placed on file

108. 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.

Accepted and placed on file

109. 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.

Accepted and placed on file

110. 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.

Accepted and placed on file

111. 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.

Accepted and placed on file

112. 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...
- | | |
|---------------------------------|---------|
| 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.

Accepted and placed on file

113. 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

27. (COMMUNICATIONS CONT.)

at Station 1, 42 Pleasant Street, Ladder Company 2 at Station 2, 945 Main Street, and Ladder Company 4 Station 4, 305 Crescent Street.

Accepted and placed on file

114. 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.

Accepted and placed on file

115. 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.

Accepted and placed on file

116. 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.

Accepted and placed on file

117. 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.

Accepted and placed on file

118. 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

Accepted and placed on file

119. 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

28. (COMMUNICATIONS CONT.)

\$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.

Accepted and placed on file

UNFINISHED BUSINESS:

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

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

64. 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)

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

65. 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)

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

Councilor Farwell motioned on items # 29, 30, and 31 to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

46. 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)

Passed to a third reading by a hand vote.

61. 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)

Passed to a third reading by a hand vote.

45. 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

29. (UNFINISHED BUSINESS CONT.)

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)

Passed to a third reading by a hand vote.

88. 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)

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

89. 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)

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

90. 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)

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

91. 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)

30. (UNFINISHED BUSINESS CONT.)

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

ORDERS:

120. 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).

Referred to Ordinance

121. 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.)

Referred to Finance

122. 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.)

Referred to Finance

123. 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.

Referred to Finance

124. 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.

Referred to Finance

125. 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.

31. (ORDERS CONT.)

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.

Referred to Finance

126. 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.

Referred to Finance

LATE FILE

Councilor Rodrigues motion to accept a late file and was properly seconded.

127. Resolve: Be it resolved that the Brockton City Council condemns the actions of the Russian Government and its President Vladimir Putin, for its premeditated, unprovoked invasion and actions of aggression against the sovereign country of Ukraine and the Ukrainian people. Be it further resolved that the Brockton City Council and the people it represents, stand supportive and united with the people of Ukraine and the Democratic country of Ukraine.

Councilor Rodrigues spoke briefly on the matter.

Councilor Rodrigues motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Nicastro absent.

Councilor's Recognition

Councilor Asack stated that on behalf of the City Council, Mayor Sullivan, and the City of Brockton they extend their prayers to the people in Ukraine and Russia. To show support they will light up the City Hall in blue and yellow lights until March 7th, thanks to Mayor Sullivan and his office for organizing this.

Meeting adjourned at 7:28PM

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.