

In City Council March 28, 2022

The regularly scheduled meeting of the Brockton City Council will be held on Monday, March 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 March 14, 2022 City Council meeting.

APPOINTMENTS:

2. Promotion of Fire Lieutenant Brian M. Doten to the rank of Fire Captain in the Brockton Fire Department.
3. Promotion of Firefighter Jonathan P. Rodenbush to the rank of Fire Lieutenant in the Brockton Fire Department.
4. Promotion of Firefighter Edward Zine III. to the rank of Fire Lieutenant in the Brockton Fire Department.
5. Appointment of Eddy Sanon of 228 West Chestnut Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.
6. Appointment of Wayne Lake, 56 Short Street, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years.
7. Appointment of Derby Joissaint of 23 Florence Street, Apt 2, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.
8. Appointment of Bernie Hassan of 26 Reese Circle Brockton, MA 02302 to the Parking Authority for a five-year term, ending March 2027.
9. Appointment of Jamie Hodges of 17 Stebbins Ave Brockton, MA 02301 to Zoning Board of Appeals Alternate Member for a three-year term, ending March 2025.
10. Appointment of Dr. Larry Green of 937 Pleasant Street, Brockton, MA 02301 as an alternate for the Council on Aging for a three-year term, ending March 2025.

REPORTS:

11. Of the Finance Committee for its meeting of March 21, 2022.

COMMUNICATIONS:

12. From the Fire Chief recommending the promotion of Fire Lieutenant Brian M. Doten to the rank of Fire Captain in the Brockton Fire Department. This promotion is due to the retirement of Fire Captain John P. McDonald.
13. From the Mayor recommending the promotion of Fire Lieutenant Brian M. Doten to the rank of Fire Captain in the Brockton Fire Department. This promotion is due to the retirement of Fire Captain John P. McDonald.
14. From the Fire Chief recommending the promotion of Firefighter Jonathan P. Rodenbush to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the passing of Fire Lieutenant Michael D. Mahoney.
15. From the Mayor recommending the promotion of Firefighter Jonathan P. Rodenbush to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the passing of Fire Lieutenant Michael D. Mahoney.

16. From the Fire Chief recommending the promotion of Firefighter Edward Zine III. to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the promotion of Fire Lieutenant Brian M. Doten.
17. From the Mayor recommending the promotion of Firefighter Edward Zine III. to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the promotion of Fire Lieutenant Brian M. Doten.
18. From the Mayor appointing Eddy Sanon of 228 West Chestnut Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.
19. From the Mayor appointing Wayne Lake, 56 Short Street, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years.
20. From the Mayor appointing Derby Joissaint of 23 Florence Street, Apt 2, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.
21. From the Mayor appointing Bernie Hassan of 26 Reese Circle Brockton, MA 02302 to the Parking Authority for a five-year term, ending March 2027.
22. From the Mayor appointing Jamie Hodges of 17 Stebbins Ave Brockton, MA 02301 to Zoning Board of Appeals Alternate Member for a three-year term, ending March 2025.
23. From the Mayor appointing Dr. Larry Green of 937 Pleasant Street, Brockton, MA 02301 as an alternate for the Council on Aging for a three-year term, ending March 2025.
24. From the Mayor informing the City Council that Robert Pelaggi is stepping down from the Parking Authority effective March 10, 2022.
25. From the Acting Chief of Police requesting authorizations to expend grant monies in the amount of \$1,300 related to the 2022 Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program (funding only grant).
26. From the Police Grant Coordinator requesting the attached grant award documents be processed to allow the Brockton Police department to expend \$1,300 intended to fund the overtime of Brockton Police Officers to go to the Covanta Southeastern Massachusetts Resource Recovery Facility in West Wareham, MA (SEMASS) to properly dispose of said medication. The \$1,300 was awarded as part of the Commonwealth of Massachusetts Department of Health authorized MED-Project to administer the 2022 Massachusetts Unwanted Opioid & Benzodiazepine Product stewardship Program (Funding only grant).
27. From the Mayor recommending that the City Council authorize the appropriation and expenditure of the grant award in the amount of \$1,300.00 from.....THE MASSACHUSETTS UNWANTED OPIOID & BENZODIAZEPINE PRODUCT STEWARDSHIP PROGRAM- FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM to..... CITY OF BROCKTON POLICE DEPARTMENT- FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM FUND. These grant funds are used to support the safe and secure collection of residential unwanted medicine where the Brockton Police Department will manage the disposal via sworn staff.
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 \$1,300.00 from.....THE MASSACHUSETTS UNWANTED OPIOID & BENZODIAZEPINE PRODUCT STEWARDSHIP PROGRAM- FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM to..... CITY OF BROCKTON POLICE DEPARTMENT- FY22 COMMUNITY SAFETY PROJECTS GRANT PROGRAM FUND, without a detrimental impact on the continuous provision of the existing level of municipal services.
29. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total transfer of \$75,000...

FROM: ELECTION- PERSONAL SERVICES-OTHER THAN OVERTIME \$20,000
and AUDITOR- PURCHASE OF SERVICES \$55,000
TO: AUDITOR MAIL- PURCHASE OF SERVICES \$75,000
This transfer is necessary due to large mailing for the two elections that were held this past year.

30. 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 \$75,000...
FROM: ELECTION- PERSONAL SERVICES-OTHER THAN OVERTIME \$20,000
and AUDITOR- PURCHASE OF SERVICES \$55,000
TO: AUDITOR MAIL- PURCHASE OF SERVICES \$75,000 without a detrimental impact on the continuous provision of the existing level of municipal services.
31. From the Executive Director of Operations of Brockton Public Schools requesting permission to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for the Brockton High School located at 470 Forest Avenue, Brockton, MA.
32. From the Interim CFO of Brockton Public Schools requesting permission to file a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for the Brockton High School located at 470 Forest Avenue, Brockton, MA.
33. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the submission of the Statement of Interest (SOI) only, to the Massachusetts School Building Authority (MSBA) dated March 15, 2022 for the Brockton High School, located at 470 Forest Avenue, Brockton MA.
34. From the CFO in accordance with Section 5 of Chapter 324 of Acts of 1990, certifying, that the City Council authorize the submission of the Statement of Interest (SOI) only, to the Massachusetts School Building Authority (MSBA) dated March 15, 2022 for the Brockton High School, located at 470 Forest Avenue, Brockton MA. The attached addendum describes and explains the deficiencies and the priority category(s), for which an application may be submitted to the MSBA in the future: Brockton High School-full renovation; and hereby further specifically acknowledges that by submitting this Statement of Interest form, the MSBA in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the MSBA or commits the City of Brockton to filing an application for funding with the MSBA. Furthermore, the City Council and Mayor should be aware that MSBA regulations indicate that a SOI should not be submitted unless the community has the ability to fund the project within two fiscal years. This will entail appropriating funds for planning and feasibility as well as construction. At the present, these costs are unknown, but in my professional opinion, the city's share of the project can be funded with our current debt plan. However, a debt exclusion vote would provide more flexibility.
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 \$1,000,000 from.... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT- LEGISLATIVE EARMARK FUNDING GRANT to..... THE COUNCIL ON AGING - LEGISLATIVE EARMARK FUNDING GRANT FUND. This Earmark will be used to expand the Council on Aging Facility to provide better social distancing within an enclosed structure and updated ventilation improvements.
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 \$1,000,000 from COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT- LEGISLATIVE EARMARK FUNDING GRANT to.....THE COUNCIL ON AGING - LEGISLATIVE EARMARK FUNDING

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

37. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$250,000 from.... RETIREMENT- CONTRIBUTORY to.... PLYMOUTH COUNTY OPEB TRUST PROGRAM (PCOT).
38. 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 \$250,000 from.... RETIREMENT- CONTRIBUTORY to.... PLYMOUTH COUNTY OPEB TRUST PROGRAM (PCOT) without a detrimental impact on the continuous provision of the existing level of municipal services. This is the city's first contribution to the OPEB trust established by Plymouth County. In a previous vote, you approved joining this regional effort. This is the first and very important step toward addressing this unfunded liability. Our financial statements will positively reflect this initiative.
39. 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 COMMONWEALTH OF MASSACHUSETTS MARKETING PARTNERSHIP/MASSACHUSETTS OFFICE OF TRAVEL & TOURISM-LEGISLATIVE EARMARK FUNDING GRANT to..... THE MAYOR'S OFFICE- LEGISLATIVE EARMARK FUNDING GRANT FUND. This Earmark will be used for the creation and installation of the 'Marvin Hagler Statue.'
40. 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 COMMONWEALTH OF MASSACHUSETTS MARKETING PARTNERSHIP/MASSACHUSETTS OFFICE OF TRAVEL & TOURISM- 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. This is acceptance of the legislative earmark secured by our delegation to construct a statue to honor "Marvelous" Marvin Hagler.
41. From the DPW Commissioner requesting that \$1,400,000.00 be transferred from the Water Division's retained earnings to Other Contract Services (61045175 531700). This transfer is to cover the current deficit and to finish paying the remainder of the invoices for this fiscal year.
42. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$1,400,000 from.... CERTIFIED RETAINED EARNINGS- WATER to.... DEPARTMENT OF PUBLIC WORKS – WATER – OTHER CONTRACTED SERVICES.
43. 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 \$1,400,000 from.... CERTIFIED RETAINED EARNINGS- WATER to.... DEPARTMENT OF PUBLIC WORKS – WATER – OTHER CONTRACTED SERVICES without a detrimental impact on the continuous provision of the existing level of municipal services. Retained earnings for the water enterprise have been certified at \$7,180,643. This amount is requested to replenish funds spent on the Thomas Circle water main project. These funds were approved and not fully spent in last year's operating budget.

UNFINISHED BUSINESS:

44. 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. (FAVORABLE)

45. Appointment of Ednel Sanon of 48 Westland Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years. (FAVORABLE)
46. Appointment of James Andrews of 19 Hazard Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years. (FAVORABLE)
47. Appointment of Juan Delos Santos of 127 Downey Road, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years. (FAVORABLE)
48. Appointment of Jodel Daniel of 217 Nilsson Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years. (FAVORABLE)
49. Appointment of Laura Biechler of 37 Fern Ave Brockton, MA 02301 to the Brockton Community Access Board for a three-year term, ending March 2025. (FAVORABLE)
50. Re-Appointment of John Condon of 45 Woodland Drive, Bridgewater, MA 02324 to the Brockton Retirement Board for a three-year term, ending March 2025. (FAVORABLE)
51. Ordered: That the City Council accept the provisions of Chapter 44, ss 53F 1/2 of the M.G.L establishing Stormwater as an enterprise fund effective Fiscal Year 2023. (FAVORABLE)
52. Ordered: That the City Council accept the provisions of Chapter 44, ss 53F 1/2 of the M.G.L establishing an enterprise fund for the Brockton Parking Authority as effective Fiscal Year 2023. The enterprise fund will include the balance as of June 30, 2022 in the following accounts; Parking Enforcement Revolving Fund, Parking Meters Reserve fund and Garage Revenue reserve fund. (FAVORABLE)
53. Ordered: That the City Council of the City of Brockton petitions the Great and General Court for special legislation relating to the City of Brockton to be filed with an attested copy of this Order be and hereby is approved under the provisions of Clause One (1) Section Eight (8) of Article Two (2), as amended, of the Articles of Amendments to the Constitution of the Commonwealth of Massachusetts as follows:
PETITION FOR SPECIAL LAW RELATIVE TO BIDDING REQUIREMENTS FOR A CERTAIN AFFORDABLE HOUSING PROJECT IN THE CITY OF BROCKTON:
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:
Provided that the General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition, be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:
SECTION 1. Construction and development activity related to redevelopment by the Brockton Housing Authority or by a limited liability company or limited partnership controlled by the Brockton Housing Authority of the federally-assisted Campello High-Rise located at 1380 Main Street, Brockton MA, Assessor's Parcel ID Map 117-034 and 117-003, in the City of Brockton, or any part thereof or subsequently added to parcel, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency, but shall be subject to section 26 to 27H, inclusive, of chapter 149 of the General Laws (Prevailing Wage). A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized pursuant to chapter 121A of the General Laws or to a nonprofit state and federally-tax exempt corporation organized for the purpose of or to a limited partnership or limited liability company whose primary purpose is revitalizing the project, shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled or managed by the Brockton Housing Authority on the date of the conveyance.
SECTION 2. The provisions of this act shall take effect upon passage. (FAVORABLE)

54. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$14,930.00.
From: Commonwealth of Massachusetts-Executive Office of Public Safety \$14,930.00
To: City of Brockton Fire Department-FY22 Community S.A.F.E Program Fund \$11,275.00
City of Brockton Fire Department-The Senior Safe Program Fund \$3,655.00
(FAVORABLE)
55. 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. (FAVORABLE) (IN CITY COUNCIL MARCH 14, 2022 PASSED TO A THIRD READING BY A HAND VOTE.)

ORDERS:

56. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$1,300.00. From: The Massachusetts Unwanted Opioid & Benzodiazepine Product Stewardship Program-FY22 Community Safety Projects Grant Program \$1,300.00
To: City of Brockton Police Department-FY22 Community Safety Projects Grant Program Fund
\$ 1,300.00 These grant funds will be used for the Brockton Police Department Safety Projects Education program.
57. Corrected Order: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$75,000 From: Election-Personal Services-Other Than Overtime \$20,000 and Auditor- Purchase of Services \$55,000 To: Auditor Mail- Purchase of Services \$75,000 (This transfer is necessary due to large mailing for the two elections that were held this past year.)
58. Ordered: In accordance with M.G.L., Ch 44, that the City Council authorize the superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form date March 15, 2022, for the Brockton High School, located at 470 Forest Avenue, Brockton, MA, which describes and explains the deficiencies and priority category(s), as delineated on the attached addendum, for which an application may be submitted to the Massachusetts School Building Authority in the future: Brockton High School – full renovation; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Brockton to filing an application for funding with the Massachusetts School Building Authority.
59. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$1,000,000. From: Commonwealth of Massachusetts Executive Office of Housing and Economic Development-Legislative Earmark Funding Grant To: Council on Aging
(This Earmark will be used to expand the Council on Aging Facility to provide better social distancing within an enclosed structure and updated ventilation improvements.)
60. 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: \$250,000 From: Retirement-Contributory
To: Plymouth County OPEB Trust Program (PCOT)

61. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$150,000. From: Commonwealth of Massachusetts Marketing Partnership/Massachusetts Office of Travel & Tourism-Legislative Earmark Funding Grant
To: Mayor's Office (This Earmark will be used for the creation and installation of the 'Marvin Hagler Statue.')
62. 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: \$1,400,000 From: Certified Retained Earnings – Water To: Department of Public Works- Water- Other Contracted Services
63. Ordered: That pursuant to M.G.L. Chapter 40, Section 4, the City Council authorizes the Mayor to execute an Intermunicipal Agreement with the Town of East Bridgewater for treatment of wastewater.
64. WHEREAS, World events have caused a significant increase in prices for ordinary goods and products consumed by residents in all communities, including the City of Brockton, and,
- WHEREAS, For the Fiscal Year ending last June 30, 2021, the state reported the following: "...surplus of more than \$5.86 billion in tax revenue." (State Comptroller)
- WHEREAS, On March 18, 2022, The Commonwealth of Massachusetts issued a mid-March, 2022, report indicating significant revenue beyond that which was received the prior year period, as follows:
1. \$75 million in regular sales tax, up \$27 million versus the same period in March 2021.
 2. \$27 million in meals tax, up \$16 million versus the same period in March 2021.
 3. \$51 million in motor vehicle sales tax, up \$6 million versus the same period in March 2021.
- ORDERED: That the City Council respectfully requests our state legislative delegation file and support legislation which will reduce or suspend the twenty-four cent (\$0.24) tax on a gallon of gasoline to provide relief to residents of the city and the commonwealth. Provided further, that, upon approval, the City Clerk shall forthwith transmit to members of the legislative delegation a copy of this Order.
65. Ordered: That the City hereby accepts as a gift from Route 24 Realty Trust 3.5 acres of land, which is situated just east of Route 24, north of the City of Brockton boundary and west of the Brockton Reservoir, on South Street, Avon, MA, pursuant to M.G.L. Ch. 44, § 53A1/2. The Mayor is authorized to execute any and all documents necessary to effectuate such gift.

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.