

In City Council April 11, 2022

The regularly scheduled meeting of the Brockton City Council will be held on Monday, April 11, 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 28, 2022 City Council meeting.

APPOINTMENTS:

2. Appointment of City of Brockton Retired Police Officer Scott Uhlman of 142 Cashman Rd. Brockton, MA as a Special Police Officer.
3. Appointment of City of Brockton Retired Police Officer Robert Smith of 21 Ej Medeiros Way West Bridgewater, MA as a Special Police Officer.
4. Appointment of City of Brockton Retired Police Officer Peter Skelly of 29 Mayflower Ridge Dr. Wareham, MA as a Special Police Officer.
5. Appointment of City of Brockton Retired Police Officer Robert F. Sergio of 80 Maura Dr. Bridgewater, MA as a Special Police Officer.
6. Appointment of City of Brockton Retired Police Officer William Healy of 50 Main St. #2201 North Easton, MA as a Special Police Officer.
7. Appointment of City of Brockton Retired Police Officer Alfred J. Gazerro of 719 Union St. East Bridgewater, MA as a Special Police Officer.
8. Appointment of City of Brockton Retired Police Officer Michael V. Damiano of 29 Aris Way Milford, MA as a Special Police Officer.
9. Appointment of City of Brockton Retired Police Officer Charles J. Cassiani Jr. of 197 Winter St. Whitman, MA as a Special Police Officer.
10. Re-Appointment of Ernest Pettiford of 1161 Montello St. Brockton, MA to the Brockton Housing Authority Board for a five-year term, ending April 2027.
11. Appointment of Kyrah Rodriguez of 90 Country Club Lane Brockton, MA 02301 to the Brockton Redevelopment Authority for a five-year term, ending March 2027.
12. Appointment of Dennis Eaniri of 137 Winnifred Road Brockton, MA to the Parking Authority for a five-year term, ending April 2027.

PETITIONS:

13. Petition of In Good Health, Inc. License Representative David Noble, President & CEO; requesting approval of a change in ownership and control whereby 100% of the ownership interest in IGH will be acquired by Canna United, LLC (“Canna United”). Canna United will be the parent company to IGH which will continue to operate under its current name, location, and management, including President & CEO David Noble. The Massachusetts Cannabis Control Commission approved the change of ownership request at a public meeting held on March 10, 2022. A copy of the approval letter is attached as Exhibit A.

REPORTS:

14. Of the Ordinance Committee for its meeting of March 29, 2022.
15. Of the Finance Committee for its meeting of April 4, 2022.

COMMUNICATIONS:

16. From the Mayor appointing City of Brockton Retired Police Officer Scott Uhlman of 142 Cashman Rd. Brockton, MA as a Special Police Officer.
17. From the Mayor appointing City of Brockton Retired Police Officer Robert Smith of 21 Ej Medairos Way West Bridgewater, MA as a Special Police Officer.
18. From the Mayor appointing City of Brockton Retired Police Officer Peter Skelly of 29 Mayflower Ridge Dr. Wareham, MA as a Special Police Officer.
19. From the Mayor appointing City of Brockton Retired Police Officer Robert F. Sergio of 80 Maura Dr. Bridgewater, MA as a Special Police Officer.
20. From the Mayor appointing City of Brockton Retired Police Officer William Healy of 50 Main St. #2201 North Easton, MA as a Special Police Officer.
21. From the Mayor appointing City of Brockton Retired Police Officer Alfred J. Gazerro of 719 Union St. East Bridgewater, MA as a Special Police Officer.
22. From the Mayor appointing City of Brockton Retired Police Officer Michael V. Damiano of 29 Aris Way Milford, MA as a Special Police Officer.
23. From the Mayor appoint City of Brockton Retired Police Officer Charles J. Cassiani Jr. of 197 Winter St. Whitman, MA as a Special Police Officer.
24. From the Mayor re-appointing Ernest Pettiford of 1161 Montello St. Brockton, MA to the Brockton Housing Authority Board for a five-year term, ending April 2027.
25. From the Mayor appointing Kyrah Rodriguez of 90 Country Club Lane Brockton, MA 02301 to the Brockton Redevelopment Authority for a five-year term, ending March 2027.
26. From the Mayor appointing Dennis Eaniri of 137 Winnifred Road Brockton, MA to the Parking Authority for a five-year term, ending April 2027.
27. From the Mayor informing the City Council that effective 12:00 p.m. April 4, 2022, Lt. Brenda Perez has been appointed as Acting Police Chief for the City of Brockton pursuant to Massachusetts General Laws Chapter 41, Section 61A.
28. From the Mayor informing the City Council Kelly Mallory is stepping down from the Parking Authority effective March 31, 2022.
29. From the Mayor informing the City Council that The Massachusetts Economic Development Bill of 2021 law (An Act Enabling Partnerships for Growth) amends Section 3A of M.G.L. c. 40A (the Zoning Act) to require that an MBTA Community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right as well as meets other criteria set forth in the statute. Please note that this is a mandate to zone, not a mandate to build. The Department of Planning & Economic Development will provide an implementation plan for the City of Brockton to maintain compliance with amended Section 3A of M.G.L. c. 40A.
30. From the DPW Commissioner requesting that the City Council transfer \$50,000 into Sewer Overtime in order to cover the projected overtime expenses and emergencies for the remainder of the year.
31. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$50,000 from....
DEPARTMENT OF PUBLIC WORKS – SEWER – PERSONAL SERVICES – OTHER
THAN OVERTIME to.... DEPARTMENT OF PUBLIC WORKS – SEWER – PERSONAL
SERVICES - OVERTIME.

32. 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 \$50,000 from.... DEPARTMENT OF PUBLIC WORKS – SEWER – PERSONAL SERVICES – OTHER THAN OVERTIME to.... DEPARTMENT OF PUBLIC WORKS – SEWER – PERSONAL SERVICES - OVERTIME without a detrimental impact on the continuous provision of the existing level of municipal services. These funds are requested to continue to provide funds for unforeseen events, including off-hour mechanical brakes and pipe repairs.
33. From the DPW Commissioner requesting that the City Council transfer \$100,000 into Water Overtime in order to cover the projected overtime expenses and emergencies for the remainder of the year.
34. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$100,000 from.... DEPARTMENT OF PUBLIC WORKS – WATER – PERSONAL SERVICES – OTHER THAN OVERTIME to.... DEPARTMENT OF PUBLIC WORKS – WATER – PERSONAL SERVICES - OVERTIME.
35. 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 \$100,000 from.... DEPARTMENT OF PUBLIC WORKS – WATER – PERSONAL SERVICES – OTHER THAN OVERTIME to.... DEPARTMENT OF PUBLIC WORKS – WATER – PERSONAL SERVICES - OVERTIME without a detrimental impact on the continuous provision of the existing level of municipal services. These funds are requested to continue to provide funds for unforeseen events, including off-hour mechanical brakes and pipe repairs.
36. From the Mayor in accordance with the vote of the City Council on April 11,2022, recommending that the City Council authorize the previously appropriated funds of the American Rescue Plan Act that exceed the \$750,000 threshold for the following projects: City Hall Exterior Upgrades, City Hall HVAC, War Memorial HVAC, Senior Center Expansion, Emergency Operations, Liberty Tree and Abolitionist Park, Sycamore Grove, Nonprofit Fund Distribution, DW Field Clubhouse, Cosgrove Pool, Buckley Playground, Hancock Playground, Plymouth Street Playground, Holster Playground, Bent Playground, Hilstrom Farm Park, Parmenter Playground, Tukis Playground, and Otis Street Park, consistent with the spreadsheet as attached .
37. From the CFO in accordance with the vote of the City Council on April 11,2022, recommending that the City Council authorize the previously appropriated funds of the American Rescue Plan Act that exceed the \$750,000 threshold for the following projects: City Hall Exterior Upgrades, City Hall HVAC, War Memorial HVAC, Senior Center Expansion, Emergency Operations, Liberty Tree and Abolitionist Park, Sycamore Grove, Nonprofit Fund Distribution, DW Field Clubhouse, Cosgrove Pool, Buckley Playground, Hancock Playground, Plymouth Street Playground, Holster Playground, Bent Playground, Hilstrom Farm Park, Parmenter Playground, Tukis Playground, and Otis Street Park, consistent with the spreadsheet as attached. In addition to these important projects, we are pursuing several important projects through Plymouth County that we will like to discuss in detail at our next meeting.

UNFINISHED BUSINESS:

38. 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. (FAVORABLE)
39. 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. (FAVORABLE)
40. 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. (FAVORABLE)

- 41. Appointment of Bernie Hassan of 26 Reese Circle Brockton, MA 02302 to the Parking Authority for a five-year term, ending March 2027. (FAVORABLE)
- 42. 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. (FAVORABLE)
- 43. 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. (FAVORABLE)

44. 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:

Effective date of this Ordinance Amendment shall be July 1, 2022. Enforcement of this Ordinance shall be subject to a supplemental appropriation by the Mayor.

The flat rate salaries to be paid to Poll Workers shall be amended by striking the language “28 per hour” and inserting in its place “\$250 per day” and the following language under miscellaneous for Poll Workers shall be stricken: “Partial hours payable in quarter hour increments”

The flat rate salaries to be paid to Election – Wardens shall be amended by striking the language “\$35 per hour” and inserting in it place “\$300 per day” and the following language under miscellaneous for Election-Warden shall be stricken: “Partial hours payable in quarter hour increments.” Further, the Election-Wardens position shall be amended to include “Clerks”.

Adoption of the above changes shall result in the following:

<i>Category</i>	<i>Position</i>	<i>Flat Rate</i>	<i>Misc.</i>
<i>EL-W</i>	<i>Elections – Wardens/Clerks</i>	<i>\$300 per day</i>	<i>Partial hours payable at Direction of executive Director of Election Commission</i>
<i>EL-2</i>	<i>Poll Workers</i>	<i>\$250 per day</i>	<i>Partial hours payable at Direction of executive Director of Election Commission</i>

(FAVORABLE AS AMENDED)

- 45. Ordinance: Be it ordained by the City Council of the City of Brockton as follows:
That the City Council adopt the following Amendment to Chapter 2, Article I, Section 2-4.1 “All meetings of the zoning board of appeals” as follows: To strike the language “7:00 p.m.” and insert in its place “6:00 p.m.” so that the ordinance shall read as follows:
No meeting of the zoning board of appeals shall be convened prior to 6:00 p.m.
(FAVORABLE)

- 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 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).
(FAVORABLE)

- 47. Ordinance: Be it ordained by the City Council of the City of Brockton, Article II, Section 14-49 “Panhandling” is hereby repealed in its entirety and the sections shall be stricken in their entirety. (FAVORABLE)

- 48. 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. (FAVORABLE)

49. 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.) (FAVORABLE)

50. 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.) (FAVORABLE)

51. 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) (FAVORABLE)

52. 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.') (FAVORABLE)

53. 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. (FAVORABLE)

54. 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. (FAVORABLE)

55. 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. (FAVORABLE)

56. 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. (FAVORABLE)

ORDERS:

57. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council adopt the following Ordinance relative to the permitting and regulation of Food Truck operations in the City of Brockton as attached.
58. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council adopt the following Zoning Ordinance relative to Food Truck Operations in the City of Brockton as attached.
59. Ordered: That the City Council hereby declares that the land off Thatcher Street in Brockton, MA identified as LOT A containing 40,000 sq. ft., described in a plan dated December 9, 2021 entitled "PROPOSED ACQUISITION in BROCKTON, PLYMOUTH, MA", scale 1"=50', prepared by J.K. Holmgren Engineering, Inc., Registered Professional Engineers and Land Surveyors, and more fully identified in Exhibit A attached hereto is surplus property and available for disposition and the Mayor and/or Treasurer be authorized to execute any and documents necessary to sell the property to Thatcher Street East LLC, a Massachusetts Limited Liability Corporation having a usual place of business at 561 Thatcher Street, Brockton, Plymouth County, reserving to itself an easement in Lot A for purposes of, installing, Maintain, replacing, removing and using underground utilities, including without limitation sewers, drains, water mains, gas pipes, underground electric lines, underground telephone lines and underground cable television lines therein and thereunder under the easement area, (all of which underground sewers, drains, water mains, gas pipes, electric light, power and telephone wires and cable television lines shall remain the property of the persons installing the same).
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: \$50,000
From: Department of Public Works- Sewer- Personal Services- Other Than Overtime
To: Department of Public Works- Sewer- Personal Services- Overtime
(This transfer is necessary in order to cover projected overtime expenses and emergencies for the remainder of the fiscal year.)
61. 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: \$100,000
From: Department of Public Works- Water- Personal Services- Other Than Overtime
To: Department of Public Works- Water- Personal Services- Overtime
(This transfer is necessary in order to cover projected overtime expenses and emergencies for the remainder of the fiscal year.)
62. Ordered: That the City Council authorizes the previously appropriated funds of the American Rescue Plan Act that exceed the \$750,000 threshold for the following projects: City Hall Exterior Upgrades, City Hall HVAC, War Memorial HVAC, Senior Center Expansion, Emergency Operations, Liberty Tree and Abolitionist Park, Sycamore Grove, Nonprofit Fund Distribution, DW Field Clubhouse, Cosgrove Pool, Buckley Playground, Hancock Playground, Plymouth Street Playground, Holster Playground, Bent Playground, Hilstrom Farm Park, Parmenter Playground, Tukis Playground, and Otis Street Park, consistent with the spreadsheet below.

Project	Total Amount
Capital	
City Hall Exterior Upgrades	\$4,000,000
City Hall HVAC	\$8,000,000
War Memorial HVAC	\$7,125,000
Senior Center Expansion	\$6,325,000
Emergency Operations Center	\$1,800,000
Public Interest Projects	
Liberty Tree and Abolitionist Park	\$1,200,000
Sycamore Grove	\$2,000,000
Nonprofit Fund Distribution	\$2,000,000
Parks and Playgrounds	
Cosgrove Pool	\$4,300,000
Parks & Playground Improvements	\$1,840,000
Total Parks	\$6,140,000
GRAND TOTAL	\$38,590,000

63. Resolve: **BE IT RESOLVED**, that the Mayor Robert Sullivan and the Chief Financial Officer Troy Clarkson be invited to come before the Finance Committee to provide an update regarding ARPA funding, spending, and infrastructure planning.

64. Resolve: **BE IT RESOLVED**, to have Yulanda Kiner, the Diversity, Equity and Inclusion Manager for the City of Brockton be invited to appear before the Brockton City Council Standing Committee on Equity, Diversity and Inclusion to discuss her plans and ideas related to the same. Further, that Ms. Kiner inform the City Council how it can help move these ideas forward.

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.