

In City Council October 24, 2022

The regularly scheduled meeting of the Brockton City Council will be held on Monday, October 24, 2022 at 7:00PM in the Council Chambers, 2<sup>nd</sup>. Fl., City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the October 11, 2022 City Council meeting.

PETITIONS:

2. Petition of Joe McLaughlin, of Green Energy, 866 E. Fifth St. Unit 3, Boston, MA 02127, for a license to Solicit and Canvass.
3. Petition of Samuel Webster, of Green Energy, 6 Crown Dr. Unit 207, Quincy, MA 02169, for a license to Solicit and Canvass.

REPORTS:

4. Of the Public Safety Committee for its meeting of October 6, 2022.
5. Of the Ordinance Committee for its meeting of October 13, 2022.
6. Of the Finance Committee for its meeting of October 17, 2022.
7. Report of the Ad Hoc Committee on elected official compensation in similar Gateway Cities.

COMMUNICATIONS:

8. From the Chairman of Board of Assessors after a review of the current balance of the Overlay Account, The Board of Assessors voted at the October 4<sup>th</sup> meeting and declared an Overlay Surplus of 1,500,000.  
Fiscal Year 2017      \$1,073,766.90  
Fiscal Year 2018      \$426,233.10  
Total      \$1,500,000  
These funds may be used for any lawful purpose before the end of the current Fiscal Year 2023. At this time The Board of Assessors has determined the remaining balance in the Overlay Account is sufficient to cover potential abatements, exemptions and uncollectible taxes for Fiscal Year 2023.
9. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$1,500,000 from.... OVERLAY SURPLUS to.... LAW DEPARTMENT- COURT JUDGEMENTS.
10. 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 \$1,500,000 from.... OVERLAY SURPLUS to.... LAW DEPARTMENT- COURT JUDGEMENTS without a detrimental impact on the continuous provision of the existing level of municipal services. The Law Department recently skillfully settled a case from an incident that occurred more than thirty years ago. The city's exposure was at least ten times the potential amount of the settlement. This transfer fulfills the city's obligations now and in the future. The Board of Assessors has voted to release these funds as well.

UNFINISHED BUSINESS:

11. 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 Opioid Settlement Revolving Fund shall be created to support, the following programs set by the Commonwealth of Massachusetts:

- 1.) Opioid Use Disorder Treatment
- 2.) Support People In Treatment and Recovery
- 3.) Connections to Care
- 4.) Harm Reduction
- 5.) Address the Needs of Criminal Justice-Involved Persons
- 6.) Support Pregnant or Parenting Women and Their Families, Including Babies with Neonatal Abstinence Syndrome; and
- 7.) Prevent Misuse of Opioids and Implement Prevention Education

Expenditures from the Opioid Settlement Revolving fund shall be made on the authority and direction of the Mayor of the City of Brockton, provided not more than \$250,000 may be expended from the Opioid Settlement Revolving Fund during each fiscal year, without the consent of the city council. (FAVORABLE)

12. Ordinance: That the City Council adopt the following AMENDMENT to the Ordinance relative to the permitting and regulation of Food Truck operations in the City of Brockton: Under Application requirements and procedures, section 1 shall be stricken in its entirety and replaced with the following language: 1. All Mobile Food Vendors shall provide the Board of Health with a copy of a state issued Hawkers and Peddlers License. Under Application requirements and procedures, section 2 shall be stricken in its entirety. Under Application requirements and procedures, section 5A shall be amended to increase the permit annual fee from \$100 to \$125 and the following language shall be stricken: “The application fee shall be \$50.00”, to eliminate an application fee. Under Application requirements and procedures, section 5B shall be amended to increase the permit renewal annual fee from \$100 to \$125 and the following language shall be stricken: “The renewal application fee shall be \$50.00”, to eliminate a renewal application fee. Under Application requirements and procedures, section 5G shall be amended to increase the fine for a first offense from \$100 to \$125. (FAVORABLE)

13. Ordinance: An Ordinance Amending Article II, Section 28 – Compensation  
Be it ordained by the City Council of the City of Brockton, Article II, Section 28, is hereby amended by striking the provision in its entirety and inserting the following language:  
The city councilors shall receive in full for all services rendered compensation at the rate of Thirty Thousand Dollars (\$30,000.00) per annum, commencing January 1, 2024. (FAVORABLE AS AMENDED)

14. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$568,038.00.  
From: Commonwealth of Massachusetts Executive Office of Public Safety and Security State 911 Department- FY23 State 911 Department Support and Incentive Grant Program  
To: Brockton Police Department – FY23 State 911 Support and Incentive Grant Program Fund  
(These grant funds will be used to backfill ETD and police dispatcher wages and fund overtime. Funds will also be used to purchase dispatch equipment for the Brockton Police Department. There is no match required for this grant.) (FAVORABLE)

15. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$298,148.94.  
From: Commonwealth of Massachusetts Executive Office of Public Safety and Security State 911 Department- FY23 State 911 Department Training Grant Program  
To: Brockton Police Department – FY23 State 911 Department Training Grant Program Fund  
(These grant funds will be used to reimburse overtime for ETDs, police officers and Fire Department Emergency Medical Dispatch personnel to attend sixteen hours of mandatory

E911 continuing education training for annual certification, to pay State 911 Department approved certified training vendors to conduct classes at the Brockton Police Department, to purchase training materials and to pay the class fees for officers to conduct online training if necessary. There is no match required for this grant.) (FAVORABLE)

16. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$125,000.

From: Commonwealth of Massachusetts Department of Public Health's Bureau of Substance Addiction Services-FY23 Massachusetts Collaborative for Action, Leadership, and Learning 3 (MassCALL3) Substance Misuse Prevention Grant

To: Mayor's Office- FY23 Massachusetts Collaborative for Action, Leadership, and Learning 3 (MassCALL3) Substance Misuse Prevention Grant

Fund

(These grant funds will be managed by the Brockton Area Prevention Collaborative (Brockton High Point Treatment Center). This funding will be used to support and continue programs that aid in preventing substance use within youth, through educational programming and opportunities. This funding will also be used to prevent opioid specific misuse and addiction through training community entities and business on overdose prevention and the administration of Naloxone. The city will not be supplying a grant match.) (FAVORABLE)

17. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$4,777,416.16.

From: Federal Emergency Agency (FEMA)-FY23 Staffing for Adequate Fire and Emergency Response (SAFER) Grant

To: Brockton Fire Department- FY23 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Fund

(These grant funds will staff sixteen (16) new firefighter positions for the next three years through the Federal FEMA funds. This is a non-matching grant with no cost to the city.) (FAVORABLE)

18. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$112,500.

From: Commonwealth of Massachusetts Department of Public Health's Bureau of Substance Addiction Services-FY23 Prevention in Early Childhood SOR Grant Program

To: Mayor's Office- FY23 Prevention in Early Childhood SOR Grant Program Fund

(These grant funds will be managed by the Brockton Area Prevention Collaborative (Brockton High Point Treatment Center). This funding will be used to support and continue multi-faceted prevention services that are directed to the age range of children from prenatal to 5 years, that have a parent or caregiver with a history of substance use/addiction, including those currently in treatment and recovery, the parents and caregivers of these children, pre-school and/or school settings, as well as social service and early childhood service providing agencies. The city will not be supplying a grant match.) (FAVORABLE)

19. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Election will be held on Tuesday, November 8, 2022 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority, 70 Hawley St
Ward One	Precinct B	West Middle School, 271 West Street
Ward One	Precinct C	Hancock School, 125 Pearl Street
Ward One	Precinct D	Hancock School, 125 Pearl Street
Ward Two	Precinct A	Barret Russell School, 45 Oakdale Street
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Senior Center, 10 Father Kenney Way
Ward Two	Precinct D	War Memorial Building, 156 West Elm Street
Ward Three	Precinct A	South Middle School, 105 Keith Avenue Ext
Ward Three	Precinct B	South Middle School, 105 Keith Avenue Ext
Ward Three	Precinct C	John F. Kennedy School, 900 Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue

Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street
Ward Four	Precinct C	Davis Elementary School, 380 Plain Street
Ward Four	Precinct D	Campello High Rise Apts, 1380 Main Street
Ward Five	Precinct A	East Side Library, 54 Kingman Street
Ward Five	Precinct B	East Middle School, 464 Centre Street
Ward Five	Precinct C	Downey School, 55 Electric Avenue
Ward Five	Precinct D	Caffrey Towers, 755 Crescent Street
Ward Six	Precinct A	Brookfield School, 135 Jon Drive
Ward Six	Precinct B	Ashfield School Gymnasium, 225 Coe Road
Ward Six	Precinct C	Brookfield School, 135 Jon Drive
Ward Six	Precinct D	Brookfield School, 135 Jon Drive
Ward Seven	Precinct A	North Middle School, 108 Oak Street
Ward Seven	Precinct B	Belair Street High Rise, 105 Belair Street
Ward Seven	Precinct C	Sullivan Towers, 140 Colonel Bell Drive
Ward Seven	Precinct D	Raymond School, 125 Oak Street

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M.

Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named offices, viz: Governor; Lieutenant Governor; Attorney General; Secretary of the Commonwealth; Treasurer; Auditor; Representative in Congress for the 8<sup>th</sup> Congressional District; Governor's Council for the 4<sup>th</sup> Councillor District; State Senator in General Court for the 2<sup>nd</sup> Plymouth and Bristol Senatorial District; State Representative in General Court for the 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Representative District; District Attorney in Plymouth County; Sheriff in Plymouth County; County Commissioner in Plymouth County; Southeastern Regional Vocational Technical School Committee; And the following questions

**QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION**

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again, on June 9, 2021 (yeas 159 – nays 41)?

**SUMMARY**

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

**A YES VOTE** would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

**A NO VOTE** would make no change in the state Constitution relative to income tax.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

**SUMMARY**

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The

proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

**A YES VOTE** would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

**A NO VOTE** would make no change in the law relative to the regulations that apply to dental insurance companies.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

#### **SUMMARY**

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for "all alcoholic beverages" and for "wines and malt beverages") that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of "all alcoholic beverages" licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee

from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

**A YES VOTE** would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

**A NO VOTE** would make no change in the laws governing the retail sale of alcoholic beverages.

#### **QUESTION 4: REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

#### **SUMMARY**

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

**A YES VOTE** would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver’s license or permit if they meet the other requirements for doing so.

**A NO VOTE** would repeal this law. (FAVORABLE)

20. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$14,500.

From: Executive Office for Administration and Finance- FY23 Best Practices Compact Program Grant

To: Human Resources Department- FY23 Best Practices Compact Program Grant

Fund

(These grant funds will be used by the Human Resources Department for the costs associated with holding a supervisory training program for city employees. This is a non-matching grant with no cost to the city.) (FAVORABLE)

21. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$33,300.

From: Executive Office for Administration and Finance- FY23 Best Practices Compact Program Grant

To: Human Resources Department- FY23 Best Practices Compact Program Grant Fund

(These grant funds will be used by the Human Resources Department for the costs associated with customer service training program for city employees. This is a non-matching grant with no cost to the city.) (FAVORABLE)

22. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant

funds in the amount of \$441,149.57.

From: Massachusetts Emergency Management Agency- Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program Grant

To: Department of Public Works- Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program Grant Fund

(The FEMA Public Assistance (PA) program reimburses approved applicants for the federal share of eligible costs incurred during the Severe Winter Storm and Snowstorm that occurred from January 28-29, 2022.) (FAVORABLE)

23. RESOLVE: Resolved to have Cynthia Pendergast of NeighborWorks Housing Solutions, or her designee, appear before the Standing Committee on Finance of the Brockton City Council. Ms. Pendergast will give a brief overview of the services currently offered to the residents of Brockton by NeighborWorks Housing Solutions and introduce a new down payment assistance opportunity specifically for first time home buyers who are residents of Brockton. (FAVORABLE)

ORDINANCES:

24. Ordinance: An Ordinance Amending Article III, Section 2-146 – Compensation – School Committee members elected by Ward

Be it ordained by the City Council of the City of Brockton, Article III, Section 2-146, is hereby amended by striking the words “five thousand dollars (\$5,000.00)” and inserting in its place. “fifteen thousand dollars (\$15,000.00).” The language “The amendment shall be effective January 1, 2018” shall be amended to reflect a new effective date of January 1, 2024.

ORDERS:

25. 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: \$1,500,000

From: Overlay Surplus

To: Law Department- Court Judgements

RESOLVES:

26. WHEREAS, The Brockton City Council granted licenses to individuals and corporations for the retail sales of marijuana, and,

WHEREAS, The licenses were issued pursuant to business plans and official representations made to the council when applicants appeared to participate in the licensing process, and,

WHEREAS, The city has an economic interest in ensuring that licensees are open and actively engaged retail sales;

NOW, THEREFORE, BE IT RESOLVED:

(1) The City Clerk shall provide a list of all retail marijuana licenses approved by the council with a notation as to which licensees are open and actively engaged in retail sales.

(2) The city's chief legal officer (solicitor) and legislative counsel to the city council be invited to appear at a finance committee meeting to discuss legal options available to the city council relating to those licensees who have failed to open and are simply holding a license.

27. RESOLVE: **BE IT RESOLVED**, that Mary Waldron of the Downtown Brockton Business Association and Amanda Glennon, Chairwoman of the Brockton Holiday Celebration and Parade, or their designees, be invited to come before the Finance Committee to discuss the Brockton Holiday Celebration and Parade to be held on Saturday, November 26, 2022.

**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.