

In City Council November 14, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, November 14, 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 eight members present. Councilors Asack, Nicastro, and Tavares absent.

639. Acceptance of the Minutes of the October 24, 2022 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

Councilor Teixeira motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote.

640. Appointments of the following ten candidates to the Brockton Fire Department:

Ivan Alcla of 40 Willy Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Jeremiah P. Derolus of 60 Wyman Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Chad R. Ferron of 146 Royal Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Anthony J. Hardy of 655 East Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Ryan M. Macintosh of 192 Ettrick Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Steven R. Perry of 44 Bouve Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Mark A. Peterson of 79 Manomet Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Derek J. Scully of 307 Lisa Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Devin J. Winn of 21 Bates Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Edward Zine IV of 104 Cypress Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Asack, Nicastro, and Tavares 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

188. (APPOINTMENTS CONT.)

641. Appointment of Police Officer Thomas E. Keating of 60 Driftwood Drive Bridgewater, MA 02324 as a Special Police Officer.

Councilor D'Agostino motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Confirmed by a roll call vote taken by "yeas" and "nays"; eight members present and all voting in the affirmative. Councilors Asack, Nicastro, and Tavares absent. Councilor D'Agostino motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councilor Asack stepped in.

PETITIONS:

Petition requesting approval change of Ownership/ Control and Name Change for Licensee Representatives Robert Murphy-Owner/Principal and Joseph Feeney-President for Nature's Embrace Inc DBA Botera, 747 Centre Street. Change of Ownership/Control to Chirag Patel, Hardik Patel, Jack Patel, Mahendra Patel, and Indravadan Patel and new Business name to GTE Brockton LLC.

Hearing held.

No one appeared in favor.

Councilor Thompson motioned to postponed to end of meeting and was properly seconded. The motion carried by a hand vote.

REPORTS:

642. Of the Planning Board for its meeting October 12, 2022.

Accepted and placed on file

643. Of the Finance Committee for its meeting of November 7, 2022.

Accepted and placed on file

COMMUNICATIONS:

644. From the Fire Chief informing you that they have selected ten (10) candidates for appointment to the Brockton Fire Department. These candidates were found suitable for a Public safety Position with the Brockton Fire Department:

Ivan Alcla of 40 Willy Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Jeremiah P. Derolus of 60 Wyman Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Chad R. Ferron of 146 Royal Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Anthony J. Hardy of 655 East Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Ryan M. Macintosh of 192 Etrick Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

189. (COMMUNICATIONS CONT.)

Steven R. Perry of 44 Bouve Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Mark A. Peterson of 79 Manomet Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Derek J. Scully of 307 Lisa Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Devin J. Winn of 21 Bates Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Edward Zine IV of 104 Cypress Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Accepted and placed on file

645. From the Mayor recommending the appointment of the following ten candidates to the Brockton Fire Department:

Ivan Alcla of 40 Willy Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Jeremiah P. Derolus of 60 Wyman Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Chad R. Ferron of 146 Royal Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Anthony J. Hardy of 655 East Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Ryan M. Macintosh of 192 Ettrick Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Steven R. Perry of 44 Bouve Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Mark A. Peterson of 79 Manomet Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Derek J. Scully of 307 Lisa Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Devin J. Winn of 21 Bates Road, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Edward Zine IV of 104 Cypress Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Accepted and placed on file

190. (COMMUNICATIONS CONT.)

646.From the Police Chief requesting the appointment of the following retired Police Officer Thomas E. Keating of 60 Driftwood Drive Bridgewater, MA 02324 as a Special Police Officer.

Accepted and placed on file

647.From the Mayor appointing Police Officer Thomas E. Keating of 60 Driftwood Drive Bridgewater, MA 02324 as a Special Police Officer.

Accepted and placed on file

648.From the Police Chief requesting authorization to expend grant monies related to the 2022 Address Verification Program Grant award of \$5,000.00 from the Executive Office of Public Safety and Security.

Accepted and placed on file

649.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 \$5,000 from... EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY- 2022 ADDRESS VERIFICATION PROGRAM (AVP) GRANT to.....BROCKTON POLICE DEPARTMENT-2022 ADDRESS VERIFICATION PROGRAM (AVP) GRANT FUND. These grant funds will be used by the police department to verify addresses of registered sex offenders, conduct investigations, and place into violation those offenders with valid addresses. There is no match required for this grant.

Accepted and placed on file

650.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 acceptance and expenditure of the grant award in the amount of \$5,000 from... EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY- 2022 ADDRESS VERIFICATION PROGRAM (AVP) GRANT to.....BROCKTON POLICE DEPARTMENT-2022 ADDRESS VERIFICATION PROGRAM (AVP) GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

651.From the Superintendent of Parks requesting approval for a donation of a Memorial Bench for the D. W Field Park. This request was presented for the memory of Peter Monsini. All costs associated for this Memorial Bench including installation would be incurred by Alicia Logan.

Accepted and placed on file

652.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation of a Memorial Bench for the D.W. Field Park from MS. ALICIA LOGAN to..... PARKS AND RECREATION DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services. The donation of a Memorial Bench for the D.W Field Park is for the memory of Peter Monsini. All cost associated for this Memorial Bench including installation will be incurred by Alicia Logan.

Accepted and placed on file

191. (COMMUNICATIONS CONT.)

653.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 acceptance and expenditure of a donation of a Memorial Bench for the D.W. Field Park from MS. ALICIA LOGAN to..... PARKS AND RECREATION DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

654.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$243,616.20

FROM: UNAPPROPRIATED ESTIMATED RECEIPTS \$237,317.95

TO: FINANCE DEPARTMENT-FINANCE PURCHASE OF SERVICES \$237,317.95

AND

FROM: FY23 FUNDS \$6,298.25

TO: PUBLIC PROPERTY-PURCHASE OF SERVICE \$1,574.67

FINANCE-PURCHASE OF SERVICES \$365.41

HUMAN RESOURCES-HR EMPLOYEE BENEFITS \$258.00

LAW-PURCHASE OF SERVICES \$245.82

LAW-GOODS & SUPPLIES \$600.00

LIBRARY-PURCHASE OF SERVICE \$916.84

MAYOR'S OFFICE-GOODS AND SUPPLIES \$1300.00

POLICE DEPARTMENT- GOODS AND SUPPLIES \$300.00

BROCKTON PARKING AUTHORITY-OUT OF STATE TRAVEL \$737.51

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

Accepted and placed on file

655.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 adequate to support the appropriation of \$243,616.20

FROM: UNAPPROPRIATED ESTIMATED RECEIPTS \$237,317.95

TO: FINANCE DEPARTMENT-FINANCE PURCHASE OF SERVICES \$237,317.95

AND

FROM: FY23 FUNDS \$6,298.25

TO: PUBLIC PROPERTY-PURCHASE OF SERVICE \$1,574.67

FINANCE-PURCHASE OF SERVICES \$365.41

192. (COMMUNICATIONS CONT.)

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|--|-----------|
| HUMAN RESOURCES-HR EMPLOYEE BENEFITS | \$258.00 |
| LAW-PURCHASE OF SERVICES | \$245.82 |
| LAW-GOODS & SUPPLIES | \$600.00 |
| LIBRARY-PURCHASE OF SERVICE | \$916.84 |
| MAYOR'S OFFICE-GOODS AND SUPPLIES | \$1300.00 |
| POLICE DEPARTMENT- GOODS AND SUPPLIES | \$300.00 |
| BROCKTON PARKING AUTHORITY-OUT OF STATE TRAVEL | \$737.51 |

without a detrimental impact on the continuous provision of the existing level of municipal services. Each year, when vendors submit bills for payment for the city after the end of the fiscal year, those bills must be paid presented to the City Council for payment. This order represents bills from FY22 that are presented for payment. A list is attached. The overall majority of these are from a single entity, the vendor from one of the city's solar agreements. We are working closely with the vendor to submit future bills in a more timely manner.

Accepted and placed on file

656.From the DPW Commissioner requesting the acceptance of the Hazard Mitigation Plan from FEMA. This plan will reduce loss of life and property by minimizing the impact of disasters.

Accepted and placed on file

657.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of the Hazard Mitigation Plan from the Federal Emergency Management Agency (FEMA). This plan will reduce the long-term risks to human life and property from natural hazards.

Accepted and placed on file

658.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 acceptance of the Hazard Mitigation Plan from the Federal Emergency Management Agency (FEMA) without a detrimental impact on the continuous provision of the existing level of municipal services. This is the final acceptance of the city's Hazard Mitigation Plan, which is attached to this filing.

Accepted and placed on file

UNFINISHED BUSINESS:

538. 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

193. (UNFINISHED BUSINESS CONT.)

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) (PASSED TO A THIRD READING BY A HAND VOTE)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Nicastro and Tavares absent.

536.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) (PASSED TO A THIRD READING BY A HAND VOTE)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Nicastro and Tavares absent.

581.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) (PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

Ordained As Amended by a roll call vote taken by “yeas” and “nays”; nine members present and eight voting in the affirmative. Councilor Teixeira in the negative. Councilors Nicastro and Tavares absent. Councilor Rodrigues motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

636.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 (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Nicastro and Tavares absent. Councilor Thompson motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

194. (UNFINISHED BUSINESS CONT.)

614. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$157,300.

From: Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs-FY23 Commonwealth's Municipal Vulnerability Program

To: Planning and Economic Development Department-FY23 Commonwealth's Municipal Vulnerability Program Fund.

(These grant funds will be used to prepare 30% design documents and drawings for nature-based flood control measures along Trout Brook in furtherance of the Trout Brook Urban Renewal Plan. This grant will require a local match of \$54,000.) (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilors Nicastro and Tavares absent.

637.Resolve: 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. (FAVORABLE)

Adopted by a hand vote. Councilors Nicastro and Tavares absent.

638.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. (FAVORABLE)

Adopted by a hand vote. Councilors Nicastro and Tavares absent.

585.Resolve: WHEREAS, The Massachusetts legislature enacted Chapter 59, section 5 (C) allowing for residential property tax exemptions for certain properties, and,

WHEREAS, The Department of Revenue published information about this exemption and the types of communities which adopt the exemption, noting: Large cities or towns with many nonowner-occupied properties like apartment buildings," adopt this program, and,

WHEREAS, The City of Brockton does not currently offer this exemption, and,

WHEREAS, It is appropriate to discuss and evaluate whether this annual exemption would be of benefit to owner-occupied, residential property in the city;

NOW, THEREFORE, BE IT RESOLVED:

195. (UNFINISHED BUSINESS CONT.)

The Chair of the Board of Assessors appear before a committee of the Brockton City Council to discuss the residential tax exemption program, how it would affect the amounts collected from owner-occupied properties, and to prepare a written summary of how the city could implement of MGL Chapter 59, Section 5C, with various exemption amounts which could be included in any such program. (FAVORABLE)

Adopted by a hand vote. Councilors Nicastro and Tavares absent.

ORDERS:

659.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$5,000.

From: Executive Office of Public Safety and Security- 2022 Address Verification Program (AVP) Grant

To: Brockton Police Department – 2022 Address Verification Program (AVP) Grant Fund

(These grant funds will be used by the police department to verify addresses of registered sex offenders, conduct investigations, and place into violation those offenders with valid addresses. There is no match required for this grant.)

Referred to Finance

660.Ordered: That the City Council authorizes the acceptance of a donation of a Memorial Bench for the D.W. Field Park.

From: Ms. Alicia Logan

To: Parks and Recreation Department

(The donation of a Memorial Bench for the D.W Field Park is for the memory of Peter Monsini. All cost associated for this Memorial Bench including installation will be incurred by Alicia Logan.)

Councilor Asack motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Nicastro, and Tavares absent. Councilor Asack motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councilor Farwell requested if the Clerk’s Office could write a Thank you letter to Alicia Logan.

661.Ordered: The City of Brockton grants to 142 Main Historic, LLC an easement over City owned land identified as Assessor’s Parcel ID: 110-047 and Alternate ID 17, commonly known as and referred to as 132-142 Main Street for purposes of constructing and maintaining underground stormwater pipes over the subject land. And further that the City Council authorizes the Mayor to execute the attached "Access and Stormwater Agreement" (revised) and to take other actions necessary to carry out the terms, purposes and conditions of the same

Referred to Real Estate

662.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total proposed approval of the unappropriated estimated receipts of \$243,616.20

FROM: UNAPPROPRIATED ESTIMATED RECEIPTS
\$237,317.95

TO: FINANCE DEPARTMENT-FINANCE PURCHASE OF SERVICES \$237,317.95

196. (ORDERS CONT.)

AND

| | |
|--|------------|
| FROM: FY23 FUNDS | \$6,298.25 |
| TO: PUBLIC PROPERTY-PURCHASE OF SERVICE | \$1,574.67 |
| FINANCE-PURCHASE OF SERVICES | \$365.41 |
| HUMAN RESOURCES-HR EMPLOYEE BENEFITS | \$258.00 |
| LAW-PURCHASE OF SERVICES | \$245.82 |
| LAW-GOODS & SUPPLIES | \$600.00 |
| LIBRARY-PURCHASE OF SERVICE | \$916.84 |
| MAYOR’S OFFICE-GOODS AND SUPPLIES | \$1300.00 |
| POLICE DEPARTMENT- GOODS AND SUPPLIES | \$300.00 |
| BROCKTON PARKING AUTHORITY-OUT OF STATE TRAVEL | \$737.51 |

Councilor Mendes motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote.

City Auditor Karen Preval was there to answer any questions.

Councilors Farwell, Rodrigues, Mendes, D’Agostino, and Thompson commented.

Councilor Farwell motioned to Refer to Finance and was properly seconded. The motion carried by a hand vote.

663.Ordered: That the City Council authorizes the acceptance of the Hazard Mitigation Plan from the Federal Emergency Management Agency (FEMA). This plan will reduce the long-term risks to human life and property from natural hazards.

Referred to Finance

RESOLVES:

664.Resolve: WHEREAS, The Human Resources Department is responsible for the timely, professional recruitment and screening of candidates for positions within city departments; NOW, THEREFORE, BE IT RESOLVED: Director of Human Resources Sandra Charton and such other department heads as may be interested appear before a committee of the council to discuss the factors affecting recruitment of the best qualified candidates for career positions in city government. Provided further, that Ms. Charton share with the council relevant information from other cities regarding candidate recruitment practices and policies.

Referred to Finance

Councilor Thompson motioned to Postponed item # 4 to the next City Council Meeting Monday November 28, 2022 and was properly seconded. The motion carried by a hand vote.

197.

President Lally received communication from Councilors Nicastro and Tavares they both had conflicts and were unable to attend. He congratulated all candidates local and state that were up for election and Councilor Mendes on her victory as State Representative. Reminder on Tuesday November 22, 2022 we will be having a Special City Council Meeting on setting the split rate classification.

Meeting adjourned at 7:50PM

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.