

In City Council December 27, 2022

The regularly scheduled meeting of the Brockton City Council was held on Tuesday, December 27, 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 nine members present. Councilor Mendes and Minichiello absent.

699. Acceptance of the Minutes of the December 12, 2022 City Council meeting.

Accepted and placed on file

REPORTS:

700. Of the Finance Meeting for its meeting of December 19, 2022.

Accepted and placed on file

COMMUNICATIONS:

701. From the Fire Chief requesting the City Council to accept and expend an award from SFY 2023 Massachusetts Municipal Public Safety Staffing grant in the amount of two hundred sixty-seven thousand, six hundred dollars and zero cents (\$267,600.00) from the Commonwealth of Massachusetts Executive office of Public Safety and Security to the Brockton Fire Department. This is a non-matching grant with no cost to the city. The Fire Department intends to use these Grant Funds for overtime necessary to maintain staffing levels.

Accepted and placed on file

702. 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 \$267,600 from... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY- FY2023 MASSACHUSETTS MUNICIPAL PUBLIC SAFETY STAFFING GRANT to..... BROCKTON FIRE DEPARTMENT- FY2023 MASSACHUSETTS MUNICIPAL PUBLIC SAFETY STAFFING GRANT FUND. These grant funds will be used for overtime necessary to maintain staffing levels.
There is no match required for this grant.

Accepted and placed on file

703. 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 \$267,600 from... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY- FY2023 MASSACHUSETTS MUNICIPAL PUBLIC SAFETY STAFFING GRANT to..... BROCKTON FIRE DEPARTMENT- FY2023 MASSACHUSETTS MUNICIPAL PUBLIC SAFETY STAFFING GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

704. From the Fire Chief requesting the City Council accept and expend an award from FY 2023 Firefighter Safety Equipment Grant Program in the amount of forty-one thousand, five hundred dollars and eighty-four cents (\$41,500.84) from the Commonwealth of Department of Fire Services to the Brockton Fire Department. This is a non-matching grant with no cost to the city. The Fire Department plans on purchasing equipment to combat the ever-increasing fires and fire potential from lithium ion batteries.

212. (COMMUNICATIONS CONT.)

Accepted and placed on file

705. 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 \$41,500.84 from... COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF FIRE SERVICES- 2023 FIREFIGHTER SAFETY EQUIPMENT GRANT to.....BROCKTON FIRE DEPARTMENT-2023 FIREFIGHTER SAFETY EQUIPMENT GRANT FUND. These grant funds will be used to purchase equipment to combat the ever-increasing fires and fire potential from lithium ion batteries. There is no match required for this grant.

Accepted and placed on file

706. 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 \$41,500.84 from... COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF FIRE SERVICES- 2023 FIREFIGHTER SAFETY EQUIPMENT GRANT to.....BROCKTON FIRE DEPARTMENT-2023 FIREFIGHTER SAFETY EQUIPMENT GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

707. From the Director of Council on Aging requesting the City Council accept and expend a full award of \$230,940.00 from the Executive office of Elder Affairs. The City is not required to match funds. The funds will be dispersed in the following manner: Salaries, Energy, Department Equipment Repair, Printing, Office Supplies, Registration, Membership and Subscriptions.

Accepted and placed on file

708. 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 \$230,940.00 from.... THE COMMONWEALTH OF MASSACHUSETTS THE EXECUTIVE OFFICE OF ELDER AFFAIRS-FY23 FORMULA GRANT to.....COUNCIL ON AGING- FY23 FORMULA GRANT FUND.

These grant funds will be dispersed in the following manner:

- Salaries including overtime
- Energy
- Department equipment repair
- Printing
- Office Supplies
- Registration, memberships, and subscriptions

Accepted and placed on file

709. 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 \$230,940.00 from.... THE COMMONWEALTH OF MASSACHUSETTS THE EXECUTIVE OFFICE OF ELDER AFFAIRS-FY23 FORMULA GRANT to.....COUNCIL ON AGING- FY23 FORMULA GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

213. (COMMUNICATIONS CONT.)

710.From the Director of Planning and Economic Development requesting the City Council accept and expend \$150,000 grant from Save America’s Estuaries, a program funded by the US EPA’s Southeast New England Program (SNEP) to study nature-based solutions to reduce flooding on Trout Brook and the Salisbury Plain River. This \$150,000 MVP grant will require a local match of \$50,000. Our intention is to use a recently accepted MassDEP MVP grant to fund the match.

Accepted and placed on file

711.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... ENVIRONMENTAL PROTECTION AGENCY (EPA)- 2022 SOUTHEAST NEW ENGLAND PROGRAM (SNEP) GRANT to.....DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT-2022 SOUTHEAST NEW ENGLAND PROGRAM (SNEP) GRANT FUND. These grant funds will be used to study nature-based solutions to reduce flooding on Trout Brook and the Salisbury Plain River. There is a local match of \$50,000 required.

Accepted and placed on file

712.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 \$150,000 from... ENVIRONMENTAL PROTECTION AGENCY (EPA)- 2022 SOUTHEAST NEW ENGLAND PROGRAM (SNEP) GRANT to.....DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT-2022 SOUTHEAST NEW ENGLAND PROGRAM (SNEP) GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

713.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$50,000 from.... THE MASSACHUSETTS OFFICE ON DISABILITY MMARS DEPARTMENT-FY23 MUNICIPAL ADA IMPROVEMENT GRANT to.... FINANCE DEPARTMENT-FY23 MUNICIPAL ADA IMPROVEMENT GRANT FUND.
These grant funds will be used to hire a consultant with EOAF Grant Funds to complete an ADA Self-Evaluation and Transition Plan. The Project scope includes an ADA Self-Evaluation and Transition Plan encompassing all of Grantee’s facilities, activities, programs and services.

Accepted and placed on file

714.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the grant funds in the amount of \$50,000 from.... THE MASSACHUSETTS OFFICE ON DISABILITY MMARS DEPARTMENT-FY23 MUNICIPAL ADA IMPROVEMENT GRANT to.... FINANCE DEPARTMENT-FY23 MUNICIPAL ADA IMPROVEMENT GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

214. (COMMUNICATIONS CONT.)

715. From the Chief of Police requesting authorization to expend grant monies related to the FY 22 Edward Byrne Memorial Justice grant (JAG) from the U.S. Office of Justice Programs in the amount of \$73,551.00. The grant was awarded as a sub-recipient of the Plymouth County JAG project.

Accepted and placed on file

716. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation and expenditure of the grant award in the amount of \$73,551 from.....THE U.S. DEPARTMENT OF JUSTICE -FY22 EDWARD J. BYRNE JUSTICE ASSISTANCE PROGRAM GRANT to.....CITY OF BROCKTON POLICE DEPARTMENT-FY22 EDWARD J. BYRNE JUSTICE ASSISTANCE PROGRAM GRANT PROGRAM FUND. These grant funds will be used to fund overtime used for community policing and outreach efforts. **There is no match requirement.**

Accepted and placed on file

717. 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 \$73,551 from..... THE U.S. DEPARTMENT OF JUSTICE -FY22 EDWARD J. BYRNE JUSTICE ASSISTANCE PROGRAM GRANT to.....CITY OF BROCKTON POLICE DEPARTMENT-FY22 EDWARD J. BYRNE JUSTICE ASSISTANCE PROGRAM GRANT PROGRAM FUND. FUND, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

Councilor Minichiello stepped in.

718. From the DPW Commissioner requesting to accept and authorize the expenditure of a grant award to the City of Brockton in the amount of Eighty Thousand Dollars (\$80,000). This Grant is pursuant to the Green Communities Act, in support of the Massachusetts Solid Waste Master Plan, to which MASSDEP has awarded the City a Sustainable Material Recovery Program Grant under the Recycling Dividends Program (RDP). The City is not Required to provide any kind of matching funds.

Accepted and placed on file

719. 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 \$80,000 from...THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MassDEP)-FY23 MASSDEP FY23 RDP GRANT to...DEPARTMENT OF PUBLIC WORKS REFUSE DIVISION- FY23 MASSDEP FY23 RDP GRANT FUND. These grants will be used by the Department of Public Works Refuse Division to pay the January, February, March and part of April Recycle Cart portion of the trash bill (\$23,682 per month). The city will own the containers after April.

Accepted and placed on file

720. 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 \$80,000 from...THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MassDEP)-FY23 MASSDEP FY23 RDP GRANT to...DEPARTMENT OF PUBLIC WORKS REFUSE DIVISION- FY23 MASSDEP FY23 RDP GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

215. (COMMUNICATIONS CONT.)

Accepted and placed on file

721. 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 \$426,000 from.... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT- FY2023 COMMUNITY EMPOWERMENT AND REINVESTMENT PROGRAM GRANT to.... FINANCE DEPARTMENT- FY2023 COMMUNITY EMPOWERMENT AND REINVESTMENT PROGRAM GRANT FUND. These grant funds will be used to support the Brockton Second Chances Project. The services that will be provided to meet the unique needs of formerly incarcerated and court-supervised individuals are IT trainings, CDL training programming, housing services for individuals suffering from substance use disorder, and case management services.

Accepted and placed on file

722. 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 \$426,000 from.... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT- FY2023 COMMUNITY EMPOWERMENT AND REINVESTMENT PROGRAM GRANT to.... FINANCE DEPARTMENT- FY2023 COMMUNITY EMPOWERMENT AND REINVESTMENT PROGRAM GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

UNFINISHED BUSINESS:

608. Ordinance: An Ordinance Amending Part II of the Revised Ordinances, Chapter 21 "Taxicabs, Buses, etc." Be it Ordained by the City Council of the City of Brockton: Section 21-7 – "Rates and charges" shall be amended in subsection (1) by striking the words "two dollars (\$2.00)" and inserting in its place "three dollars and sixty cents (\$3.60)" and by striking the words "thirty-five cents (\$0.35)" and inserting in its place "forty cents (\$.40)." Be it further amended in subsection (2) by striking the words "thirty-five cents (\$0.35) and inserting in its place "forty cents (\$.40)". Be it further amended that Section 21-15 – "Safety shields" shall be deleted in its entirety. (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE)

Ordained by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Mendes 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.

688. Ordered: In accordance with Massachusetts General Law Chapter 59 Section 5, Clause 41C, the City Council votes to increase the value of the residential tax exemption from \$750 to \$1,000 for eligible seniors who meet specific ownership, residency, income and asset requirements. Further, the City Council votes to accept the local option to increase gross receipts limits and the whole estate limit annually by the percentage increase in the Consumer Price Index (CPI) determined by the Department of Revenue (DOR) each year. This order shall be effective for any fiscal year beginning on or after July 1, 2023. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Mendes absent.

216. (UNFINISHED BUSINESS CONT.)

Councilor Asack motioned the waiving of the reading for #27 and was properly seconded. The motioned carried by a hand vote.

689.Ordered: That the City Council votes to adopt and accept provisions of the Brave Act, specifically, the 5th paragraph of M.G.L. c. 59, §5 clauses 22G and 22H, as follows:

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth...

Twenty-second G. In any city or town that accepts this clause, real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate.

Twenty-second H. Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town. This order shall be effective for any fiscal year beginning on or after July 1, 2023. (FAVORABLE)

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

ORDINANCES:

723.Ordnance: Be it ordained by the City Council of the City of Brockton as follows:
That the City Council adopt the following Amendment to Chapter 3 “Animals and Fowl” of the Revised Ordinances of the City of Brockton, replacing the entirety of Chapter 3 with language as follows: Full Ordinance is located in the Clerk’s Office for viewing.

Referred to Ordinance

217. (ORDERS CONT.)

ORDERS:

724. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$267,600.

From: Commonwealth of Massachusetts Executive Office of Public Safety and Security- FY2023 Massachusetts Municipal Public Safety Staffing Grant

To: Brockton Fire Department- FY2023 Massachusetts Municipal Public Safety Staffing Grant Fund

(These grant funds will be used for overtime necessary to maintain staffing levels. There is no match required for this grant.)

Referred to Finance

725. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$41,500.84.

From: Commonwealth of Massachusetts Department of Fire Services- 2023 Firefighter Safety Equipment Grant

To: Brockton Fire Department- 2023 Firefighter Safety Equipment Grant Fund

(These grant funds will be used to purchase equipment to combat the ever-increasing fires and fire potential from lithium ion batteries. There is no match required for this grant.)

Referred to Finance

726. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$230,940.00

From: The Executive Office of Elder Affairs-FY23 Formula Grant

To: Council on Aging-FY23 Formula Grant Fund

These grant funds will be dispersed in the following manner:

- Salaries including overtime
- Energy
- Department equipment repair
- Printing
- Office Supplies
- Registration, memberships and subscriptions

Referred to Finance

727. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$150,000.

From: Environmental Protection Agency (EPA)- 2022 Southeast New England Program (SNEP) Grant

To: Department of Planning and Economic Development- 2022 Southeast New England Program (SNEP) Grant Fund

(These grant funds will be used to study nature-based solutions to reduce flooding on Trout Brook and the Salisbury Plain River. There is a local match of \$50,000 required.)

Referred to Finance

728. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.

From: The Massachusetts Office on Disability MMARS Department-FY23 Municipal ADA Improvement Grant

To: Finance Department-FY23 Municipal ADA Improvement Grant Fund

These grant funds will be used to hire a consultant with EOAF Grant Funds to complete an ADA Self-Evaluation and Transition Plan. The Project scope includes an ADA Self-Evaluation and Transition Plan encompassing all of Grantee's facilities, activities, programs and services.

218. (ORDERS CONT.)

Referred to Finance

729. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$73,551.

From: The U.S Department of Justice- FY22 Massachusetts State Police Edward J. Byrne Justice Assistance Grant Program

To: City of Brockton Police Department- FY22 Massachusetts State Police Edward J. Byrne Justice Assistance Grant Program Fund.

(These grant funds will be used to fund overtime used for community policing and outreach efforts. **There is no match requirement.**)

Referred to Finance

730. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$80,000.

From: The Commonwealth of Massachusetts Department of Environmental Protection- FY23 MassDEP FY23 RDP Grant

To: Department of Public Works Refuse Division- FY23 MassDEP FY23 RDP Grant Fund

These grants will be used by the Department of Public Works Refuse Division to pay the January, February, March and part of April Recycle Cart portion of the trash bill (\$23,682 per month). The city will own the containers after April.

Referred to Finance

731. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$426,000.

From: Commonwealth of Massachusetts Executive Office of Housing and Economic Development- FY2023 Community Empowerment and Reinvestment Program Grant

To: Finance Department- FY2023 Community Empowerment and Reinvestment Program Grant Fund

(These grant funds will be used to support the Brockton Second Chances Project. The services that will be provided to meet the unique needs of formerly incarcerated and court-supervised individuals are IT trainings, CDL training programming, housing services for individuals suffering from substance use disorder, and case management services.)

Referred to Finance

Councilor's Recognition

President Lally stated that they will not have a Finance Committee meeting the next meeting will be on January 9, 2023 which is a regular scheduled City Council Meeting. He also Thanked his colleges for their faith, support, and trust as Council President and appreciates their friendship as well.

Councilor Minichiello thanked President Lally and stated he did a great job and served the City Well.

Meeting adjourned at 7:18PM

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.