

In City Council March 14, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, March 14, 2022 at 7:00PM in the Council Chambers, 2<sup>nd</sup>. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00 PM with ten members present. Councilors Mendes, Minichiello, and Tavares absent.

128. Acceptance of the Minutes of the February 28, 2022 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

129. Appointment of Ednel Sanon of 48 Westland Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

130. Appointment of James Andrews of 19 Hazard Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

Councilors Mendes and Tavares stepped in.

131. Appointment of Juan Delos Santos of 127 Downey Road, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

132. Appointment of Jodel Daniel of 217 Nilsson Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

133. Appointment of Laura Biechler of 37 Fern Ave Brockton, MA 02301 to the Brockton Community Access Board for a three-year term, ending March 2025.

Referred to Finance

134. Re-Appointment of John Condon of 45 Woodland Drive, Bridgewater, MA 02324 to the Brockton Retirement Board for a three-year term, ending March 2025.

Referred to Finance

REPORTS:

135. Of the Finance Committee for its meeting of March 7, 2022.

Accepted and placed on file

HEARINGS:

Petition of LML Brockton, LLC, of 401 Edgewater Place, STE 265, Wakefield, MA 01880, for a Garage License Transfer located at 1150 West Chestnut Street, Brockton, MA 02301.

### 33. (HEARING CONT.)

Michael Weber employed by Hunneman Realty of Boston owner's representative appeared in favor of the petition and was there to answer any questions.

Councilor Nicastro stated she was in favor of this.

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of Realty Trust, of 15 Greenlodge Street, Dedham, MA 02026, for a Garage License Transfer located at 642 Main Street, Brockton, MA 02301.

George Petropoulos former owner appeared in favor of the petition and was there to answer any questions.

Councilor Nicastro stated she was in favor of this.

Councilor D'Agostino stated he was in favor of this.

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of G&K Automotive, Inc., Genaro DiCienzo (President) of 15 Greenlodge Street, Dedham, MA 02026, for a Transfer of Motor Vehicle Repair Mechanical License located at 642 Main Street, Brockton, MA 02301.

Councilor Nicastro stated she was in favor of this.

Hearing held.

No one was in opposition.

Granted by a hand vote.

#### COMMUNICATIONS:

136.From the Mayor informing the City Council that effective 4:30 p.m., March 4, 2022, Captain Steven Williamson has been reappointed as Acting Police Chief for the City of Brockton pursuant to Massachusetts General Laws Chapter 41, Section 61A.

Accepted and placed on file

137.From the Mayor appointing Ednel Sanon of 48 Westland Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Accepted and placed on file

138.From the Mayor appointing James Andrews of 19 Hazard Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Accepted and placed on file

### 34. (COMMUNICATIONS CONT.)

139.From the Mayor appointing Juan Delos Santos of 127 Downey Road, Brockton, MA 02302 as a Constable in the City of Brockton for a term of three (3) years.

Accepted and placed on file

140.From the Mayor appointing Jodel Daniel of 217 Nilsson Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Accepted and placed on file

141.From the Mayor appointing Laura Biechler of 37 Fern Ave Brockton, MA 02301 to the Brockton Community Access Board for a three-year term, ending March 2025.

Accepted and placed on file

142.From the Mayor re-appointing John Condon of 45 Woodland Drive, Bridgewater, MA 02324 to the Brockton Retirement Board for a three-year term, ending March 2025.

Accepted and placed on file

143.From the DPW Engineering Superintendent requesting the layout and acceptance of the following streets as outlined in the Council Order.

1. Aspen Street: Keswick Road to Rodwell Street
2. Rodwell Street: Aspen Street to Keswick Road; and
3. Victory Street: Aspen Street to Bourne Street

As these 3 streets are all part of the same subdivision and are adjacent to each other, it is recommended that all three be taken as a “unit”.

Accepted and placed on file

144.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the proposed Stormwater Enterprise Fund.

Accepted and placed on file

145.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 Stormwater Enterprise Fund without a detrimental impact on the continuous provision of the existing level of municipal services. The Environmental Protection Agency has established requirements for mitigation of stormwater impacts. The city, in collaborate efforts between the Department of Public Works and City Council, has established a stormwater fee that is being assessed for each property in the city. The revenue from that fee will support stormwater mitigation efforts within the city including staffing, design, and construction. The Department of Revenue has recommended the establishment of an enterprise fund as the best vessel to contain both the revenue and expenses for this enterprise.

Accepted and placed on file

146.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the proposed Brockton Parking Authority to be established as an Enterprise Fund effective Fiscal Year 2023, July 1, 2022. The enterprise fund will include the balance as of June 30, 2022 in the following accounts; Parking Enforcement Revolving Fund, Parking Meters Reserve fund and Garage Revenue reserve fund.

Accepted and placed on file

147.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

**35. (COMMUNICATIONS CONT.)**

continue to be adequate to support the proposed Brockton Parking Authority to be established as an Enterprise Fund effective Fiscal Year 2023, July 1, 2022. The enterprise fund will include the balance as of June 30, 2022 in the following accounts; Parking Enforcement Revolving Fund, Parking Meters Reserve fund and Garage Revenue reserve fund, without a detrimental impact on the continuous provision of the existing level of municipal services. For years, the Parking Authority has operated under an overly-complex system of three separate funds supporting their operations. In concert with the Department of Revenue, we believe the establishment of an enterprise fund will allow for a more streamlined and transparent operation of the Parking Authority. In addition, funds in excess of expenses will remain within the enterprise for future use.

Accepted and placed on file

148. From the Fire Chief requesting to accept and expend a total of fourteen thousand nine hundred thirty dollars and 00 cents (\$14,930.00) from the Commonwealth of Massachusetts Executive Office of Public Safety. The Fire Department intends to use these Grant funds for our Fire Safety Education Program.

Accepted and placed on file

149. 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 total grant award in the amount of \$ 14,930.00.

FROM: COMMONWEALTH OF MASSACHUSETTS- EXECUTIVE OFFICE  
OF PUBLIC SAFETY

\$14,930.00

TO: CITY OF BROCKTON FIRE DEPARTMENT- FY21 COMMUNITY  
S.A.F.E PROGRAM FUND

\$11,275.00

CITY OF BROCKTON FIRE DEPARTMENT-THE SENIOR  
SAFE PROGRAM FUND

\$3,655.00

These grant funds will be used for the Fire Safety Education program.

Accepted and placed on file

150. 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 appropriation of the grant award of \$14,930.00.

FROM: COMMONWEALTH OF MASSACHUSETTS- EXECUTIVE OFFICE  
OF PUBLIC SAFETY

\$14,930.00

TO: CITY OF BROCKTON FIRE DEPARTMENT- FY22 COMMUNITY  
S.A.F.E PROGRAM FUND

\$11,275.00

CITY OF BROCKTON FIRE DEPARTMENT-THE SENIOR  
SAFE PROGRAM FUND

\$3,655.00

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

Accepted and placed on file

**UNFINISHED BUSINESS:**

95. Re-appointment of James C. Doucette, 260 Torrey Street, Brockton, Ma 02301, as a Constable of Brockton for a term of three (3) years. (FAVORABLE)

### 36. (UNFINISHED BUSSINESS CONT.)

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

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 24-24.4 “Adult use of Marijuana” relative to Regulation and Zoning of Marijuana:

To strike the language “*Marijuana Retailer operations shall not be conducted or located on the ground floor in C-3 Zones*” in its entirety in Sec. 27-24.4 (b)(i). (FAVORABLE) (IN CITY COUNCIL FEBRUARY 28, 2022, PASSED TO A THIRD READING, BY ROLL CALL VOTE)

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

61. 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 24-24.4 “Adult use of Marijuana” relative to Regulation and Zoning of Marijuana: To strike the language “8 p.m.” and insert it its place “10 p.m.” in Sec. 27-24.4 (b)(ii). (FAVORABLE) (IN CITY COUNCIL FEBRUARY 28, 2022, PASSED TO A THIRD READING, BY ROLL CALL VOTE)

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

45. Ordinance: “An Ordinance to establish Honorary Positions for the Poet Laureate and Youth Poet Laureate in the City of Brockton”

Be it Ordained by the City Council of the City of Brockton as follows, and inserted into the Ordinances where appropriate:

(a) Poet Laureate

The City of Brockton shall designate a poet as the official Poet Laureate in the City of Brockton. The Poet Laureate shall be appointed by the mayor upon recommendation of the Brockton Library Board of Trustees and confirmed by the City Council. The Poet Laureate shall be a resident of the City of Brockton and shall serve for a two-year term.

(b) Youth Poet Laureate

The City of Brockton shall designate a poet as the official Youth Poet Laureate in the City of Brockton. The Youth Poet Laureate shall be appointed by the mayor upon recommendation of the Brockton Library Board of Trustees and confirmed by the City Council. The Youth Poet Laureate shall be a resident of the City of Brockton and shall serve for a one-year term. The Youth Poet Laureate shall be no more than twenty-one (21) years of age at the time of the appointment.

(c) Responsibilities

The responsibilities of the Poet Laureate and the Youth Poet Laureate may include, but not be limited to, providing public poetry readings, encouraging poetry appreciation within the city, and composing and publishing poems. These positions are honorary in nature and the positions shall not receive any monetary compensation from the city.

(FAVORABLE) (IN CITY COUNCIL FEBRUARY 28, 2022, PASSED TO A THIRD READING, BY ROLL CALL VOTE)

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

121. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$75,000.

From: Commonwealth of Massachusetts – Department of Conservation and Recreation

To: City of Brockton- Parks and Recreation Department

(These funds will be used for the improvements for Danny Goodwin Playground.)

(FAVORABLE)

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

**37. (UNFINISHED BUSSINESS CONT.)**

122.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.  
From: Commonwealth of Massachusetts – Department of Conservation and Recreation  
To: City of Brockton- Parks and Recreation Department  
(These funds will be used for the improvements for Gilmore Playground.)  
(FAVORABLE)

Councilor Nicastro motioned to make an amendment and was properly seconded to insert the word Old before Gilmore. The Final order will read These funds will be used for the improvements for the Old Gilmore Playground. The Amendment passed by a hand vote. Adopted as Amended by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor Minichiello absent.

123.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: \$15,000  
From: Animal Control– Personal Services- Other Than Overtime  
To: Animal Control – Personal Services- Overtime  
This transfer is necessary to supplement overtime spending due to the department being down an animal control officer position. (FAVORABLE)

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

124.Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:  
Appropriation of: \$7,000.00  
From: ARPA Fund \$7,000  
To: Public Property – Covid Bonus \$7,000  
for purposes of funding the Brockton Building and Construction Trades contract.  
This appropriation provides funding for three (3) years (July 1, 2019-June 30, 2022), of a three (3) year contract. (FAVORABLE)

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

125.Ordered: That the City of Brockton appropriate the amount of Three Million Six Hundred Thirty-Three Thousand Eight Hundred Fifty-Eight Dollars (\$3,633,858) for the purpose of paying costs of purchasing three fire apparatus, and the payment of costs incidental or related thereto. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under G.L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. (FAVORABLE)

Passed to a third reading by a hand vote. Ten members present Councilor Minichiello absent.

126.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$5,605.00.  
From: The Executive Office of Public Safety and Security/Office of Grants and Research-FY22 Community Safety Projects Grant Program  
To: City of Brockton Police Department -FY22 Community Safety Projects Grant Program. (FAVORABLE)

### 38. (UNFINISHED BUSSINESS CONT.)

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

#### ORDERS:

151. 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.

Referred to Ordinance

152. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **ASPEN STREET**, extending from Keswick Road, northerly, to Rodwell Street, a distance of about 1,088 feet, more or less, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way of said City of Brockton, said easement passing by or over lands of those persons shown on “EXHIBIT A”, attached hereto and parties unknown. Said layout of said street, being 50.00 feet in width, is shown more particularly on a plan entitled “BUTLER PARK, Revision of Lots at Brockton, Brockton, Mass., Scale 1” = 40’, January 30, 1959”, drawn by Bradford Saivetz C.E., Quincy, Mass., and recorded at Plymouth County Registry of Deeds in Plan Book 11, Page 719.

The land taken is more fully described as follows: All the land within the limits of a private way known as **Aspen Street**, supposed to belong to parties unknown, being a strip of land 50.00 feet in width, extending from Keswick Road, northerly, to Rodwell Street, a distance of about 1,088 feet, more or less, as shown on the herein described plan, to which reference is hereby made for a more particular description. And we have considered and estimated the damages sustained by all persons who have not waived damages in their several estates as follows: NO AWARDS.

Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **RODWELL STREET**, extending from Aspen Street, northeasterly, to Keswick Road, a distance of about 300 feet, more or less, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way of said City of Brockton, said easement passing by or over lands of those persons shown on “EXHIBIT A”, attached hereto and parties unknown. Said layout of said street, being 50.00 feet in width, is shown more particularly on a plan entitled “BUTLER PARK, Revision of Lots at Brockton, Brockton, Mass., Scale 1” = 40’, January 30, 1959”, drawn by Bradford Saivetz, C.E., Quincy, Mass., and recorded at Plymouth County Registry of Deeds in Plan Book 11, Page 719.

The land taken is more fully described as follows: All the land within the limits of a private way known as **Rodwell Street**, supposed to belong to parties unknown, being a strip of land 50.00 feet in width, extending from Aspen Street, northeasterly, to Keswick Road, a distance of about 300 feet, more or less, as shown on the herein described plan, to which reference is hereby made for a more particular description. And we have considered and estimated the damages sustained by all persons who have not waived damages in their several estates as follows: NO AWARDS.

Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **VICTORY STREET**, extending from Aspen Street, westerly, to Bourne Street, a distance of about 450 feet, more or less, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way of said City of Brockton, said easement passing by or over lands of those persons shown on “EXHIBIT A”, attached hereto and parties unknown. Said

### 39. (ORDERS CONT.)

layout of said street, being 42.00 feet in width, is shown more particularly on a plan entitled "BUTLER PARK, Revision of Lots at Brockton, Brockton, Mass., Scale 1" = 40', January 30, 1959", drawn by Bradford Saivetz, C.E., Quincy, Mass., and recorded at Plymouth County Registry of Deeds in Plan Book 11, Page 719.

The land taken is more fully described as follows: All the land within the limits of a private way known as **Victory Street**, supposed to belong to parties unknown, being a strip of land 42.00 feet in width, extending from Aspen Street, westerly, to Bourne Street, a distance of about 450 feet, more or less, as shown on the herein described plan, to which reference is hereby made for a more particular description. And we have considered and estimated the damages sustained by all persons who have not waived damages in their several estates as follows: NO AWARDS.

Referred to Finance/Planning

153. Ordered: That the City Council accept the provisions of Chapter 44, ss 53F 1/2 of the M.G.L establishing Stormwater as an enterprise fund effective Fiscal Year 2023.

Referred to Finance

154. Ordered: That the City Council accept the provisions of Chapter 44, ss 53F 1/2 of the M.G.L establishing an enterprise fund for the Brockton Parking Authority as effective Fiscal Year 2023. The enterprise fund will include the balance as of June 30, 2022 in the following accounts; Parking Enforcement Revolving Fund, Parking Meters Reserve fund and Garage Revenue reserve fund.

Referred to Finance

155. Ordered: That the City Council of the City of Brockton petitions the Great and General Court for special legislation relating to the City of Brockton to be filed with an attested copy of this Order be and hereby is approved under the provisions of Clause One (1) Section Eight (8) of Article Two (2), as amended, of the Articles of Amendments to the Constitution of the Commonwealth of Massachusetts as follows:

**PETITION FOR SPECIAL LAW RELATIVE TO BIDDING REQUIREMENTS FOR A CERTAIN AFFORDABLE HOUSING PROJECT IN THE CITY OF BROCKTON:**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Provided that the General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition, be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:

SECTION 1. Construction and development activity related to redevelopment by the Brockton Housing Authority or by a limited liability company or limited partnership controlled by the Brockton Housing Authority of the federally-assisted Campello High-Rise located at 1380 Main Street, Brockton MA, Assessor's Parcel ID Map 117-034 and 117-003, in the City of Brockton, or any part thereof or subsequently added to parcel, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency, but shall be subject to section 26 to 27H, inclusive, of chapter 149 of the General Laws (Prevailing Wage). A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized pursuant to chapter 121A of the General Laws or to a nonprofit state and federally-tax exempt corporation organized for the purpose of or to a limited partnership or limited liability company whose primary purpose is revitalizing the project, shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled or managed by the Brockton Housing Authority on the date of the conveyance.

SECTION 2. The provisions of this act shall take effect upon passage.



#### **40. (ORDERS CONT.)**

Referred to Finance

156. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$14,930.00.

From:

Commonwealth of Massachusetts-Executive Office of Public Safety  
\$14,930.00

To:

City of Brockton Fire Department-FY22 Community S.A.F.E Program Fund  
\$ 11,275.00

City of Brockton Fire Department-The Senior Safe Program Fund  
\$3,655.00

These grant funds will be used for the Fire Safety Education program.

Referred to Finance

#### **Councilor's Recognition**

Councilor Nicastro invited everyone to attend a neighborhood meeting that she will be hosting to discuss a subdivision hearing for White Pines Golf Course. The meeting will be held on Wednesday March 16, 2022 at 7:00P.M.-8:15 P.M. at the Edgar B. Davis School located at 380 Plain St. to discuss and a proposal and ask questions about 27 Acres of the White Pines Golf Course to create lots to build single family homes. You can call with any questions at (508) 847-1314.

Councilor Asack stated that Wednesday March 16 is the Ukraine Flag raising at 11:00 A.M. and Thursday March 17 is the Irish Flag raising at 12:30 P.M. and all Flag raising are organized by the Mayor's Office any questions feel free to reach out to them. The Brockton Cultural Affairs and Tourism Expo 2022 will be held on Saturday March 26 at 10:00A.M.-3:00P.M. at the North Baptist Church 899 N. Main Street.

Meeting adjourned at 7:30PM

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.