

In City Council April 25, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, April 25, 2022 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:03 PM with all eleven members present.

Councilor Asack stated that we lost an amazing woman a community leader Joan Madden last week on Tuesday and she just wanted to send her condolences to the family and may she rest in peace. Her services are being held at Russell & Pica Funeral Home Friday April 29 from 4-7PM.

258. Acceptance of the Minutes of the April 11, 2022 City Council meeting.

Accepted and placed on file

REPORTS:

259. Of the Planning Board for its meeting of April 5, 2022.

Accepted and placed on file

260. Of the Finance Committee for its meeting of April 19, 2022.

Accepted and placed on file

HEARINGS:

Petition of Antero Rodrigues, MGR Black Ops Collision and Repair LLC, of 4 Monroe Street, Taunton, MA 02780, for a Motor Vehicle Repair Mechanical License Transfer located at 761 Warren Avenue, Brockton, MA 02301.

Antero Rodrigues appeared in favor of the petition and was there to answer any questions.

Hearing held.

Deborah Nordin of 766 Warren Ave was in opposition. She stated she was concerned with the hours of operation and the vehicles being parked on street.

Councilor D'Agostino stated that Antero Rodrigues has agreed to the Stipulations to the License. Councilor D'Agostino stated to answer some of Ms. Nordin questions that the hours of operation will be 8AM-7PM M-F, 8AM-1PM Sat, Closed Sundays & Legal Holidays. All outside storage of vehicles is limited to 15 vehicles which must be stored in the fenced in lot at the back of the property. No vehicle associated with this business will be parked or stored anywhere on any public or private way.

Councilors Nicastro, Rodrigues, and Farwell commented.

Granted by a hand vote with Stipulations to License.

COMMUNICATIONS:

261. From the Mayor informing the City Council that Bonnie Sparks is stepping down from the Conservation Commission effective April 12, 2022.

Accepted and placed on file

64. (COMMUNICATIONS CONT.)

262. From the Director of Planning and Economic Development requesting acceptance of the grant award in the amount of \$226,000 from the Commonwealth of Massachusetts a MassWorks Grant to prepare design documents and drawings for the reconstruction of Franklin Street and the extension of Marvelous Marvin Hagler Way from Franklin Street to Court Street. This grant continues work to improve circulation downtown and builds off previous efforts to improve Centre Street, Petronelli Way and other downtown streets. This \$226,000 EPA grant will not require a local match.

Accepted and placed on file

263. 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 \$226,000 from.... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT – MASSWORKS GRANT to..... DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT – MASSWORKS GRANT FUND. These grant funds will be used to improve circulation in downtown Brockton.

Accepted and placed on file

264. 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 \$226,000 from.... COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT – MASSWORKS GRANT to..... DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT – MASSWORKS GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

265. From the Director of Planning and Economic Development requesting acceptance and expenditures of the grant award in the amount of \$250,000 from the Commonwealth of Massachusetts Housing Choice Initiative Program. The grant will fund important investiture improvements in the public realm associated with the redevelopment of the Sisters of Jesus Crucified, Our Lady of Sorrows Convent at 223 Thatcher Street. Working in conjunction with the Planning Office of Urban Affairs the City see the following: A new sidewalk on the west side of Thatcher Street, crosswalk connecting to Massasoit Community College and improved pedestrian access along Thatcher Street; New bus stop to improve the connection to public transportation; and Sewer improvements that will support the new 175 housing units. The Grant does require a local match. The local match will be satisfied by in-kind design and engineering services funded by the Planning Office of Urban Affairs.

Accepted and placed on file

266. 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 \$250,000 from.... COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT – FY22 MASS HOUSING CHOICE GRANT to..... DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT – FY22 MASS HOUSING CHOICE GRANT FUND. These grant funds will be used for infrastructure and roadway improvements on Thatcher Street.

Accepted and placed on file

65. (COMMUNICATIONS CONT.)

267. 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 \$250,000 from.... COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT – FY22 MASS HOUSING CHOICE GRANT to..... DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT – FY22 MASS HOUSING CHOICE GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

UNFINISHED BUSINESS:

Councilor Farwell motioned to take number 12-14 collectively and vote on it and was properly seconded. The motioned carried by a hand vote.

220. Appointment of Kyrah Rodriguez of 90 Country Club Lane Brockton, MA 02301 to the Brockton Redevelopment Authority for a five-year term, ending March 2027. (FAVORABLE)

221. Appointment of Dennis Eaniri of 137 Winnifred Road Brockton, MA to the Parking Authority for a five-year term, ending April 2027. (FAVORABLE)

219. Re-Appointment of Ernest Pettiford of 1161 Montello St. Brockton, MA to the Brockton Housing Authority Board for a five-year term, ending April 2027. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. 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 D’Agostino motioned to take a late file out of order was properly seconded. The motion carried by a hand vote.

271. Appointment: Appointment of Police Officer David R. Wallant Jr. of 151 Robeson St. New Bedford, MA 02740 as a Special Police Officer.

Councilor D’Agostino motioned to motioned to move under Suspension of rules and was properly seconded. The motion carried by a hand vote. Councilor Asack motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

66. (UNFINISHED BUSINESS CONT.)

87. Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan

Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended as follows:

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

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

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

Adoption of the above changes shall result in the following:

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

(FAVORABLE AS AMENDED) (IN CITY COUNCIL APRIL 11, 2022 PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

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

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.

(FAVORABLE) (IN CITY COUNCIL APRIL 11, 2022 PASSED TO A THIRD READING BY A HAND VOTE)

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

120. Ordinance: Be it ordained by the City Council of the City of Brockton as follows:

That the City Council adopt the following Amendments to the Section 27-24.3 “Humanitarian medical use of marijuana” relative to Regulation and Zoning of Marijuana for medical use:

To strike the language “8:30 a.m.” and insert in its place “8:00 a.m.” and strike the language “7:00 p.m.” and insert in its place “10:00 p.m.” in Sec. 27-24.3 (c) (21).

(FAVORABLE) (IN CITY COUNCIL APRIL 11, 2022 PASSED TO A THIRD READING BY A HAND VOTE)

67. (UNFINISHED BUSINESS CONT.)

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

84. Ordinance: Be it ordained by the City Council of the City of Brockton, Article II, Section 14-49 “Panhandling” is hereby repealed in its entirety and the sections shall be stricken in their entirety. (FAVORABLE) (IN CITY COUNCIL APRIL 11, 2022 PASSED TO A THIRD READING BY A HAND VOTE)

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

249. Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$50,000
From: Department of Public Works- Sewer- Personal Services- Other Than Overtime
To: Department of Public Works- Sewer- Personal Services- Overtime
(This transfer is necessary in order to cover projected overtime expenses and emergencies for the remainder of the fiscal year.) (FAVORABLE)

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

250. Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$100,000
From: Department of Public Works- Water- Personal Services- Other Than Overtime
To: Department of Public Works- Water- Personal Services- Overtime
(This transfer is necessary in order to cover projected overtime expenses and emergencies for the remainder of the fiscal year.) (FAVORABLE)

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

251. Ordered: That the City Council authorizes the previously appropriated funds of the American Rescue Plan Act that exceed the \$750,000 threshold for the following projects: City Hall Exterior Upgrades, City Hall HVAC, War Memorial HVAC, Senior Center Expansion, Emergency Operations, Liberty Tree and Abolitionist Park, Sycamore Grove, Nonprofit Fund Distribution, DW Field Clubhouse, Cosgrove Pool, Buckley Playground, Hancock Playground, Plymouth Street Playground, Holster Playground, Bent Playground, Hilstrom Farm Park, Parmenter Playground, Tukis Playground, and Otis Street Park, consistent with the spreadsheet below.

68. (UNFINISHED BUSINESS CONT.)

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

(FAVORABLE)

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

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

Adopted by a hand vote. Eleven members present.

254.Resolve: Whereas: Prostate Cancer occurs in approximately 250,000 new cases every year. Whereas: According to the American Cancer Society approximately 1 in 41 men will die from the effects of prostate cancer. Whereas: Prostate cancer disproportionately affects African-American men. Whereas: African-American men are more than twice as likely to die from prostate cancer than others. Be it Resolved: To have Steven Bernard of the Brockton Area Branch of the NAACP appear before a committee of this Council to make a presentation on the efforts of the organization to spread awareness of the efforts to educate the public on the need for early diagnosis and treatment options via the Prostate Cancer Awareness campaign. (FAVORABLE)

Adopted by a hand vote. Eleven members present.

255.Resolve: Whereas: Home fires claim approximately seven lives every day in this country. Whereas: Working smoke detectors can cut the risk of death by over 50%. Be it Resolved: To have a representative of the Brockton Area Red Cross appear before a committee of this Council to highlight their efforts in the “Sound the Alarm” campaign to install 50,000 free smoke alarms and share safety information in at risk communities across the country. (FAVORABLE)

Adopted by a hand vote. Eleven members present.

69. (ORDERS)

ORDERS:

268.Ordinance: Be it ordained by the City Council of the City of Brockton as follows:
That the City Council adopt the following Amendment to the Article IV, Section 27-29 relative to the C2-Zone as follows: Section 27-29 shall be amended to insert as subsection (s) as a principal permitted use “Eating and drinking establishments, including seasonal outdoor seating – without drive through service.”

Referred to Ordinance and Planning

269.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$226,000.
From: Commonwealth of Massachusetts Executive Office of Housing and Economic Development- MassWorks Grant
To: Department of Planning and Economic Development- MassWorks Grant Fund
(These grant funds will be used to improve circulation in downtown Brockton.)

Referred to Finance

270.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$250,000.
From: Commonwealth of Massachusetts Department of Housing and Community Development- FY22 Mass Housing Choice Grant
To: Department of Planning and Economic Development- FY22 Mass Housing Choice Grant Fund
(These grant funds will be used for infrastructure and roadway improvements on Thatcher Street.)

Referred to Finance

LATE FILES

Councilor Farwell motioned to accept all late files and was properly seconded. The motion passes by a hand vote.

272.APPOINTMENT: Appointment of City of Brockton Retired Police Officer Andrew Cesarini of 320 West Street Brockton, MA 02301 as a Special Police Officer.

Referred to Finance

273. RESOLVE: WHEREAS, A ‘Downtown Urban Renewal Plan’ was adopted by the City Council in 2016, and, WHEREAS, The plan included specific initiatives to be undertaken and a projected budget required for the success of the plan, and, WHEREAS, There are amendments to the plan and those changes are now part of the goals and objectives for redevelopment in the center of the city, and, WHEREAS, It is important to have periodic reviews of the progress, planning, and implementation of the Urban Renewal Plan; NOW, THEREFORE, BE IT RESOLVED: The executive director of the Brockton Redevelopment Authority and the chair of the redevelopment authority board appear before a committee of the Brockton City Council to discuss progress on the original urban renewal plan and the modifications adopted, as part of the continuing city initiatives.

Referred to Finance

70. (LATE FILES CONT.)

274. ORDINANCE: Be it ordained by the City Council of the City of Brockton as follows:
That the City Council adopt the following Ordinance relative to Outdoor Dining in the City of Brockton:

Licensing:

- (a) All establishments operating outdoor dining in the City of Brockton must obtain licensure approval from the License Commission. Each license shall be for a period of one (1) year.
- (b) The License Commission shall provide a process for application and renewal for an outdoor dining license. The License Commission shall set a fee for the application, license fee, and for the license renewal fee.
- (c) Each establishment shall be required to submit a site plan to the License Commission depicting the scope and location of the outdoor dining area and related facilities showing all barriers, seats, tables, trash receptacles, signs and other facilities. The plan shall label the number of seats.
- (d) Each license shall designate the number of allowed outdoor seats as determined by the License Commission.
- (e) Each license shall designate the hours of operations for outdoor dining as determined by the License Commission.
- (f) Each establishment which serves alcohol in its outdoor dining area shall include with their application a written statement describing how the sale and consumption of alcohol will be controlled in the outdoor dining area.
- (g) The License Commission may establish conditions in the license for the safety and welfare of patrons using the outdoor dining facilities.

Operations:

- (a) Normal vehicular traffic circulation cannot be impeded. Use of fire lanes is prohibited. Egress points and fire hydrants shall not be blocked.
- (b) All outdoor dining area must comply with ADA requirements.
- (c) Restrooms must be provided in accordance with the Board of Health and Commonwealth of Massachusetts public health requirements.
- (d) Food preparation must occur inside the restaurant kitchen facility unless outdoor food preparation is specifically authorized by the Board of Health.
- (e) The establishment must comply with the Alcoholic Beverages Control Commission for Extension of Premises to Patios and Outdoor Areas.

Referred to Ordinance

275. ORDINANCE: Be it ordained by the City Council of the City of Brockton as follows:
That the City Council adopt the following Amendment to the Article IV, Section 27-29 relative to the C2-Zone as follows: Section 27-29 shall be amended to insert as subsection (s) as a principal permitted use "Eating and drinking establishments, including seasonal outdoor seating – without drive through service."

Referred to Ordinance and Planning

Councilor's Recognition

Councilor Farwell stated that the first Councilors at Large meeting of this year will be held on Wednesday April 27 from 6:30-8:00PM at the East Middle School a representative from the Police department will be there to talk about public safety and Rob May and Ward 5 Councilor Thompson will be there to talk about zoning.

Councilor Asack stated that she had ran into Officer Rosie Vasquez Brown who is Collecting Sports balls for the youth all donations can be brought to the Police Station.

Meeting adjourned at 7:45PM

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.