

In City Council July 25, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, July 25, 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 7:03 PM with all eleven members present.

469. Acceptance of the Minutes of the June 27, 2022 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

470. Appointment of Ruth Moore of 1380 Main St. Brockton, MA 02301 to the Women's Commission for a three-year term, ending July 2025.

Referred to Finance

471. Appointment of Christina Derome of 315 Sully Road Brockton, MA 02302 to the License Commission for a three-year term, ending July 2025.

Referred to Finance

472. Appointment of Adewumi Oluwatoyin of 123 Country Club Lane Brockton, MA 02301 to the Women's Commission for a three-year term, ending July 2025.

Referred to Finance

473. Appointment of Lawrence Jezewski of 36 Sophia Avenue Brockton, MA 02301 to the Elections Commission for a four-year term, ending July 2026.

Referred to Finance

474. Appointment of Sandra Charton of 225 Northern Avenue, Boston, MA 02210 to the position of Director of Human Resources for a three-year term, ending in July 2025.

Referred to Finance

HEARINGS:

Petition of HMP Realty LLC (Miled Homsy), of 540 High Street, Westwood MA, 02090, for a Garage License Transfer located at 955 Montello Street, Brockton, MA 02301.

No one appeared in favor of the petition.

Hearing held.

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

Petition of Strickland's Enterprise LLC, of 301 North Main Street, Salem NC, 07101, for a Motor Vehicle Mechanical Repair License Transfer located at 881 North Montello Street, Brockton, MA 02301.

Steven Ortiz area Manager appeared in favor of the petition and was there to answer any questions.

Councilor Asack commented and was in favor.

**124. (HEARINGS CONT.)**

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of Philip O'Connor of Trust Unlimited LLC for a Second-Hand Article License located at 86 Intervale St. Brockton, MA 02302.

Philip O'Connor appeared in favor of the petition and was there to answer any questions.

Hearing held.

Councilor Minichiello motion to referred to Public Safety and was properly seconded.

Petition of George Legrice, Basement Powersports, 105 Cedar Street, East Bridgewater, MA, for a Motor Vehicle Repair Mechanical License and Motor Vehicle Repair Body License located at 21 Terminal Place, Brockton, MA

George Legrice appeared in favor of the petition and was there to answer any questions.

Councilor Nicastro commented and was in favor with Stipulations to License.

Hearing held.

No one was in opposition.

Granted with Stipulations by a hand vote.

**PETITION:**

Petition of Brandon Rogers DBA B&M One Stop Shop for a Second-Hand Article License located at 181 Clinton St. Brockton, MA. (UNFAVORABLE)

Councilor Rodrigues motioned to postpone to second City Council Meeting in September and was properly seconded. The motion carried by a hand vote.

Councilor Nicastro motioned to take # 51 out of order and withdrew her motion.

Councilor Asack motioned to take #48 and #49 out of order and suspend the rules and act on this tonight and was properly seconded. The motioned carried by a hand vote.

497. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Primary will be held on Tuesday, September 6, 2022 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority, 70 Hawley St
Ward One	Precinct B	West Middle School, 271 West Street
Ward One	Precinct C	Hancock School, 125 Pearl Street
Ward One	Precinct D	Hancock School, 125 Pearl Street
Ward Two	Precinct A	Barret Russell School, 45 Oakdale Street
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Senior Center, 10 Father Kenney Way
Ward Two	Precinct D	War Memorial Building, 156 West Elm Street
Ward Three	Precinct A	South Middle School, 105 Keith Avenue Ext
Ward Three	Precinct B	South Middle School, 105 Keith Avenue Ext
Ward Three	Precinct C	John F. Kennedy School, 900 Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue
Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street

## 125. (ORDERS CONT.)

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

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

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

498. Ordered: That the City Council appoints the Chief of Police, or her designee, the authority to assign police officers to the 28 polling places for the Massachusetts State Primary. The State Primary will be held on Tuesday, September 6, 2022 in the designated polling places.

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

Councilor Nicastro motioned to take #51 out of order and suspend the rules and act on this tonight and was properly seconded. The motioned carried by a hand vote.

500. Resolve: **RESOLVED**, To invite Patrick Hill, Commissioner of Public Works, Chike Odunukwe, City Engineer, Troy Clarkson, Chief Financial Officer, and/or their designees, to appear before the Brockton City Council to discuss the City's efforts to address storm water issues, as required by the US Environmental Protection Agency, including without limitation, an overview of required work and hiring, the ordinance passed and body created to oversee this work, the resulting costs of such additional work and hiring, the fee to pay such costs recently imposed on city property owners, and such other issues and concerns related to storm water. This Resolve results from the many calls and messages received by City Councilors following the recent mailing of bills for stormwater fees to residents and businesses owning property in Brockton.

Comments from Councilors Nicastro, Thompson, D'Agostino, Farwell, Tavares, Teixeira, Minichiello, and Rodrigues.

There to answer questions and comment CFO Troy Clarkson, Commissioner of Public Works Pat Hill, and City Engineer Chike Odunukwe.

Adopted by a hand vote.

## REPORTS:

475.Of the Public Safety Committee for its meeting of June 30, 2022.

## 126. (REPORTS CONT.)

Accepted and placed on file

476. Of the Finance Committee for its meeting of July 18, 2022.

Accepted and placed on file

### COMMUNICATIONS:

477. From the Mayor appointing Ruth Moore of 1380 Main St. Brockton, MA 02301 to the Women's Commission for a three-year term, ending July 2025.

Accepted and placed on file

478. From the Mayor appointing Christina Derome of 315 Sully Road Brockton, MA 02302 to the License Commission for a three-year term, ending July 2025.

Accepted and placed on file

479. From the Mayor appointing Adewumi Oluwatoyin of 123 Country Club Lane Brockton, MA 02301 to the Women's Commission for a three-year term, ending July 2025.

Accepted and placed on file

480. From the Mayor appointing Lawrence Jezewski of 36 Sophia Avenue Brockton, MA 02301 to the Elections Commission for a four-year term, ending July 2026.

Accepted and placed on file

481. From the Mayor appointing Sandra Charton of 225 Northern Avenue, Boston, MA 02210 to the position of Director of Human Resources for a three-year term, ending in July 2025.

Accepted and placed on file

482. From the Mayor advising that effective July 1, 2022, Sandi Charton has been appointed as Acting Human Resources Director for the City of Brockton pursuant to Massachusetts General Laws Chapter 41, section 61A.

Accepted and placed on file

483. From DPW Commissioner requesting the City Council authorize the acceptance and expenditure of the grant award in the amount of \$50,000 for snow plows.

Accepted and placed on file

484. 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...MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (MASS DOT)-FY23 SHARED STREETS AND SPACES PROGRAM GRANT to...DEPARTMENT OF PUBLIC WORKS-FY23 SHARED STREETS AND SPACES PROGRAM GRANT FUND.

Accepted and placed on file

485. 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...MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (MASS DOT)-FY23 SHARED STREETS AND SPACES PROGRAM GRANT to...DEPARTMENT

**127. (COMMUNICATIONS CONT.)**

OF PUBLIC WORKS-FY23 SHARED STREETS AND SPACES PROGRAM GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services. These grant funds will be used by the Department of Public Works to purchase snow plows.

Accepted and placed on file

486.From the Acting Chief of Police requesting authorization to expend a donation from the Plymouth County District Attorney's Office in the amount of \$5,000.00 to be used to offset the cost of training and caring for Brockton Police K9 Comfort Dog Bonnie.

Accepted and placed on file

487.From the Police Grant Coordinator requesting the City Council accept a donation from the Plymouth County District Attorney's Office in the amount of \$5,000.00 to be used to offset the cost of training and caring for Brockton Police K9 Comfort Dog Bonnie.

Accepted and placed on file

488.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...PLYMOUTH COUNTY DISTRICT ATTORNEY'S OFFICE-FY23 DRUG PREVENTION EDUCATION AND AWARENESS PROGRAM GRANT to.... BROCKTON POLICE DEPARTMENT-FY23 DRUG PREVENTION EDUCATION AND AWARENESS PROGRAM GRANT FUND. These grant funds will be used by the Brockton Police Department for the care and training of Brockton Police Department's comfort K9 Bonnie, who provides emotional support for the well-being of Drug-Endangered children, students with Adverse Childhood Experiences (ACES), and others that require that service.

Accepted and placed on file

489.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 \$5,000 from...PLYMOUTH COUNTY DISTRICT ATTORNEY'S OFFICE-FY23 DRUG PREVENTION EDUCATION AND AWARENESS PROGRAM GRANT to.... BROCKTON POLICE DEPARTMENT-FY23 DRUG PREVENTION EDUCATION AND AWARENESS PROGRAM GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

490.From the Acting Police Chief requesting authorization to expend \$96,500.00 in grant monies awarded by the Executive Office of Health and Human Services/Department of Mental Health as part of the FY 2023 Massachusetts Jail/Arrest Diversion Program.

Accepted and placed on file

491. From the Police Grant Coordinator requesting the City Council for authorization to expend \$96,500.00 in grant monies awarded by the Executive Office of Health and Human Services/Department of Mental Health as part of the FY 2023 Massachusetts Jail/Arrest Diversion Program. These grant funds will be used to pay for Crisis Intervention Team Training and Mental Health First Aid training for Brockton Police Officers. **There is no match requirement.**

Accepted and placed on file

**128. (COMMUNICATIONS CONT.)**

492. 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 \$96,500.00 from.....THE EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES/DEPARTMENT OF MENTAL HEALTH -FY23 MASSACHUSETTS JAIL/ARREST DIVERSION PROGRAM GRANT to.....CITY OF BROCKTON POLICE DEPARTMENT-FY23 MASSACHUSETTS JAIL/ARREST DIVERSION GRANT PROGRAM FUND. These grant funds will be used to pay for Crisis Intervention Team Training and Mental Health First Aid training for Brockton Police Officers. **There is no match requirement.**

Accepted and placed on file

493. 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 \$96,500.00 from.....THE EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES/DEPARTMENT OF MENTAL HEALTH -FY23 MASSACHUSETTS JAIL/ARREST DIVERSION PROGRAM GRANT to.....CITY OF BROCKTON POLICE DEPARTMENT-FY23 MASSACHUSETTS JAIL/ARREST DIVERSION GRANT PROGRAM FUND, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

UNFINISHED BUSINESS:

468.Appointment of City of Brockton School Police Officer Alicia Fernandes of 56 Ford Street Brockton, MA 02301 as a Special Police Officer. (FAVORABLE)

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

410.Appointment of Rita Spinola of 27 Vermont Avenue Brockton, MA 02302 to the Women’s Commission for a three-year term, ending June 2025. (FAVORABLE)

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

411.Appointment of Scott D. Uhlman of 142 Cashman Road Brockton, MA 02301 as an Alternate Member of the License Commission for a three-year term, ending June 2025. (FAVORABLE)

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

408.Re-Appointment of Sonja Dixon of 55 City Hall Plaza Brockton MA 02301 to the Women’s Commission for a three-year term, ending June 2025. (FAVORABLE)

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

86. Ordinance: An Ordinance Amending the Zoning Map for Parcel IDs identified from C-2 Zone to C-5 Zone. (FAVORABLE) (IN CITY COUNCIL JUNE 27, 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.

**129. (UNFINISHED BUSSINESS CONT.)**

85. Ordinance: An Ordinance Amending the C-5 Zone, Office Zones to add Research and Development Office or Laboratory, Independent Senior Residential, Assisted Care Senior Residential, business Incubator and Agricultural Greenhouse to the list of principal permitted uses: (FAVORABLE AS AMENDED) (IN CITY COUNCIL JUNE 27, 2022 PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

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

246. Ordinance: An Ordinance relative to permitting and regulation of Food Truck operations in the City of Brockton. (FAVORABLE AS AMENDED) (IN CITY COUNCIL JUNE 27, 2022 PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

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

247. Ordinance: An Ordinance relative to Zoning regulation and operations of Food Truck in the City of Brockton. (FAVORABLE AS AMENDED) (IN CITY COUNCIL JUNE 27, 2022 PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

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

257. Ordinance: An Ordinance amending Adult use of Marijuana Zoning Ordinance relative to regulation and zoning of Marijuana Delivery in the City of Brockton. (FAVORABLE) (IN CITY COUNCIL JUNE 27, 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.

275. Ordinance: An Ordinance to remove outdoor seating from Zoning ordinances in the City of Brockton. (FAVORABLE) (IN CITY COUNCIL JUNE 27, 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.

274. Ordinance: An Ordinance to establish licensing and operations of outdoor dining in the City of Brockton. (FAVORABLE AS AMENDED) (IN CITY COUNCIL JUNE 27, 2022 PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

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

455. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$250,000.

From: The Commonwealth of Massachusetts Community Compact Municipal Fiber Grant Program-FY22 Executive Office for Administration and Finance Grant Program \$250,000

To: City of Brockton Information Technology Department-FY22 Executive Office for Administration and Finance Grant Program Fund \$250,000

(These grant funds will allow for the replacement and upgrade of fiber that connects the two main data centers used for Police, Fire, City Hall, and Emergency Management Services for communication and dispatch.) (FAVORABLE)

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

**130. (UNFINISHED BUSSINESS CONT.)**

460.Ordered: That the City Council hereby declare the City owned parcels located at Petronelli Way and Franklin Street, having parcel identifications of Parcel ID: 109-074 (lot B) and Parcel ID: 109-075 (lot E), as surplus and that the Mayor of Brockton is hereby authorized to transfer the same to the Brockton Redevelopment Authority in furtherance of the Downtown Brockton Urban Development Plan as approved by the Brockton City Council on July 25, 2016 in order to accomplish the modifications to the new road (Marvelous Marvin Hagler Way) and the planned pocket park. (FAVORABLE)

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

462.Resolve: **BE IT RESOLVED**, that a designee of Neighborhood Health Center be invited to come before the Finance Committee to discuss mental health services offered and upcoming mental health initiatives. (FAVORABLE)

Adopted by a hand vote.

**ORDERS:**

494.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.  
From: Massachusetts Department of Transportation (Mass DOT)-FY23 Shared Streets and Spaces Program Grant.  
To: Department of Public Works- FY23 Shared Streets and Spaces Program Grant Fund. (These grant funds will be used by the Department of Public Works to purchase snow plows.)

Referred to Finance

495.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$5,000.  
From: Plymouth County District Attorney’s Office-FY23 Drug Prevention Education and Awareness Program Grant.  
To: Brockton Police Department- FY23 Drug Prevention Education and Awareness Program Grant Fund. (These grant funds will be used by the Brockton Police Department for the care and training of Brockton Police Department’s comfort K9 Bonnie, who provides emotional support for the well-being of Drug-Endangered children, students with Adverse Childhood Experiences (ACES), and others that require that service.)

Referred to Finance

496.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$96,500.00.  
From: The Executive Office of Health and Human Services/Department of Mental Health-FY23 Massachusetts Jail/Arrest Diversion Grant Program  
To: City of Brockton Police Department-FY23 Massachusetts Jail/Arrest Diversion Grant Program  
(These grant funds will be used to pay for Crisis Intervention Team Training and Mental Health First Aid training for Brockton Police Officers. **There is no match requirement.**)

Referred to Finance



### **131. (ORDERS CONT.)**

499.Resolve: To invite Chief Brenda Perez of the Brockton Police Department and Chief Brian Nardelli of the Brockton Fire Department and/or their designees, to appear before the Finance Committee of the Brockton City Council to discuss the work of the Fireworks Joint Task Force including, without limitation, number of calls received by its hotline, number of visits to City properties, amount of fireworks confiscated, their opinions of the effectiveness of the task force, reflect on what has been learned and what will be implemented in the future.

Referred to Finance

501.Resolve: To have representatives of the Greater Brockton Minority Business Association, GBMBA, appear before the Brockton City Council to help bring awareness to their efforts to assist the minority business community in the city.

Referred to Finance

502.Resolve: To have representatives of Moms Demand Action organization appear before the Brockton City Council to help bring awareness to their campaign to educate the public on gun safety.

Referred to Finance

#### **Late Files**

Councilor Farwell motioned to accept a Late File and was properly seconded. The motion carried by a hand vote.

503.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 XI "Board of Health" Section 11-181 "License Fees" to include a \$25.00 fee for a One Day Food Prep and Service permit.

Referred to Ordinance

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

President Lally reminded everyone the next meeting will be a Finance meeting on Monday August 15<sup>th</sup>, 2022. Also, a few events coming up on August 20<sup>th</sup>, 2022 at 11AM-3PM will be a fun event Brockton Police Night Out at the Brockton Fair Grounds. On August 18<sup>th</sup>, 2022 at 6:30PM-8:30PM a Ward 6 Meeting at the Ashfield Middle School.

Councilor Farwell stated that on Saturday July 30<sup>th</sup>, 2022 a make a difference event at the Brockton Community Access 1 North Main Street will be held between 12PM-4PM. Also a introduction for the Poet Laureate at the East Side Library at 2PM.

Councilor Asack reminded everyone that Sunday July 21<sup>st</sup>, 2022 is the annual Cape Verdean Festival from 2-8PM. Also, Cape Verdean Flag raising at City Hall Friday July 29<sup>th</sup>, 2022 at 4PM.

President Lally Also stated Peruvian Flag raising Thursday July 28<sup>th</sup>, 2022 at 3PM at City Hall.

Meeting adjourned at 9:05PM

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.