

In City Council September 26, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, September 26, 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 7:01 PM with all eleven members present.

567. Acceptance of the Minutes of the September 12, 2022 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

568. Reappointment of Kenneth Galligan of 25 Messina Dr. Brockton, MA 02301 to the Zoning Board of Appeals for a three-year term, ending September 2025.

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

569. Reappointment of Daniel Campbell, 16 Belcher Avenue, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

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) (POSTPONED FROM JULY 25, 2022 CITY COUNCIL MEETING)

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

REPORTS:

570. Of the Finance Committee for its meeting of September 7, 2022.

Accepted and placed on file

571. Of the Finance Committee for its meeting of September 19, 2022.

Accepted and placed on file

COMMUNICATIONS:

572. From the Mayor re-appointing Kenneth Galligan of 25 Messina Dr. Brockton, MA 02301 to the Zoning Board of Appeals for a three-year term, ending September 2025.

Accepted and placed on file

573. From the Mayor re-appointing Daniel Campbell, 16 Belcher Avenue, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three (3) years.

Accepted and placed on file

**153.(COMMUNICATIONS CONT.)**

574. From the DPW Engineering Superintendent requesting proceedings in the City Council for the layout and acceptance of Newbury Street, from Spring Street to Pleasant Street as outlined in the draft Council Order.

Accepted and placed on file

575. From the Director of Veteran's Services requesting acceptance and expenditure of a \$15 donation from Ms. Jenine Christensen to the War Memorial Revolving Fund for the purchase of flowers to fill the planters in front of the building.

Accepted and placed on file

576. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the amount of \$15 from.... MS. JENINE CHISTENSEN to....WAR MEMORIAL REVOLVING FUND. The donation will be used for the purchase of flowers to fill the planters in front of the building.

Accepted and placed on file

577. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of a donation in the amount of \$15 from MS. JENINE CHISTENSEN to..... WAR MEMORIAL REVOLVING FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

578. From the Chief of Police requesting authorization to expend grant monies related to the Executive Office of Health and Human Service's FY23 Safe and Successful Youth Initiative Grant award in the amount of \$500,000.

Accepted and placed on file

579. 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 \$500,000 from... EXECUTIVE OFFICE OF HEALTH & HUMAN SERVICE'S-FY23 SAFE & SUCCESSFUL YOUTH INITIATIVE GRANT to.....BROCKTON POLICE DEPARTMENT-FY23 SAFE & SUCCESSFUL YOUTH INITIATIVE GRANT FUND. These grant funds will be used for street outreach, case management, behavioral health, and tiered employment services for a targeted group of individuals aged 17-24 between July 1, 2022 and June 30, 2023. There is no match required for this grant.

Accepted and placed on file

580. 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 \$500,000 from... EXECUTIVE OFFICE OF HEALTH & HUMAN SERVICE'S-FY23 SAFE & SUCCESSFUL YOUTH INITIATIVE GRANT to.....BROCKTON POLICE DEPARTMENT-FY23 SAFE & SUCCESSFUL YOUTH INITIATIVE GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

**154.(UNFINISHED BUSINESS)**

UNFINISHED BUSINESS:

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. (FAVORABLE)

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

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

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

511.Appointment of Martha Testa of 430 West Chestnut Street, Brockton, MA 02301 to the Women’s Commission for a three-year term, ending August 2025. (FAVORABLE)

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

550.Reappointment of William Scharnick, 82 Main Street, P.O. Box 941, Marion, MA, 02738 as a Constable in the City of Brockton for a term of three (3) years. (FAVORABLE)

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

551.Appointment of Police Officer Daniel Leonard of 22 Highland Ave, Bridgewater, MA, 02379 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.

552.Appointment of Devondar Goods of 15 Bridge St., Brockton, MA, 02302 to the Diversity Commission for a three-year term ending in August 2025. (FAVORABLE)

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

553.Appointment of Aliyan Turner of 94 Provost St., Brockton, MA 02302 to the Diversity Commission for a three-year term ending in September 2025. (FAVORABLE)

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

452.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:

Article III, Section 2-127 is amended by adding the following category:

<i>Information Technology Director</i>	<i>IT</i>
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Article III, Section 2-127 is further amended by striking the wage scale for the position of Data Processing Dept. Head and replacing it with the following:

**155.(UNFINISHED BUSINESS CONT.)**

Category	Position	Min.	2	3	4
<i>IT</i>	<i>Information Technology Director</i>	<i>\$137,465</i>	<i>\$141,558</i>	<i>\$145,805</i>	<i>\$150,179</i>

Be it further ordained by the City Council of the City of Brockton that Article III, Section 2-127A is amended to include the IT category by replacing the first sentence of Section 2-127A, subsection (2) with the following: *After completion of one (1) year of service at the highest salary step for an F, HR, PL, L 1-3, PW, PK, PR, CC, LB, TC, EM, BH or IT position, the employee shall receive an increase up to five percent (5%) of the annual salary at the discretion of the Mayor, and without further approval of the City Council.* (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE)

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

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 Vendor and Service Permit. (FAVORABLE AS AMENDED) (PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE)

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

543.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$30,000.00.  
 From: The Massachusetts Department of State Police/ FY23 Massachusetts State Police Edward J. Byrne Justice Assistance Grant Program  
 To: City of Brockton Police Department-FY23 FY23 Massachusetts State Police Edward J. Byrne Justice Assistance Grant Program  
 Fund. (These grant funds will be utilized by the Brockton Police Gang Unit teaming up with the Massachusetts gang unit over the summer targeting gun crimes and illegal firearms possession. **There is no match requirement.**) (FAVORABLE)

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

Councilor Asack stepped out.

Councilor Farwell motioned to waive the reading of the order but include in record and was properly seconded. The motion carried by a hand vote.

544.Ordered: That the following named sum be and the same hereby appropriated as the same was submitted by the Mayor as follows: Appropriation of: \$55,572.82

From: Human Resources- Employee Benefits- Contractual Union Costs

To: Board of Health- Personal Services Other Than Overtime- Full-Time Salaries	\$1,687.54
Board of Health- Personal Services Other Than Overtime- Educational Incentive	\$700.00
Board of Health - Personal Services Other Than Overtime- Stipend	\$600.00
Council on Aging- Personal Services Other Than	

Overtime- Full-Time Salaries	\$7,191.06
<b>156.(UNFINISHED BUSINESS CONT.)</b>	
Council on Aging - Personal Services Other Than Overtime- Educational Incentive	\$700.00
Council on Aging - Personal Services Other Than Overtime- Stipend	\$1,200.00
DPW-Administration- Personal Services Other Than Overtime- Full-Time Salaries	\$4,771.72
DPW-Administration - Personal Services Other Than Overtime- Stipend	\$600.00
DPW-Water Enterprise- Personal Services Other Than Overtime- Full-Time Salaries	\$4,316.46
DPW-Water Enterprise - Personal Services Other Than Overtime- Educational Incentive	\$700.00
DPW-Water Enterprise - Personal Services Other Than Overtime- Stipend	\$600.00
DPW-Engineering- Personal Services Other Than Overtime- Full-Time Salaries	\$8,386.50
DPW-Engineering - Personal Services Other Than Overtime- Educational Incentive	\$700.00
DPW-Engineering - Personal Services Other Than Overtime- Stipend	\$1,200.00
Library Department- Personal Services Other Than Overtime- Full-Time Salaries	\$1,332.44
Library Department - Personal Services Other Than Overtime- Educational Incentive	\$700.00
Library Department - Personal Services Other Than Overtime- Stipend	\$600.00
Parks & Recreation- Personal Services Other Than Overtime- Full-Time Salaries	\$4,592.18
Parks & Recreation - Personal Services Other Than Overtime- Educational Incentive	\$700.00
Parks & Recreation - Personal Services Other Than Overtime- Stipend	\$600.00
Police Department- Personal Services Other Than Overtime- Full-Time Salaries	\$4,316.46
Police Department - Personal Services Other Than Overtime- Educational Incentive	\$700.00
Police Department - Personal Services Other Than Overtime- Stipend	\$600.00

**157.(UNFINISHED BUSINESS CONT.)**

Procurement Department- Personal Services Other Than Overtime- Full-Time Salaries	\$4,592.18
Procurement Department - Personal Services Other Than Overtime- Educational Incentive	\$700.00
Procurement Department - Personal Services Other Than Overtime- Stipend	\$600.00
Veterans Department - Personal Services Other Than Overtime- Full-Time Salaries	\$1,586.28
Veterans Department - Personal Services Other Than Overtime- Stipend	\$600.00

for purposes of funding the SEIU, Local 888: Department Heads Unit union contract, without detrimental impact on the continuous provision of the existing level of municipal services. This appropriation provides funding for three (3) years (July 1, 2022-June 30, 2025), 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 Asack not present.

Councilor Asack stepped back in.

545.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$9,016,226.11.  
From: Plymouth County  
To: Unappropriated Estimated Receipts- American Rescue Plan Act (ARPA) Fund  
(FAVORABLE)

Councilor Thompson motioned an amendment to strike the language Unappropriated Estimated Receipts and was properly seconded.

Councilor Asack asked for an explanation on why an amendment to order and who wanted the amendment.

Councilor Thompson stated it was the wrong language used its not estimated its and exact amount and it came from the Auditor.

The motion carried by a hand vote.

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

548.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$740,000.  
From: Commonwealth of Massachusetts Executive Office for Administration and Finance- Mask Program Grant  
To: Board of Health- Mask Program Grant Fund  
(These grant funds will be used to purchase and distribute face masks.) (FAVORABLE)

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

## 158.(UNFINISHED BUSINESS CONT.)

565.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of a donation of 468 cases of water bottles from...C Carney Environmental to.... City of Brockton Fire Department. (FAVORABLE)

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

542.Ordered: That the City Council hereby rescind the Amendment to the Order declaring the City owned parcel at West Elm Street, Brockton, MA (known as Keith Field), Assessor Map 58, Route 71-1, Plot 56, being the same premises shown on “Plan of Land in Brockton, June 12, 1920, Hayward & Hayward, Surveyors, 28 Main Street, Brockton, filed with Plymouth County Land Court Records, as surplus and available for disposition. The Amendment reads as follows: *To include in the order that the transfer of land shall be subject to a deed restriction which provides that the City shall have the right of first refusal, which shall be subject to City Council approval, to execute an option to purchase the land at the purchase price provided for in the transfer made pursuant to the order. Said option shall be executed upon the expiration of one hundred and twenty days upon receipt of notice to the City, for the option to purchase back the transferred land in the event the purchaser elects to sell the land transferred in this order.* This Order shall only rescind the language of the Amendment so that the land remains declared as surplus without the restriction contained in the Amendment. **AMENDMENT TO KEITH FIELD ORDER:** The City shall have the right to enter upon the Property and revest title back to it upon the occurrence of any of the following events: (1) The Grantee ceases to exist or function for the purposes of providing educational and recreational services to persons under the age of 18. (2) The Property is conveyed or transferred without the written consent of the Council. Notwithstanding the foregoing or any general or special law to the contrary, the City of Brockton, acting by and through its Mayor, is hereby authorized to subordinate the City’s reversionary right, as related to the surplus declaration and restrictions related thereto, to a conventional lender to fund the development of a youth services facility in an amount not to exceed five million dollars (\$5,000,000.00). This action shall take the form of a Subordination Authorization Agreement. The form and content of any documents shall be acceptable to the Mayor excepting that any subordination agreement executed by the Mayor shall contain a provision that any surplus funds (after payment of principal, interest and expenses) resulting from any foreclosure sale be paid to the City of Brockton. The authorization to subordinate the City’s reversionary right shall be limited to one subordination and any further subordinations shall be subject to approval by the City Council. (FAVORABLE AS AMENDED)

Councilor Thompson motioned to strike the amount \$5,000,000.00 and replace with \$10,000,000.00 and was properly seconded.

Councilor Farwell spoke briefly on the matter and stated he disagrees with this amendment.

Councilor D’agostino spoke briefly on the matter and also stated he disagrees with this amendment.

The motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present and six voting in the affirmative. Councilors Asack, D’Agostino, Farwell, Nicastro, and Rodrigues in the negative.

### 159.(UNFINISHED BUSINESS CONT.)

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

- 461.Resolve: **BE IT RESOLVED**, that Members of the Brockton School Committee, Superintendent of Schools Michael Thomas, Mayor of Brockton Robert Sullivan, Chief Financial Officer Troy Clarkson, Chief Financial Officer for the School Department Aldo Petronio, or their designees, be invited to come before the Finance Committee to discuss athletic facilities in the community, funding, and the need for development of fields and upgrades for recreational uses in the City. (FAVORABLE)

Adopted by a hand vote.

- 566.Resolve: Be it resolved: To have Superintendent Michael Thomas appear before a Finance Committee of the Brockton City Council to give an update on the new Brockton Public School 5 Year Strategic Plan and the Superintendents’ Proficiency Commitment. (FAVORABLE)

Adopted by a hand vote.

#### ORDINANCES:

- 581.Ordinance: An Ordinance Amending Article II, Section 28 – Compensation  
Be it ordained by the City Council of the City of Brockton, Article II, Section 28, is hereby amended by striking the provision in its entirety and inserting the following language: The city councilors shall receive in full for all services rendered compensation at the rate of Thirty Thousand Dollars (\$30,000.00) per annum, commencing January 1, 2023.

Referred to Ordinance

#### ORDERS:

Councilor Mendes stepped out.

- 582.Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of **Newbury Street**, extending from Spring Street, northerly, to Pleasant Street, a distance of 258 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 variable in width, is shown more particularly on a plan entitled “City of Brockton, Layout & Acceptance Plan of Newbury Street”. Said plan, drawn by J. K. Holmgren Engineering, Inc., at a scale of 1” = 20’, and dated August 19, 2022, is to be recorded herewith and made a part of this taking. Said layout of said street is bounded and described as follows: Beginning at a point in the northerly line of Spring Street at its intersection with the westerly line of Newbury Street; thence  
**N 09 - 42’ - 07” W**, in said westerly line of Newbury Street, a distance of 264.19 feet, to a point in the southerly line of Pleasant Street; thence  
**S 74 - 35’ - 00” E**, in the southerly line of Pleasant Street, a distance of 23.83 feet, to a point at the intersection of said southerly line of Pleasant Street with the easterly line of Newbury Street; thence  
**S 9 - 46’ - 48” E**, in the easterly line of Newbury Street, a distance of 251.87 feet, to a point at the intersection of said easterly line of Newbury Street with the northerly line of Spring Street; and thence  
**S 74 - 33’ - 53” W**, in said northerly line of Spring Street, a distance of 22.03 feet, to the point of beginning.

**160.(ORDERS CONT.)**

The land taken is more fully described as follows: All the land within the limits of a private way known as Newbury Street, supposed to belong to parties unknown, being a strip of land variable in width extending from Spring Street, northerly, a distance of 258 feet, more or less, as shown on a plan entitled "City of Brockton, Layout & Acceptance Plan of Newbury Street". Said plan, drawn by J. K. Holmgren Engineering, Inc., at a scale of 1' = 20', and dated August 19, 2022, is to be recorded herewith and made a part of this taking. 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

583.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$15...

From: Ms. Jenine Christensen

To: War Memorial Revolving Fund

(The donation will be used for the purchase of flowers to fill the planters in front of the War Memorial building.)

Councilor Mendes stepped back in.

Kelly Young Director of Veteran's Services Department spoke briefly on the matter.

Councilor Farwell motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Confirmed by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative. Councilor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

584.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$500,000.

From: Executive Office of Health and Human Services- FY23 Safe and Successful Youth Initiative Grant

To: Brockton Police Department – FY23 Safe and Successful Youth Initiative Grant Fund

(These grant funds will be used for street outreach, case management, behavioral health, and tiered employment services for a targeted group of individuals aged 17-24 between July 1, 2022 and June 30, 2023. There is no match required for this grant.)

Referred to Finance

RESOLVES:

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

## 161.(ORDERS CONT.)

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

Referred to Finance

586.WHEREAS, The City of Brockton has formally adopted a Poet Laureate and Youth Poet Laureate Honorary positions;

NOW, THEREFORE, BE IT RESOLVED:

The Poet Laureate, Phillip Hasouris, and Youth Poet Laureate Hannah Baptiste, be invited to address the Finance Committee of the City Council with a selection of poetry and to outline future events for the Poet Laureate and Youth Poet Laureate.

Referred to Finance

### **LATE FILES**

Councilor Asack motioned to accept a late file and was properly second. The motion carried by a hand vote.

587.RESOLVE: Resolved to have Cynthia Pendergast of NeighborWorks Housing Solutions, or her designee, appear before the Standing Committee on Finance of the Brockton City Council. Ms. Pendergast will give a brief overview of the services currently offered to the residents of Brockton by NeighborWorks Housing Solutions and introduce a new down payment assistance opportunity specifically for first time home buyers who are residents of Brockton.

### **Councilor's Recognition**

Councilor Asack reminded everyone about the Brockton Lebanese Festival this weekend its Friday-Sunday and everyone's welcome to attend there will be Food, Music, and Culture.

Councilor Nicastro stated that they celebrated the 100 years of the First Evangelical Lutheran Church on Main Street and she wanted to publicly congratulate them and is very proud to have in Ward 4. Thank you!

The City Clerk thanked Mike Simmons from BCA for all the hard work he did fixing the sound levels.

Meeting adjourned at 7:42PM

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.