

206.

In City Council December 12, 2022

The regularly scheduled meeting of the Brockton City Council was held on Monday, December 12, 2022 at 7:00PM in the Council Chambers, 2nd. Fl., City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:01 PM with nine members present. Councilors Farwell and Mendes absent.

President Lally stated that Councilor Farwell was under the weather and couldn't make it tonight.

678 Acceptance of the Minutes of the November 22, 2022 Special City Council meeting.

Accepted and placed on file

679 Acceptance of the Minutes of the November 28, 2022 City Council meeting.

Accepted and placed on file

HEARINGS:

669 That the City Council confirms the decision by Mayor Sullivan revoking the appointment of Marcelin Ulysse of 10 Longworth Av., Unit 9, Brockton, MA 32301 as a constable in the City of Brockton. (POSTPONED FROM CITY COUNCIL MEETING NOVEMBER 28, 2022)

Councilor Rodrigues motioned to postponed to January 9, 2023 City Council Meeting and was properly seconded. The motion carried by a hand vote. Councilor Thompson recused himself. Councilors Farwell and Mendes absent.

PETITIONS:

Councilor Asack stepped out.

Petition of The Holistic Concepts, Inc. license change of 49% ownership on a Retail Marijuana License located at 1915 Main Street, Brockton, MA, approved by License Commission on November 17, 2022 pending approval of the Brockton City Council and the CCC. (POSTPONED FROM CITY COUNCIL MEETING NOVEMBER 28, 2022)

Hearing held.

Attorney Scott Rubin and Samvel Arustamyan appeared in favor.

Councilors Rodrigues, Nicastro, and D'Agostino commented.

Granted by a roll call vote taken by "yeas" and "nays", eight members present and all voting in the affirmative. Councilors Asack not present. Councilors Farwell and Mendes absent. Councilor Nicastro motioned to file for reconsider with the wish it not prevail and was properly seconded. The motion carried by a hand vote.

207. (REPORTS CONT.)

REPORTS:

680 Of the Ordinance Meeting for its meeting of December 1, 2022.

Accepted and placed on file

COMMUNICATIONS:

681 From the Mayor informing City Council that Pourita Das is stepping down from the Planning Board effective December 2, 2022.

Accepted and placed on file

682 From the DPW Engineering Superintendent requesting the layout and acceptance of the following street Oscar Avenue: Sprague Avenue, westerly as outlined in the draft Council orders:

Accepted and placed on file

683 From the DPW Engineering Superintendent requesting the layout and acceptance of the following street Budd Avenue: Sheridan Street, easterly as outlined in the Council Order.

Accepted and placed on file

UNFINISHED BUSINESS:

537 Ordinance: AN ORDINANCE ESTABLISHING A HUMAN RIGHTS COMMISSION IN THE CITY OF BROCKTON.

PREAMBLE: It is the policy of the city to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city. It is the goal of the Human Rights Commission to ensure that all city residents are treated fairly and equally by eliminating bigotry, discrimination, intolerance and prejudice.

MEMBERSHIP: The Human Rights Commission shall consist of seven (7) members, all of whom shall be residents of the city during their term of appointment.

The mayor shall appoint, subject to confirmation by the city council, persons to serve for a period of three (3) years or until a successor is appointed and qualified. The mayor shall designate a chairperson to preside at meetings of the commission.

DUTIES AND RESPONSIBILITIES: The Human Rights Commission shall have, as its principal responsibilities: (1) To ensure that all city residents are treated fairly and equally by constantly striving to eliminate bigotry, discrimination, intolerance & prejudice. (2) To facilitate the exchange of information to residents in the areas of education, employment, economic and business development, and city services. (3) To foster enhanced partnerships between public safety departments and residents. (4) To recommend to the mayor and city council programs and services which enhance the quality of life for all residents. (5) To publish information accessible by the city's diverse communities regarding city, federal and state grants and programs which contribute to the health, safety, and economic stability of our residents. (6) To network with community-based organizations with the goal of sharing information, awareness of city services and programs, and economic assistance to residents. (7) The commission shall submit in February of each year to the city council, an annual report detailing its activities for the prior calendar year and stating its policy recommendations and legislative

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recommendations to all departments, divisions and agencies of the city, including the mayor and city council.

This Ordinance shall take effect ninety (90) days after approval to allow for appointment and confirmation of members of the commission. (REFERRED TO CITY COUNCIL WITH HOPE TO REFER THE MATTER TO THE CITY COUNCIL SUBCOMMITTEE ON EQUITY, DIVERSITY AND INCLUSION)

Councilor Asack motioned to refer to the Equity, Diversity, and Inclusion Committee and was properly seconded. The motion carried by a hand vote. Councilors Farwell and Mendes absent.

- 608** Ordinance: An Ordinance Amending Part II of the Revised Ordinances, Chapter 21 “Taxicabs, Buses, etc.” Be it Ordained by the City Council of the City of Brockton: Section 21-7 – “Rates and charges” shall be amended in subsection (1) by striking the words “two dollars (\$2.00)” and inserting in its place “three dollars and sixty cents (\$3.60)” and by striking the words “thirty-five cents (\$0.35)” and inserting in its place “forty cents (\$0.40).” Be it further amended in subsection (2) by striking the words “thirty-five cents (\$0.35) and inserting in its place “forty cents (\$0.40)”. Be it further amended that Section 21-15 – “Safety shields” shall be deleted in its entirety. (FAVORABLE)

Passed to a third reading by a hand vote. Councilors farwell and Mendes absent.

ORDINANCES:

- 684** 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 of the Revised Ordinances, Article IV, Section 2-260 “Senior citizen property tax work-off program” as follows: Subsection 2-260(h)(1) shall be deleted in its entirety to eliminate income limitations for applicants.

Referred to Ordinance

- 685** 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 of the Revised Ordinances, Article IV, Section 2-261 “Veterans property tax work-off program” as follows: Subsection 2-261(i)(1) shall be deleted in its entirety to eliminate income limitations for applicants.

Referred to Ordinance

ORDERS:

- 686** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Oscar Avenue**, extending from Sprague Avenue, westerly 1,225 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 the following described plans:
1. Land Court Plan 29550 C entitled “Subdivision of Land in Brockton, Land Surveys, Inc., Surveyors”, dated May 6, 1976.
 2. Land Court Plan **32844 A** (Sheets 1 and 2), entitled “Plan of Land in Brockton, Roy C. Anderson, Jr., Surveyor” dated December 20, 1963, and September 20 1965.
 3. Land Court Plan **32844 D** entitled “Subdivision Plan of Land in Brockton, Roy C. Anderson, Jr., Surveyor”, dated September 2, 1971.
 4. Land Court Plan **32844 F** entitled “Subdivision Plan of Land in Brockton, Roy C. Anderson, Jr., Surveyor”, dated November 3, 1971 and February 3, 1972.

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5. Land Court Plan **33765 A** entitled “Plan of Land in Brockton, L. W. DeCelle Surveyors, Inc., dated January 17, 1962 and December 24, 1965.
6. Land Court Plan **33765 B** entitled “Subdivision Plan of Land in Brockton, DeCa Engineering, Inc., Surveyors”, dated April 24, 1967.
7. Land Court Plan **38350 A** entitled “Plan of Land in Brockton, Joseph Selwyn, Surveyor”, dated November 19, 1973.
8. Land Court Plan **39764 A** entitled “Plan of Land in Brockton, Hayward – Boynton & Williams, Inc., Surveyors”, dated December 9 1977.

The land taken is more fully described as follows:

All the land within the limits of a private way known as **Oscar Avenue**, supposed to belong to parties unknown, being a strip of land 50.00 feet in width, extending from Sprague Avenue westerly, a distance of about 1,225 feet, more or less, as shown on the here-in described plans and 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. Exhibit A, Layout and Acceptance and all other attachments are all located in the Clerk’s Office for viewing.

Referred to Finance/Planning

- 687** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Budd Avenue**, extending from Sheridan Street, easterly 1,166.67 feet, more or less, to Adams Street, 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 the following described plan:

1. Land Court Plan **27625A (Sheets 1 and 2)** entitled “Plan of Land in Brockton, Bradford Saivetz, C.E.”, dated November 1, 1955, April 5, 1957, and June 13, 1957.

The land taken is more fully described as follows:

All the land within the limits of a private way known as **Budd Avenue**, supposed to belong to parties unknown, being a strip of land 50.00 feet in width, extending from Sheridan Street, easterly, a distance of about 1,166.67 feet, more or less, to Adams Street, as shown on the here-in described plan and 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. Exhibit A, Layout and Acceptance and all other attachments are all located in the Clerk’s Office for viewing.

Referred to Finance/Planning

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

Referred to Finance

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

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-

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first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth...

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

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

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

Referred to Finance

Councilor's Recognition

Councilor D'Agostino reminded everyone of the Ward 3 meeting this Wednesday December 14, 2022 at 6PM at the South Middle School cafeteria, representatives from the Police department, DPW, Mayor's Office and Council on Aging will be there to present information. Councilors are welcome to attend.

Councilor Nicastro stated that this passed Friday, Saturday, and Sunday the students of the Brockton High School drama department did a terrific play in the little theatre called "Murder In" and wanted to Congratulate everyone that participated in the play. She loved it and it was a terrific sold out play.

President Lally reminded everyone about the Finance Committee Meeting on Monday December 19, 2022 and our last Council Meeting of the year December 27, 2022.

Meeting adjourned at 7:35PM

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.