

In City Council March 27, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening March 27, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:02 PM with eleven members present.

866. Acceptance of the Minutes of the March 13, 2023 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

867. Appointment of Charles Vaughn, 42 Park Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three years.

Referred to Finance

868. Re-appointment of Robert William Bishop, 333 Foundry Street, South Easton, MA 02375 as a Constable in the City of Brockton for a term of three years.

Referred to Finance

REPORTS:

869. Of the Ordinance Committee for its meeting of March 8, 2023.

Accepted and Placed on File

870. Of the Finance Committee for its meeting of March 20, 2023.

Accepted and Placed on File

COMMUNICATIONS:

871. From the Mayor appointing Charles Vaughn, 42 Park Street, Brockton, MA 02301 as a Constable in the City of Brockton for a term of three years.

Accepted and Placed on File

872. From the Mayor appointing Robert William Bishop, 333 Foundry Street, South Easton, MA 02375 as a Constable in the City of Brockton for a term of three years.

Accepted and Placed on File

873. From the Council President appointing Margaret Kearney to the City of Brockton Beautification Committee.

Accepted and Placed on File

**261. (COMMUNICATIONS CONT.)**

874. 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 \$2,000,000.00 from... THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)-FY23 HEALTHY HOMES PRODUCTION GRANT PROGRAM (HHP) to.....THE MAYOR'S OFFICE-FY23 HEALTHY HOMES PRODUCTION GRANT PROGRAM (HHP) FUND.

The Brockton Redevelopment Authority agency intends on using these funds to provide financial assistance for moderate to low income families to improve their living space such as: lead mediation, asbestos, air quality, mercury, asthma, mold and mildew.

This grant requires a 10% match that will be funded from the Community Development Block Grant Program (CDBG).

Accepted and Placed on File

875. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that after an evaluation of all pertinent financial information reasonably available, 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 \$2,000,000.00 from... THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)-FY23 HEALTHY HOMES PRODUCTION GRANT PROGRAM (HHP) to.....THE MAYOR'S OFFICE-FY23 HEALTHY HOMES PRODUCTION GRANT PROGRAM (HHP) FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and Placed on File

876. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$36,126.11

FROM: HUMAN RESOURCES- EMPLOYEE BENEFITS-  
CONTRACTUAL UNION COSTS

TO: PUBLIC PROPERTY- PERSONAL SERVICES OTHER  
THAN OVERTIME

for purposes of funding the Brockton Building and Construction Trades contract.

This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025).

Accepted and Placed on File

877. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that after an evaluation of all pertinent financial information reasonably available, the financial resources and revenues of the City of Brockton are adequate to authorize the transfer of \$36,126.11

FROM: HUMAN RESOURCES- EMPLOYEE BENEFITS-  
CONTRACTUAL UNION COSTS

TO: PUBLIC PROPERTY- PERSONAL SERVICES OTHER  
THAN OVERTIME

for purposes of funding the Brockton Building and Construction Trades contract, without detrimental impact on the continuous provision of the existing level of municipal services.

This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025).

**262. (COMMUNICATIONS CONT.)**

This contract is both fiscally responsible and sustainable.

Accepted and Placed on File

878. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$50,000

FROM: HUMAN RESOURCES- EMPLOYEE BENEFITS-  
CONTRACTUAL UNION COSTS

TO: DPW- WATER ENTERPRISE:	\$5,000
DPW- SEWER ENTERPRISE:	\$5,000
LIBRARY	\$5,000
CEMETERY	\$5,000
DPW- HIGHWAY	\$5,000
DPW- MAINTENANCE	\$5,000
DPW- REFUSE ENTERPRISE	\$5,000
PARKING AUTHORITY	\$5,000
PARKS AND RECREATION	\$5,000
and	
PUBLIC PROPERTY	\$5,000

for purposes of funding the Public Employees' Local Union 1162, Water & Sewer contract, Laborer's Local Union 1162 contract, and Library SEIU, Local 888 Union's contract without detrimental impact on the continuous provision of the existing level of municipal services. This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025).

Accepted and Placed on File

879. 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 adequate to authorize the transfer of \$50,000

FROM: HUMAN RESOURCES- EMPLOYEE BENEFITS-  
CONTRACTUAL UNION COSTS

TO: DPW- WATER ENTERPRISE:	\$5,000
DPW- SEWER ENTERPRISE:	\$5,000
LIBRARY	\$5,000
CEMETERY	\$5,000
DPW- HIGHWAY	\$5,000

**263. (COMMUNICATIONS CONT.)**

DPW- MAINTENANCE	\$5,000
DPW- REFUSE ENTERPRISE	\$5,000
PARKING AUTHORITY	\$5,000
PARKS AND RECREATION	\$5,000
and	
PUBLIC PROPERTY	\$5,000

for purposes of funding the Public Employees’ Local Union 1162, Water & Sewer contract, Laborer’s Local Union 1162 contract, and Library SEIU, Local 888 Union’s contract without detrimental impact on the continuous provision of the existing level of municipal services. This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025). This contract is both fiscally responsible and sustainable.

Accepted and Placed on File

UNFINISHED BUSINESS:

817. Ordinance: An Ordinance Amending Article II, Section 28 Compensation to provide the City Council President an additional Two Thousand Five Hundred Dollar (\$2,500.00) per annum in compensation, commencing January 1, 2024. (FAVORABLE)

Passed to a third reading by a hand vote.

534. Ordinance: Chapter II, Article 3, Division 8 “Superintendent of Public Buildings” of the Ordinances of the City of Brockton is hereby amended establishing an Inspectional Services Department (ISD) within the Building Department. (FAVORABLE AS AMENDED)

Passed to a third reading as amended by a hand vote.

535. Ordinance: AN ORDINANCE AMENDING ARTICLE III, SECTION 2-127 OF THE REVISED ORDINANCES OF THE CITY OF BROCKTON

Be it Ordained by the City Council of the City of Brockton as follows:  
Article III, Section 127 of the Ordinances of the City of Brockton is hereby amended by inserting the following:

CATEGORY	Position	Min	2	3	4
PR-2	<i>Deputy Commissioner of Buildings</i>	<i>\$106,917</i>	<i>\$110,125</i>	<i>\$113,428</i>	<i>\$116,831</i>
PR-3	<i>Chief of Inspections</i>	<i>\$83,130</i>	<i>\$87,287</i>	<i>\$91,651</i>	<i>\$96,233</i>

(FAVORABLE AS AMENDED)

Passed to a third reading as amended by a hand vote.

860. Ordered: That the City Council authorize the City Clerk to waive the 120-day period under 301 CMR 51.08(B)(1) to permit the Commonwealth of Massachusetts, acting through the Department of Conservation and Recreation, to purchase the subject 8 acres of land (as identified in Exhibit A) located in the City of Brockton. The waiver requires approval by both the City Council and the Mayor. (FAVORABLE)

## 264. (UNFINISHED BUSINESS CONT.)

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

861. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 137 Main St. (FAVORABLE)

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

862. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City and 380 Quincy Street LLC, for the property located at 380 Quincy Street. (FAVORABLE)

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

864. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$51,480.00.

From: The Department of Homeland Security (DHS)-FY22 Emergency Management Performance Grant (EMPG)

To: Emergency Management Agency- FY22 Emergency Management Performance Grant (EMPG) Fund

(The Emergency Management Agency will use this funding to purchase a vehicle trailer, light tower and generator.) (FAVORABLE)

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

863. Ordered: That the City Council authorizes the acceptance and expenditure of the grant (Congressionally Directed Spending) in the amount of \$3,000,000.

From: U. S. Department of Housing and Urban Development (HUD)- FY23 Community Project Funding Grant

To: The Finance Department- FY23 Community Project Funding Grant Fund

(The grant (Congressionally Directed Spending) funds will be used to upgrade the Lawrence R. Cosgrove Memorial Pool.) (FAVORABLE)

Councilor Rodrigues motioned to amend with the condition that proper plans of the pool be submitted to the Council for viewing and was properly seconded. Attorney Resnick states that the Council cannot condition a grant. Councilor Rodrigues withdrew his motion. Councilors Farwell, Lally, Nicastro, Thompson and Rodrigues commented. Councilor Farwell motioned to postpone the item two weeks to the next City Council meeting and was properly seconded. Postponed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

834. Resolve: Be it resolved by the Brockton City Council to invite representative from MassINC Gateway Cities Innovation Institute to come before the City Council to make a presentation and discuss their findings relative to the Gateway Cities report on Social Infrastructure featuring the City of Brockton. (FAVORABLE)

Adopted by a hand vote.

**265. (ORDINANCES)**

ORDINANCES:

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

Chapter 2, Article V, of the Revised Ordinances of the City of Brockton is hereby amended by inserting the following sections where appropriate:

Section 1: Pursuant to the acceptance of MGL Chapter 111, Sections 26B-26E approved by the City Council on November 26, 2019, a Department of Health and Human Services is hereby created for the purposes of providing comprehensive health and human services to the residents of the city. The functions of the department shall include, but not be limited to:

- a) The department shall carry out all public health functions of the city.
- b) The department shall also carry out human services functions whose purpose shall be to foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the inhabitants of the city.
- c) The department shall work towards the enrichment of the lives of all the citizens of Brockton by promoting programs that develop better understanding among persons of different races, sexes, ages, colors, religious and ethnic groups, and which shall help create better communication among all of the residents of the city.

Section 2: The mayor, with the approval of the City Council, may appoint a Commissioner of Health and Human Services to be the executive and administrative head of the department.

Section 3: The commissioner shall be qualified by education and experience to manage the staff and activities of the department. He or she shall maintain all required records of the department and shall comply with all laws and regulations pertaining to public health.

Section 4: The position of “Commissioner of Health and Human Services (HHS-1)” is inserted into Article III, Division 1, Section 2-127 of the city pay plan. This position shall not be subject to the provisions of Section 2-110 as it relates to residency. However, where equal qualifications and experience exist as may be determined by the mayor, preference shall be given to a resident of the city. The appointment shall be for a period of three (3) years and continue until a successor is appointed and qualified.

Section 5. The salary for the commissioner shall be as follows. Provided further, the mayor may approve hiring at Step 3 if, in his/her judgement, the education and experience of an appointee warrants such action.

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
\$154,478	\$157,568	\$163,933	\$168,031	\$174,752

Section 6: The department shall oversee and assist the Commission on Womens’ Issues, the Commission on Diversity or any commission or group by similar name and purpose, and such other departments as the mayor may recommend, with approval by the City Council.

Section 7: Unless exempted by passage of a Home Rule Petition submitted by the City Council to the state legislature and with approval of same, the provisions of MGL Chapter 111, Sections 26A shall apply to the qualifications of the commissioner.

Section 8: Nothing within this ordinance should be construed to be in conflict with the ordinance establishing a code enforcement department within the building department.

Referred to Ordinance

**266. (ORDERS)**

ORDERS:

881. Ordered: That the following petition be approved and submitted to the Great and General Court for approval under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

**AN ACT RELATIVE TO THE APPOINTMENT OF A COMMISSIONER OF HEALTH AND HUMAN SERVICES 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:

SECTION 1. Notwithstanding any provision of section twenty-six B of chapter one hundred and eleven of the General Laws to the contrary, the city of Brockton may appoint a commissioner of public health who has control over the health and human services department, and who shall either: (1) be the holder of a graduate degree in medicine, public health, public administration or a related field with a least two years full time administrative experience in the organization, management or delivery of public health or health care services, or (2) have an equivalent combination of education and experience in health or health care.

SECTION 2. This act shall take effect upon its passage.

Referred to Finance

882. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$2,000,000.00.

From: The U.S Department of Housing and Urban Development (HUD)-FY23 Healthy Homes Production Grant Program (HHP)

To: The Mayor's Office-FY23 Healthy Homes Production Grant Program (HHP) Fund (The Brockton Redevelopment Authority agency intends on using these funds to provide financial assistance for moderate to low income families to improve their living space such as: lead mediation, asbestos, air quality, mercury, asthma, mold and mildew.)

This grant requires a 10% match that will be funded from the Community Development Block Grant Program (CDBG).

Councilor Farwell noted that this item was previously in front of Council with a scrivener's error. Councilor Farwell motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

883. 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 \$36,126.11

From: Human Resources- Employee Benefits- Contractual Union Costs

To: Public Property - Personal Services Other Than Overtime

for purposes of funding the Brockton Building and Construction Trades contract. This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025).

Referred to Finance

**267. (ORDERS CONTINUED)**

884. 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: Human Resources- Employee Benefits- Contractual Union Costs

To: DPW- Water Enterprise \$5,000

DPW- Sewer Enterprise \$5,000

Library \$5,000

Cemetery \$5,000

DPW- Highway \$5,000

DPW- Maintenance \$5,000

DPW- Refuse Enterprise \$5,000

Parking Authority \$5,000

Parks and Recreation \$5,000

and

Public Property \$5,000

for purposes of funding the Public Employees' Local Union 1162, Water & Sewer contract, Laborer's Local Union 1162 contract, and Library SEIU, Local 888 Union's contract without detrimental impact on the continuous provision of the existing level of municipal services. This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025).

Referred to Finance

885. Ordered: That in accordance with G.L.c. 44, §53A, the City hereby accepts, as a gift from the Estate of Francis X. McDonnell, by and through its attorney, John F. Creedon, Esq. and submitted to the City Council by Mayor Robert F. Sullivan, subject under the said statute for approval by the City Council of Brockton as follows:

1. The sum of (\$350,000.00) three hundred and fifty thousand dollars to be used by the City of Brockton Parks and Recreation Commission under the direction of the Mayor for (a) improvements to the DW Field Park, inclusive of the Golf Course; and (b) to acquire and place a park bench bearing a plaque with the name and in memory of the said Francis X. McDonnell, Golf Professional.

Referred to Finance



## 267. (RESOLVES)

### RESOLVES:

886. Resolve: Be it resolved by the Brockton City Council to invite the Mayor Robert Sullivan and the Chief Financial Officer Troy Clarkson to provide information and a detailed review on the City's debt position.

Referred to Finance

887. Resolve: Be it resolved by the Brockton City Council to invite Rob May, Director of Planning and Economic Development for the City of Brockton, and area restauranteurs, to come before the Council to provide an update and discuss their vision of the Sycamore Grove project being proposed by the City of Brockton.

Referred to Finance

888. Resolve: Be it resolved to invite the members of the Stormwater Authority and its chair, City Engineer Chike Odunukwe, to appear before a committee of the Brockton City Council to discuss the work and operations of the Stormwater Authority and such other related matters as the Council deems relevant.

Referred to Finance

### **Councilor's Recognition**

Councilor Mendes stated that she and Councilor Teixeira attended an event at Luanda for women who are small business owners. She stated that this will be a recurring event at different locations and encouraged those interested to reach out to her or the BRA.

Councilor Nicastro stated that she attended the Spring Concert at Brockton High School where she watched four different groups sing. She would like to compliment and applaud both the singers and Matt Cunningham, Choral Director.

Meeting adjourned: 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.