

In City Council March 13, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening March 13, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the February 27, 2023 City Council meeting.

APPOINTMENTS:

2. Appointments of the following:

Cedric M. Carter of 125 Stephen Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Sebastian D. Charles of 15 Douglas Street, Fall River, MA to the rank of Firefighter in the Brockton Fire Department.

Brandon M. Conrad of 73 Richard Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Jason A. DePina of 15 Miller Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Zachary E. Duquette of 108 Belmont Court, Apt #14, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Patrick D. Mahoney of 206 Woodard Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Amy R. Maloney of 36 Johnson Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Myles J. McKinnon of 15 Powder Circle, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Christopher L. Miranda of 14 Huntress Avenue, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Ted R. Moise of 56 Pine Grove Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Blake R. Phelan of 349 N. Pearl Street, Apt #307 to the rank of Firefighter in the Brockton Fire Department.

Jaysse T. Ribeiro of 118 Moraine Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Aaric M. Rivera of 22 Blossom Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Crystal M. Roach of 161 N. Quincy Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

Joseph A. Sylvia of 405 Torrey Street, Brockton MA to the rank of Firefighter in the Brockton Fire Department.

Shane M. Varnadore of 188 Pine Street, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

#### HEARINGS:

3. Petition of Javad Mammador, of Greenlining Management, 85 Dimmock St., Quincy, MA 02169, for a license to Solicit and Canvass.
4. Petition of Caleb Ormont, of Greenlining Management, 176 Manthorne Rd., West Roxbury, MA 02132, for a license to Solicit and Canvass.
5. Petition of Massachusetts Electric Company d//b/a National Grid and Verizon New England Inc. proposing to install one JO pole on Christy Drive. Beginning at a point approximately zero feet west of the centerline of the intersection of Christy Pl. and Christy Dr. and continuing approximately 150 feet in a West direction. Installing one pole needed for voltage monitoring.

#### REPORTS:

6. Of the Planning Board for its meeting February 7, 2023.
7. Of the Finance Committee for its meeting of February 21, 2023.
8. Of the Finance Committee for its meeting of March 6, 2023.
9. Of the Ad Hoc Committee for its meeting of March 7, 2023.

#### COMMUNICATIONS:

10. From the Mayor in accordance with Revised Ordinances of the City of Brockton Chapter 2, Section 2-186, reappointing Karen A. Fisher to the position of Senior Assistant City Solicitor-Full Time for a three-year term, effective March 10, 2023.
11. From the Mayor informing the City Council that Francis Gurley of 375 Pearl St, Brockton MA 02301 is resigning as a Member of the Cemetery Board of Trustees effective February 20, 2023.
12. From the Fire Chief informing the City Council that they have selected sixteen (16) candidates for appointments to the Brockton Fire Department. These candidates were found suitable for a Public Safety Position with the Brockton Fire Department.
13. From the Mayor recommending the appointments of sixteen candidates to the Brockton Fire Department.
14. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 137 Main St.
15. 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 approval of the Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 137 Main St., without a detrimental impact on the continuous provision of the existing level of municipal services. This is the latest in a series of TIE agreements designed to stimulate growth in the downtown and create new sustainable revenue for the city.
16. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the Tax Increment Exemption Agreement (TIE) between the City and 380 Quincy Street LLC, for the property located at 380 Quincy Street.
17. 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 approval of the Tax Increment Exemption Agreement (TIE) between the City and 380 Quincy Street LLC, for the property located at 380 Quincy Street, without a detrimental impact on the continuous provision of the existing level of municipal services. This is the latest in a series of TIE agreements designed to stimulate growth in the downtown and create new sustainable revenue for the city.

18. 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 (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.
19. 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 (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 without a detrimental impact on the continuous provision of the existing level of municipal services.
20. From the Emergency Management Director requesting acceptance and expenditure of FY 2022 Emergency Management Performance Grant (EMPG) in the amount of \$51,480.00 (No Match Required). This funding will be used to purchase a vehicle trailer, light tower and generator.
21. 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 \$51,480.00 from THE DEPARTMENT OF HOMELAND SECURITY (DHS)-FY22 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)to.... EMERGENCY MAANGEMENT AGENCY-FY22 EMERGENCY MANAGEMENT PERFORMANCE GRANT FUND. The Emergency Management Agency will use this funding to purchase a vehicle trailer, light tower and generator.
22. 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 \$51,480.00 from THE DEPARTMENT OF HOMELAND SECURITY (DHS)-FY22 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)to.... EMERGENCY MANGEMENT AGENCY-FY22 EMERGENCY MANAGEMENT PERFORMANCE GRANT FUND without a detrimental impact on the continuous provision of the existing level of municipal services.
23. 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.....BROCKTON REDEVOLPMENT AUTHORITY-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).
24. 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 \$2,000,000.00 from... THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)-FY23 HEALTHY HOMES PRODUCTION GRANT PROGRAM (HHP) to.....BROCKTON REDEVELOPMENT AUTHORITY-FY23 HEALTHY HOMES PRODUCTION GRANT PROGRAM (HHP) FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

UNFINISHED BUSINESS:

25. Ordinance: An Ordinance Amending Article III, Section 2-146 – Compensation – School Committee members elected by Ward is hereby amended by striking the words “five thousand dollars (\$5,000.00)” and inserting in its place. “fifteen thousand dollars (\$15,000.00).” The language “The amendment shall be effective January 1, 2018” shall be amended to reflect a new effective date of January 1, 2024. (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE.)
26. Ordinance: An Ordinance Amending Article II, Section 2-91, entitled “Committees generally” by creating a City Council subcommittee for the Committee on Economic Development. (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE.)
27. Ordinance: 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. (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE.)
28. Ordinance: 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. (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE.)
29. Ordinance: That the City Council adopt the following Amendment to Chapter 3 “Animals and Fowl” of the Revised Ordinances of the City of Brockton, replacing the entirety of Chapter 3. (FAVORABLE) (PASSED TO A THIRD READING BY A HAND VOTE.)
30. Ordinance: That the City Council adopt the following Ordinance relative to Recreational Vehicles in the City of Brockton. (FAVORABLE AS AMENDED) (PASSED TO A THIRD AS AMENDED READING BY A HAND VOTE.)
31. Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan inserting “Conservation Commission Chair, Conservation Commission Member” to the categories of pay plan positions and establishing a per meeting flat rate. (FAVORABLE AS AMENDED) (PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE.)
32. 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.

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.** (FAVORABLE)

33. Appointment of Martha Crowell of 221 Oak St., Apt. 102, Brockton, MA 02301 to the Planning Board for a five-year term, ending February 2028. (FAVORABLE)

34. 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 \$90,000

From: Human Resources-Employee Benefits \$90,000

To: Mayor-Purchases of Services \$80,000

Mayor-Goods and Supplies \$10,000

(FAVORABLE)

35. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:

Appropriation of \$815,802

From: Unappropriated Estimated Receipts \$815,802

To: DPW- Sewer Enterprise-Purchase of Services \$815,802

(FAVORABLE)

36. 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 \$416,389

From: DPW-Water-Desal-Variable Cost \$416,389

To: DPW-Water-Purchases of Services \$416,389

(FAVORABLE)

37. 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 \$175,000

From: DPW-Highway-Snow Removal \$175,000

To: Planning & Economic Development –Purchases of Services \$175,000  
(FAVORABLE)

38. 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 \$200,000

From: DPW-Highway-Snow Removal \$200,000

To: Public Property – Stadium Purchases of Services \$200,000

(FAVORABLE)

39. 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 \$70,000.

From: Law-Court Judgements \$50,000

Law-Personal Services Other than Over-time \$20,000

To: Law-Purchases of Services \$70,000

(FAVORABLE)

40. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$2,877.00.

From: Commonwealth of Massachusetts Department Executive Office of Public Safety-  
FY23 Senior SAFE Grant

To: Mayor's Office- FY23 Senior SAFE Grant Fund

The Fire Department intends to use these grant funds for their Fire Safety Education program. This is a non-matching grant with no cost to the City. (FAVORABLE)

41. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$10,481.00.

From: Commonwealth of Massachusetts Department Executive Office of Public Safety-  
FY23 Student Awareness of Fire Education (S.A.F.E.) Grant

To: Mayor's Office- FY23 Student Awareness of Fire Education (S.A.F.E.) Grant Fund

The Fire Department intends to use these grant funds for their Fire Safety Education program. This is a non-matching grant with no cost to the City. (FAVORABLE)

42. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$159, 992.18.

From: The Federal Emergency Management Agency (FEMA)- FY21 Assistance to  
Firefighters Grant (AFG)

TO: Brockton Fire Department-FY21 Assistance to Firefighters Grant (AFG) Fund.

The required ten percent (10%) match in the amount of fifteen thousand nine hundred ninety-nine dollars and twenty-two cents (\$15,999.22) is to be appropriated from Fire Security/Fire Control. (In order to replace the aging mobile radios currently deployed in the apparatus from the Federal Emergency Agency) (FAVORABLE)

43. 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 \$300,000

From: Human Resources- Employee Benefits- Contractual Union Costs

To: Fire Department- Personal Services Other Than Overtime

for purposes of funding the Firefighters Local 144 contract.

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

44. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$198,263.

From: Department of Energy Resources (DOER) Green Communities Division-FY23  
Green Communities Competitive Grant Program

To: Finance Department – FY23 Green Communities Competitive Grant Program Fund  
(These grant funds will be used to fund the following projects:

❖ \$188,263, City-EV charging stations (31)

❖ \$10,000, City-Administrative assistance  
(There is no match required for this grant.) (FAVORABLE)

45. Ordered: That the City Council authorizes the acceptance and expenditure of the Earmark in the amount of \$100,000.  
From: Massachusetts Department of Public Health- Legislative Earmark Funding Grant  
To: The Mayor's Office- Legislative Earmark Funding Grant Fund  
(These grant funds will be used to support the Champion Program. There is no match required.) (FAVORABLE)
46. Resolve: Be it resolved by the Brockton City Council to invite Troy Clarkson, Chief Financial Officer of the City of Brockton, to come before the Council to provide an update and report on the current fiscal year budget compared to fiscal year to date expenditures and to provide an update on City debts and maturity dates of existing debts. (FAVORABLE)
47. Resolved: To invite Brockton Fire Chief, Brian Nardelli, to appear before the council to present, pursuant to Revised Ordinances Sec. 6-33, his report on the Fire Department, and such remarks and recommendations as appropriate. (FAVORABLE)
48. Resolve: Be it resolved by the Brockton City Council to invite representatives from Brockton's Downey Youth Baseball, Brockton Baseball, Brockton Blazers Softball and Brockton Youth Soccer Association to provide information about their respective organizations, program offerings, and registration details. (FAVORABLE)
49. Resolve: To invite Dr. James Bruce to appear before a committee of the Brockton City Council to discuss the growth of the Brockton Cultural Affairs and Tourism group in the past year and to inform the public of the Cultural Affairs Expo to occur on March 25, 2023. (FAVORABLE)
50. Resolve: Be it resolved by the Brockton City Council to invite Mayor Robert Sullivan and Patrick Hill, Commission of Public Works, to come before the City Council to discuss plans for road paving and other infrastructure work. (FAVORABLE)

#### ORDINANCES:

51. Ordinance: Be it Ordained by the City Council of the City of Brockton, as follows: Sections 23-133, 23-134, 23-135, 23-136, 23-137, 23-138 and 23-139 relating to stormwater management policies, procedures and fees are hereby repealed in their entirety. In place of said sections the following new Section 23-133 is inserted. Full viewing of this Ordinance is available in the Clerk's Office.

#### ORDERS:

52. 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.
53. 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.
54. 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.

55. 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.)
56. 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.)
57. 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 (HUD)  
To: Brockton Redevelopment Authority-FY23 Healthy Homes Production Grant Program 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's Recognition**

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.