

In City Council April 10, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening April 10, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

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

APPOINTMENTS:

2. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Charles J. Cassiani, Jr of 197 Winter St, Whitman MA 02382.
3. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Andrew Cesarini of 320 West St, Brockton MA 02301.
4. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Michael Damiano of 29 Ari's Way Milford MA 01757.
5. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Alfred Gazerro of 719 Union St, East Bridgewater, MA 02333.
6. Appointment of the following as Special Police Officer to the City of Brockton Police Department: William Healy of 73 Vernon St, Middleboro MA 02346.
7. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Daniel Leonard of 22 Highland Ave, West Bridgewater MA 02379.
8. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Peter Skelly of 29 Mayflower Ridge Dr, Wareham, MA 02571.
9. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Robert Smith of 21 E J Medeiros Way, West Bridgewater MA 02379.
10. Appointment of the following as Special Police Officer to the City of Brockton Police Department: Scott D. Uhlman of 142 Cashman Rd, Brockton MA 02301.
11. Appointment of Frederick M. McDermott of 976 Ash Street Brockton, MA 02301 to the Elections Commission as a Commissioner for a four (4) year term, ending March 2027.
12. Reappointment of Toni L. Goncalves of 154 Fairview Ave, Brockton MA to the City of Brockton Planning Board as a member for a five (5) year term, ending March 2028.
13. Reappointment of Cindy Ethier-Kostka of 50 Centre Street #311, Brockton MA to the City of Brockton Cemetery Board of Trustees as a member for a five (5) year term, ending March 2028.
14. Reappointment of Matthieu C. Delisme of 14 Clifford Ave, Brockton MA 02301 to the City of Brockton Library Board of Trustees as a member for a three (3) year term, ending March 2026.
15. Appointment of Shareefah K. Mapp of 45 Hillberg Ave, Brockton MA to the City of Brockton Conservation Commission as a commissioner for a three (3) year term, ending March 2026.
16. Appointment of Fabienne Myra Zephyr of 17 Cambo Street, Brockton MA 02301 to the Council on Aging as a member for a three (3) year term, ending March 2026.

17. Appointment of the following candidate to the City of Brockton Beautification Committee as members for a one (1) year term, ending March 2024: Kelly M. Hanlon of 96 Westfield Drive, Brockton MA
18. Appointment of the following candidate to the City of Brockton Beautification Committee as members for a one (1) year term, ending March 2024: Linda R. Pietrantonio of 55 John Berman Drive, Brockton, MA.
19. Appointment of the following candidate to the City of Brockton Beautification Committee as members for a one (1) year term, ending March 2024: Shareefah K. Mapp of 45 Hillberg Ave, Brockton MA.
20. Appointment of the following candidate to the City of Brockton Beautification Committee as members for a one (1) year term, ending March 2024: Shelly A. Jackson of 29 Keswick Rd, Brockton MA.

HEARINGS:

21. Petition of Joao A. Pereira, JP Auto Repair, of 300 Pleasant Street Apt. #2, Brockton, MA 02301, for a Motor Vehicle Repair Mechanical License and Motor Vehicle Repair Body License located at 77 North Main Street, Brockton, MA 02301.

REPORTS:

22. Of the Finance Committee for its meeting of April 3, 2023.

COMMUNICATIONS:

23. From the Mayor appointing the following as Special Police Officers to the City of Brockton Police Department:

Charles J. Cassiani, Jr of 197 Winter St, Whitman MA 02382
Andrew Cesarini of 320 West St, Brockton MA 02301
Michael Damiano of 29 Ari's Way Milford MA 01757
Alfred Gazerro of 719 Union St, East Bridgewater, MA 02333
William Healy of 73 Vernon St, Middleboro MA 02346
Daniel Leonard of 22 Highland Ave, West Bridgewater MA 02379
Peter Skelly of 29 Mayflower Ridge Dr, Wareham, MA 02571
Robert Smith of 21 E J Medeiros Way, West Bridgewater MA 02379
Scott D. Uhlman of 142 Cashman Rd, Brockton MA 02301
24. From the Mayor appointing Frederick M. McDermott of 976 Ash Street Brockton, MA 02301 to the Elections Commission as a Commissioner for a four (4) year term, ending March 2027.
25. From the Mayor reappointing Toni L. Goncalves of 154 Fairview Ave, Brockton MA to the City of Brockton Planning Board as a member for a five (5) year term, ending March 2028.
26. From the Mayor reappointing Cindy Ethier-Kostka of 50 Centre Street #311, Brockton MA to the City of Brockton Cemetery Board of Trustees as a member for a five (5) year term, ending March 2028.
27. From the Mayor reappointing Matthieu C. Delisme of 14 Clifford Ave, Brockton MA 02301 to the City of Brockton Library Board of Trustees as a member for a three (3) year term, ending March 2026.
28. From the Mayor appointing Shareefah K. Mapp of 45 Hillberg Ave, Brockton MA to the City of Brockton Conservation Commission as a commissioner for a three (3) year term, ending March 2026.

29. From the Mayor appointing Fabienne Myra Zephyr of 17 Cambo Street, Brockton MA 02301 to the Council on Aging as a member for a three (3) year term, ending March 2026.
30. From the Mayor appointing the following candidates to the City of Brockton Beautification Committee as members for a one (1) year term, ending March 2024:

 Kelly M. Hanlon of 96 Westfield Drive, Brockton MA
 Linda R. Pietrantonio of 55 John Berman Drive, Brockton, MA
 Shareefah K. Mapp of 45 Hillberg Ave, Brockton MA
 Shelly A. Jackson of 29 Keswick Rd, Brockton MA
31. From the Fire Chief recommending the promotion of Electrician James F. Donovan to Working Foreman Signal Maintainer in the Brockton Fire Department. This promotion is per MOA Local 144 and the City of Brockton. Mr. Donovan is the number one candidate for this position.
32. From the Mayor recommending the promotion of Electrician James F. Donovan to Working Foreman Signal Maintainer in the Brockton Fire Department. This promotion is per MOA Local 144 and the City of Brockton. Mr. Donovan is the number one candidate for this position.
33. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total appropriation of \$5,550,000 using the attached form of order with language as recommended by Attorney Richard A. Manley, Jr. of Locke Lord, LLP, the City’s bond counsel, in order to provide funding through borrowing said amount, for the purpose of acquiring a parcel or parcels of land located at 1782 Main Street in Brockton.
34. 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 and borrowing authorization for \$5,550,000 for the purpose of acquiring a parcel or parcels of land located at 1782 Main Street in Brockton, without a detrimental impact on the continuous provision of the existing level of municipal services. This acquisition is for school transportation purposes. The principal and interest payments will be made with non-net school funds.

UNFINISHED BUSINESS:

35. 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.)
36. 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.)
37. 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 | Chief of Inspections | \$83,130 | \$87,287 | \$91,651 | \$96,233 |
|------|----------------------|----------|----------|----------|----------|

(FAVORABLE AS AMENDED) (PASSED TO A THIRD READING AS AMENDED BY A HAND VOTE.)

38. 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) (POSTPONED FROM CITY COUNCIL MEETING MARCH 27,2023)

39. 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. (FAVORABLE)

40. 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. (FAVORABLE)

41. 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). (FAVORABLE)

42. 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 |
| 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). (FAVORABLE)

43. 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. (FAVORABLE)

44. 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 update the committee on the previous discussion of athletic facilities in the community, funding, and the need for development of fields and upgrades for recreational uses in the City. (FAVORABLE)

ORDINANCES:

45. Ordinance: An Ordinance Amending Article IV, Division 4 – City Clerk and Article IV, Division 2 – City Auditor. Be it ordained by the City Council of the City of Brockton, Article IV, Division 2, Section 2-268 shall be amended to strike the words “and the standing committee on finance” so that the City Auditor shall only be the clerk of the standing committee on accounts.

Be it further ordained to insert a new subsection to Article IV, Division 4 as follows: The city clerk shall, in addition to his other duties, act as clerk of the standing committee on finance.

46. Ordinance: An Ordinance Amending Part II of the Revised Ordinances of the City of Brockton, Article III, Division 8 “Superintendent of Public Buildings” is hereby amended by changing the title of Superintendent of Public Buildings to be titled the “Commissioner of Buildings”.

Be it further ordained that use of “Superintendent of Public Buildings” in Division 2. Sec. 2-127 Play Plan shall now be titled the “Commissioner of Buildings”.

ORDERS:

47. Ordered: That sum of \$5,550,000 is appropriated to pay costs of acquiring a parcel or parcels of land located at 1782 Main Street in Brockton, by eminent domain or otherwise, including the payment of all costs incidental and related thereto, including renovations and all furnishings and equipment necessary, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under M.G.L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

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.