

In City Council April 24, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening April 24, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the April 10, 2023 City Council meeting.

APPOINTMENTS:

2. Appointment of Matthew Stanton of 160 Tribou Street Brockton, MA 02301 to the Beautification Committee as a member for a one (1) year term, ending April 2024.

HEARINGS:

3. Petition of Brockton Area Multi-Services, Inc., of 10 Christy's Drive, Brockton, MA 02301 for a Garage License Transfer located at 71-75 Oak Hill Way, Brockton, MA 02301.

COMMUNICATIONS:

4. From the Mayor in accordance with the Revised Ordinances of the City of Brockton Chapter 2, Section 2-186, notifying City Council of his appointment of Kayla Venckauskas to the position of Assistant City Solicitor-Full Time for a three-year term, effective April 10, 2023.
5. From the Mayor appointing Matthew Stanton of 160 Tribou Street Brockton, MA 02301 to the Beautification Committee as a member for a one (1) year term, ending April 2024.
6. From the City of Brockton Planning and Economic Director notifying the City Council that the City of Brockton was recently awarded \$16,470.00 in Technical Assistance from Mass Housing Partnership to prepare a baseline assessment and compliance overview for the new MBTA communities, MGL 40A 3A requirements. Mass Housing Partnership has hired and will pay the consultant directly. No funds will pass through the City of Brockton.
7. From the Mayor stating that City of Brockton Planning and Economic Director Rob May contacted his office for support regarding the city receiving an award of \$16,470 in technical assistance from Mass Housing Partnership. These grant funds will be used to develop a baseline assessment of the Montello area as well as ensure that the neighborhood is compliant with MGL 40A 3A requirements. No funds will pass through the City of Brockton. He extends his support to Mr. May in his efforts in continuing to make Brockton a safe and sustainable city for its residents.
8. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance of the technical assistance award in the amount of \$16,470 from... MASS HOUSING PARTNERSHIP COMPLETE NEIGHBORHOOD PROGRAM. No funds will be passed through the City of Brockton. Mass Housing Partnership has hired and will pay the consultant directly for the baseline assessment and compliance review for the new MBTA Communities in accordance with M.G.L., 40A, 3A requirements without a detrimental impact on the continuous provision of the existing level of municipal services.
9. From the City of Brockton Planning and Economic Director notifying the City Council that the City of Brockton was recently awarded approximately \$125,000 dollars in Technical Assistance from Mass Broadband Institute to prepare Digital Equity Plan.

Mass Broadband Institute has hired and will pay the consultant directly. No funds will pass through the City of Brockton.

10. From the Mayor stating that City of Brockton Planning and Economic Director Rob May contacted his office for support regarding the city receiving an award of \$125,000 in technical assistance from Mass Broadband Institute. These grants funds will be used to engage Digital Power as a consulting agency to develop a Digital Equity Plan that will provide municipally owned digital fiber in every Brockton home and business. No funds will pass through the City of Brockton. He supports Mr. May in his efforts in continuing to make Brockton a digitally equitable city for its residents.
11. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance of the technical assistance award in the amount of \$125,000 from... MASS BROADBAND INSTITUTE. No funds will be passed through the City of Brockton. Mass Broadband Institute has hired and will pay the consultant directly for the planning work to prepare a Digital Equity Plan without a detrimental impact on the continuous provision of the existing level of municipal services.
12. From the City of Brockton Planning and Economic Director notifying the City Council that the City of Brockton was recently awarded approximately \$150,000.00 in Technical Assistance from Mass Housing Partnership for planning work in the Campello Station area. Mass Housing Partnership has hired and will pay the consultant directly. No funds will pass through the City of Brockton.
13. From the Mayor stating that City of Brockton Planning and Economic Director Rob May contacted his office for support regarding the city receiving an award of \$150,000.00 in technical assistance from Mass Housing Partnership. These grant funds will be used to develop an Urban Revitalization Plan, as well as other planning opportunities for the emerging Campello District. No funds will pass through the City of Brockton. He supports Mr. May in his efforts in continuing to make Brockton a safe and sustainable city for its residents.
14. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance of the technical assistance award in the amount of \$150,000 from... MASS HOUSING PARTNERSHIP COMPLETE NEIGHBORHOOD PROGRAM. No funds will be passed through the City of Brockton. Mass Housing Partnership has hired and will pay the consultant directly for the planning work in the Campello Station Area without a detrimental impact on the continuous provision of the existing level of municipal services.
15. From the Superintendent of Buildings requesting the reauthorization of the Vacant and Abandoned Buildings Revolving Fund for the sole purpose of maintaining the Abandoned Building Registry, limited to annual expenditures of not more than \$250,000, during FY2024, for the registration of vacant and abandoned buildings.
16. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council re-authorize the Vacant and Abandoned Buildings Revolving Fund for the sole purpose of maintaining the Abandoned Building Registry, limited to annual expenditures of not more than \$250,000, during FY2024, for the registration of vacant and abandoned buildings.
17. From the CFO In accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed re-authorization of the Vacant and Abandoned Buildings Revolving Fund for the sole purpose of maintaining the Abandoned Building

Registry, limited to annual expenditures of not more than \$250,000, during FY2024, for the registration of vacant and abandoned buildings without a detrimental impact on the continuous provision of the existing level of municipal services.

18. From the DPW Commissioner requesting reauthorization of the Roadway Design and Construction Revolving Fund for Fiscal Year 2024. The Roadway Design and Construction Revolving Fund shall receive receipts of payments of fines and fees provided that no more than \$1,000,000 may be so expended during the fiscal year.
19. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council re-authorize the Roadway Design and Construction Revolving Fund, provided that no more than \$1,000,000 may be expended during Fiscal Year 2024.
20. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that it is my professional opinion, after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed re-authorization of the Roadway Design and Construction Revolving Fund, provided that no more than \$1,000,000 may be expended during Fiscal Year 2024 without a detrimental impact on the continuous provision of the existing level of municipal services.
21. From the Superintendent of Buildings requesting reauthorization of the Demolition revolving fund for FY24. The Demolition revolving fund is for the demolition charges and fees and is limited to annual expenditures of not more than \$110,000, during the fiscal year, for demolition costs of buildings of the City of Brockton.
22. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council re-authorize the Demolition Revolving Fund for the demolition charges and fees for FY2024, limited to annual expenditures of not more than \$110,000, during FY2024, for demolition costs of buildings of the City of Brockton.
23. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed re-authorization of Demolition Revolving Fund for the demolition charges and fees for the FY2024, limited to annual expenditures of not more than \$110,000, during FY2024, for *demolition* costs of buildings of the City of Brockton, without a detrimental impact on the continuous provision of the existing level of municipal services.
24. From the Mayor in accordance with the provisions and stipulations of Section 53E ½ of Chapter 44 of the Massachusetts General Laws, recommending the re-authorization of the Comcast Revolving Fund for Fiscal Year 2024, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the cable license contract, and that further, that the expenditures from this fund shall not exceed \$750,000 without further appropriation, during fiscal year 2024, said expenditures to be limited to the cable-related activities during fiscal year 2024, including disbursement of funding to the Brockton Community Cable Corporation, and that further, the Mayor shall comply with reporting requirements for revolving funds of M.G.L., Chapter 44, Section 53 1/2 and with the reporting requirements of the contract with Comcast.
25. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed re-authorization of the Comcast Revolving Fund for Fiscal Year 2024, under the control of the Mayor, from all revenues in excess of \$675,000 from franchise fees from Comcast pursuant to the Cable contract, but further, provided that expenditures of such revolving fund revenues shall not exceed \$750,000 without further appropriation, during Fiscal Year 2024, and shall be limited to spending purposes for cable related activities, including funding provided to Brockton Community

Cable Corporation, without a detrimental impact on the continuous provision of the existing level of municipal services.

26. From the Fire Chief requesting a transfer of \$300,000.00 from Education Incentive to Regular Overtime Account to maintain all companies through the remainder of Fiscal Year 2023.
27. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$300,000 from.... FIRE DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME to.... FIRE DEPARTMENT- PERSONAL SERVICES OVERTIME.
28. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the total proposed transfer of \$300,000 from.... FIRE DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME to.... FIRE DEPARTMENT- PERSONAL SERVICES OVERTIME without a detrimental impact on the continuous provision of the existing level of municipal services.
29. From the Superintendent of Parks requesting the City Council to accept a donation request from Mr. Arthur Byers to plant a tree at DW Field Park as a Mother’s Day gift for his wife. All costs associated for this planting would be incurred by Mr. Byers.
30. From the Mayor notifying City Council that Mr. Arthur Byers approached the Parks and Recreations Superintendent with a request to plant a tree in DW Field Park as a Mother’s Day gift for his wife. All costs associated for this planting will be incurred by Mr. Byers.

ORDINANCES:

31. Ordinance: Be it ordained by the City Council of the City of Brockton, Appendix C – Zoning, Article III, General Regulation and Permitted Modifications is hereby amended as follows:

Sec. 27-9. - Standards for residential zones (Table 1).

Building height (Maximum)	R-1A	R-1B	R-1C	R-2	R-3	R-4
Principal building	2½ stories or 35 feet	2½ stories or 35 feet	2½ stories or 35 feet	3 stories or 45 feet*	6 stories	6 stories

Sec. 27-10. - Standards for commercial zones (Table 2).

Building height (Maximum)	C-1	C-2	C-3	C-4	C-5	C-6
	6 stories	6 stories	6 stories	6 stories	6 stories	6 stories

Sec. 27-11. - Standards for industrial zones (Table 3).

Building height (Maximum)	I-1	I-2	I-3
Principal building	6 stories	6 stories	6 stories

Be it further amended that subsection (2) of Section 2-8 “Application of Regulations” is hereby amended to provide as follows:

2. For R-3, R-4, commercial, and industrial zones only, no building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located except by special permit.

32. Ordinance: Be it ordained by the City Council of the City of Brockton, Appendix C – Zoning, Article III, Section 27-20 “Accessory Structures” hereby amended by inserting the following new subsection as follows:

Fences shall not exceed six (6) feet on the rear and sides of the lot and shall not exceed four (4) feet on the front of the lot. Corner Lots shall be subject to the conditions stated in subsection (4) above. Any side yard fences that extend from the front property line are limited to four (4) feet in height for the first ten (10) feet of the fence, beginning at the front property line. After this ten (10) foot distance, the fence may return to the maximum height as noted above.

33. Ordinance: Be it ordained by the City Council of the City of Brockton, Appendix C – Zoning, Article III, General Regulation and Permitted Modifications is hereby amended as follows:

Home Occupation – As a Right

One home occupation may be allowed on any premises as a right, provided that the home occupation:

1. Is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
2. Is clear incidental and secondary to the use of the premises for residential purposes;
3. The business itself is conducted indoors wholly within the confines of the residential dwelling or an accessory structure;
4. Excludes the sale of retail on premises;
5. Does not utilize exterior storage of material or equipment;
6. Does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
7. Does not exhibit any exterior indication of its presence or any variation from residential appearance;
8. Does not produce traffic generated by such home occupation in greater volume than would be normally expected in the immediate neighborhood;
9. Parking is limited to no more than two commercial motor vehicles, which shall not be parked on the street; and
10. Is registered with the City Clerk.

The term commercial vehicle as used in this ordinance shall mean a passenger car, a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting with markings on the vehicle. Prohibited vehicles include any vehicle which has a vehicle weight, or curb weight, of more than six thousand pounds, as per the manufacturer's description of said vehicle, and any vehicle which has five or more wheels on the ground, except for a pick-up truck that is registered to an individual and is used exclusively for personal use.

Home Occupation – By Special Permit

A home occupation may be allowed by special permit issued by the Board of Appeals provided that it:

1. There are no employees other than full time residents of the premises, aside from a family day care licensed by the Commonwealth of Massachusetts to provide family day care, as defined in G.L.c.28A;
2. Does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate;
3. A special permit for such use is granted by the Board of Appeals, subject to conditions, including but not limited to, restrictions of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall expire upon transfer of the property and the new owner shall require a new special permit.

Be it further amended that “Home Occupation” as defined in Article II, Section 27-61 is hereby stricken.

34. Ordinance: Be it ordained by the City Council of the City of Brockton, Article III – General Regulations and Permitted Modifications of the City’s Zoning Ordinances, is hereby amended by inserting the following section where appropriate:

Portable Storage Containers

Section 1. Definitions.

“Portable storage container” means a portable, weather-resistant, receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term shall not include yard waste containers nor construction debris containers.

Portable storage containers shall not include storage trailers registered with the Registry of Motor Vehicles.

Section 2. Restrictions.

No Portable storage container shall be stored or parked on a premise without a permit from the Building Department. The permitting and use shall be subject to the following requirements and restrictions.

(1) Residential Zones

- a. The permit shall not allow for more than three (3) storage containers or bulk transportation devices on the premises.
- b. The permit shall be for an initial period of ninety (90) days.
- c. The permit may only be extended one (1) time for an additional period not to exceed ninety (90) days.
- d. Placement of storage containers on the premises must comply with all accessory setback requirements for the subject Residential Zone.
- e. No portable storage container shall have a length greater than twenty (20) feet or a width greater than nine (9) feet or a height greater than nine (9) feet.

(2) Commercial and Industrial Zones

- a. The permit shall not allow for more than five (5) storage containers on the premises.
- b. A separate permit may allow for the number of storage containers on the premises to exceed five (5); however, site plan approval is required prior to the issuance of the permit.
- c. The permit shall be for an initial period of one (1) year. The permit may be renewed each subsequent year.
- d. The storage containers shall not be connected. There shall be a minimum of ten (10) feet between each unit.
- e. The storage containers shall not be located upon designated parking spots.
- f. Placement of storage containers on the premises must comply with all accessory setback requirements for the subject Zone.

The issuance and extension of any permit shall be within the discretion of the Building Department. The Building Department shall affix fees for the initial permit and permit extension and shall assign a per unit fee for Commercial and Industrial Zones. There shall be a penalty of fifty dollars (\$50.00) for any violation of this ordinance. Each day shall constitute a separate offense.

35. Ordinance: Be it ordained by the City Council of the City of Brockton, Article III – General Regulations and Permitted Modifications of the City’s Zoning Ordinances, is hereby amended as follows:

Subsection 27-5 – Exterior Stairways above the ground floor.

A special permit shall be required for any exterior stairway above the ground floor. Exterior stairways for deck access for single family dwellings are excluded from the special permit requirement.

36. Ordinance: Be it ordained by the City Council of the City of Brockton, Article V – Special Uses of the City’s Zoning Ordinances, Section 27-38 “Standards” is hereby amended as follows:

Subsection 27-38(j) shall be deleted in its entirety.

ORDERS:

37. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the acceptance of the grant award in the amount of \$16,470.00 from the Mass Housing Partnership’s MGL 40A 3A MBTA Communities Technical Assistance program. Mass Housing Partnership shall hire and pay the consultant directly. No funds will be passed through the City of Brockton.
38. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the acceptance of the grant award in the amount of \$125,000.00 from the Mass Broadband Institute’s Technical Assistance program. Mass Broadband Institute shall hire and pay the consultant directly. No funds will be passed through the City of Brockton.
39. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44 recommending that the City Council authorize the acceptance of the grant award in the amount of \$150,000.00 from the Mass Housing Partnership’s Technical Assistance program. Mass Housing Partnership shall hire and pay the consultant directly. No funds will be passed through the City of Brockton.
40. Ordered: That the City Council re-authorize the Vacant and Abandoned Buildings Revolving Fund for the purpose of maintaining the Abandoned Building Registry, as well as the closing, boarding up and care of vacant and abandoned buildings. The Vacant and Abandoned Building Revolving Fund shall receive the receipts of payments of fines and fees for the registration of vacant and abandoned buildings. Expenditures from the Vacant and Abandoned Buildings Revolving Fund shall be made on the authority and direction of the Building Superintendent, provided that no more than two hundred and fifty thousand (\$250,000) may be so expended without further appropriation from the Vacant and Abandoned Buildings Revolving Fund during the FY24. The Building Superintendent shall comply with the reporting requirements of M.G.L., Ch 44. Section 53E ½.
41. Ordered: That the City Council re-authorize the Roadway Design and Construction Revolving Fund for the Fiscal Year 2024 for the sole purposes of funding the creation and maintenance of The Roadway Design and Construction Revolving Fund. The fund shall receive the receipts of payments of fines and fees for the engineering, design, construction and paving of projects. Expenditures from the Roadway Design and Construction Revolving Fund shall be made on the authority and direction of the Brockton Department of Public Works Commissioner, provided that no more than \$1,000,000 may be so expended from the Roadway Design and Construction Revolving Fund during fiscal year 2024. The Brockton Department of Public Works Commissioner shall comply with the reporting requirements of M.G.L., Ch. 44, Section 53E1/2.
42. Ordered: That the City Council re-authorize the Demolition Revolving Fund for the FY2024 for the sole purpose of helping to fund cost in connection with demolition of buildings in the City of Brockton. The Demolition Revolving Fund shall receive the receipt of payments of all demolition charges of the City of Brockton. Expenditures from the Demolition Revolving Fund shall be made at the direction of the Building Superintendent, with the written approval of the Mayor, provided that not more than \$110,000 may be so expended from the Demolition Revolving Fund during FY2024. The Building Superintendent shall comply with the reporting requirement of M.G.L., Chapter 44, Section 53E ½.
43. Ordered: That the City Council re-authorize the Comcast Revolving Fund for FY2024, from all cash receipts from Comcast franchise fees, in excess of \$675,000, pursuant to the

cable license contract, and that further, that the expenditure from this fund shall not exceed \$750,000 without further appropriation, during Fiscal Year 2024.

44. 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: Fire Department- Personal Services Other Than Overtime

To: Fire Department- Personal Services Overtime

45. Ordered: That in accordance with G.L.c. 44, §53A, the City hereby accepts, as a gift from Mr. Arthur Byers 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:

The donation of a tree to be planted in DW Field Park as a Mother's Day gift for his wife.

All costs associated for this planting will be incurred by Mr. Byers.

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.