

In City Council May 8, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening May 8, 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 six members present. Councilors Asack, Farwell, Mendes, Minichiello, Tavares, and absent.

Councilor Thompson had a moment of silence for former member of Brockton Zoning Board of appeals member Doryce Smith who passed away on May 1.

President Nicastro stated that Councilors Farwell and Minichiello were both unable to make it tonight.

Councilor Tavares stepped in.

976. Acceptance of the Minutes of the April 24, 2023 City Council meeting.

Accepted and placed on file

REPORTS:

977. Of the Finance Committee for its meeting of April 18, 2023.

Accepted and placed on file

978. Of the Equity, Diversity and Inclusion Committee for its meeting April 26, 2023.

Accepted and placed on file

979. Of the Ordinance Committee for its meeting of April 26, 2023.

Accepted and placed on file

980. Of the Finance Committee for its meeting of May 1, 2023.

Accepted and placed on file

COMMUNICATIONS:

981. From the DPW Engineering Superintendent requesting the layout and acceptance of the following streets, Deanna Road and Dondi Road, as outlined in the draft Council Orders.

Accepted and placed on file

982. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council support the acceptance of Chapter 269 of the Acts of 2022, and M.G.L., Ch. 32 § 103 (j) to approve the acceptance of the Local Option increasing the Retirement Board members stipend from \$3,000 to \$4,500 in accordance with Section 34 of Chapter 176 of the Acts of 2011, M.G.L., Chapter 32 §20(6).

Accepted and placed on file

292.(COMMUNICATIONS CONT.)

983.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 of the Local Option increasing the Retirement Board members stipend from \$3,000 to \$4,500 in accordance with Section 34 of Chapter 176 of the Acts of 2011, M.G.L., Chapter 32 §20(6) without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

984.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council support the acceptance of M.G.L., Ch. 32 § 103 (j) to approve the acceptance by the Brockton Retirement Board of an increase of 2% in the maximum base amount upon which the COLA is calculated for pension payments for FY23 retroactive to July 1, 2022.

Accepted and placed on file

985.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 of M.G.L., Ch. 32 § 103 (j) to approve the acceptance by the Brockton Retirement Board of an increase of 2% in the maximum base amount upon which the COLA is calculated for pension payments for FY23 retroactive to July 1, 2022 without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

986.From the DPW Commissioner requesting that the City Council transfer \$1,000,000 from the Highway Division's Purchase of Services to the Stabilization Fund.

Accepted and placed on file

987.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$1,000,000.00 from.... DEPARTMENT OF PUBLIC WORKS HIGHWAY-PURCHASE OF SERVICES to.... STABILIZATION FUND.

Accepted and placed on file

988.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 total proposed transfer of \$1,000,000 from.... DEPARTMENT OF PUBLIC WORKS HIGHWAY-PURCHASE OF SERVICES to.... STABILIZATION FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

UNFINISHED BUSINESS:

293.(UNFINISHED BUSINESS CONT.)

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.
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
(FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councilors Asack, Farwell, Mendes, and Minichiello absent.

- 899.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.
(FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councilors Asack, Farwell, Mendes, and Minichiello absent.

Councilor Asack stepped in.

- 900.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.
(FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays"; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

294.(UNFINISHED BUSINESS CONT.)

901.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

902.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

903.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

904.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

905.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

906.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(FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

907.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

908.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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

295.(UNFINISHED BUSINESS CONT.)

932. 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.
(FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

926. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the City Preliminary will be held on Tuesday, September 19, 2023 and that the City Election will be held on Tuesday, November 7, 2023 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority Community Room, Hawley Street
Ward One	Precinct B	West Junior High School Building, West Street
Ward One	Precinct C	Hancock School, Pearl Street
Ward One	Precinct D	Hancock School, Pearl Street
Ward Two	Precinct A	Barrett Russell School, 45 Oakdale St
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Brockton Public Library, Main Branch, 304 Main St
Ward Two	Precinct D	War Memorial Building, 156 West Elm Street
Ward Three	Precinct A	South Junior High School Building, Keith Avenue
Ward Three	Precinct B	South Junior High School Building, Keith Avenue
Ward Three	Precinct C	John F. Kennedy School Building, Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue
Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street
Ward Four	Precinct C	Davis Elementary School, 380 Plain Street
Ward Four	Precinct D	Campello High Rise Apartments, 1380 Main Street
Ward Five	Precinct A	East Side Library, 54 Kingman Street
Ward Five	Precinct B	East Junior High School Building, Centre Street
Ward Five	Precinct C	Downey School, 55 Electric Avenue
Ward Five	Precinct D	Caffrey Towers, 755 Crescent Street
Ward Six	Precinct A	Brookfield School, 135 Jon Drive
Ward Six	Precinct B	Ashfield School Gymnasium, 225 Coe Road
Ward Six	Precinct C	Brookfield School, 135 Jon Drive
Ward Six	Precinct D	Brookfield School, 135 Jon Drive
Ward Seven	Precinct A	North Junior High School Building, Oak Street
Ward Seven	Precinct B	Belair Street High Rise, 105 Belair Street
Ward Seven	Precinct C	Sullivan Towers, 140 Colonel Bell Drive
Ward Seven	Precinct D	Raymond School, 125 Oak Street

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M.

Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named office, viz: Mayor, Councilor At Large, Ward Councilors, and School Committee. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

296.(UNFINISHED BUSINESS CONT.)

927. Ordered: Section 25B: Early voting; application for early voting ballots; early voting period, sites and lists; counting of early voting ballots

(c)(1) The select board, board of selectmen, town council or city council of each city and town may vote to authorize early in-person voting for any other city or town preliminary or election not included in subsection(b). Such vote may only be taken after a request from not less than 50 percent of the registrars of the city or town recommending in-person early voting; provided, however, that such vote shall occur not less than 5 business days prior to the proposed beginning of early voting.

(2) As part of the vote to allow early in-person voting under this subsection; a city or town shall set the early voting period to begin not sooner than 17 days before the preliminary or election and end not later than 2 days preceding the preliminary or election.

(3) Early voting under this subsection shall be conducted during the usual business hours of each city or town clerk unless different hours are set as part of the vote to allow early in-person voting, including any weekend hours.

The Election Commissioners voted unanimously to have in-person early voting. The Commissioners respectfully request the council put it to a vote. According to Mass General Laws the council now has to vote on it. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

966.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

967.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

968.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

297.(UNFINISHED BUSINESS CONT.)

969.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

970.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

971.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

972.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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

298.(UNFINISHED BUSINESS CONT.)

973.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

(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

974.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.

(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Farwell, Mendes, and Minichiello absent.

975.Resolve: Be it resolved by the Brockton City Council to invite Tim Carpenter, Superintendent of Parks and Cemeteries, and Erik Duquette, General Foreman of Cemeteries for the City of Brockton, and area Funeral Directors, to come before the Council to provide an update on the Cemeteries’ rules and regulations; and discuss the rules affecting their businesses as they operate in the City of Brockton. (FAVORABLE)

Adopted by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

677.Resolve: WHEREAS, Land use and management through zoning ordinances have a direct effect on economic development and neighborhood preservation, and, WHEREAS, The city hired the Collins Center and Barrett Consulting Group to conduct an overview of zoning issues within the city, and, WHEREAS, All councilors and their constituents have an interest in the review, update and application of zoning ordinances; NOW, THEREFORE, BE IT RESOLVED: Representatives from the Collins Center and Barrett Consulting Group be invited to a meeting of a committee of the council in January, 2023, to discuss the scope and focus of the zoning review for which they were retained. A January, 2023, meeting should allow sufficient time for the invitees to schedule an appearance and provide any materials to be reviewed by councilors. (FAVORABLE)

Adopted by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

537.Ordinance: WHEREAS, The city has a Commission On Diversity which has not consistently met in over a year or longer, and,

WHEREAS, The mayor made two (2) recent appointments of residents who were willing to serve as members of the Commission on Diversity but they have not had any opportunity to contribute to our community, and,

WHEREAS, the Ordinances of the City of Brockton required an annual report from the Commission On Diversity which has not been submitted for at least two (2) years;

Be it Ordained by the City Council of the City of Brockton:

299.(UNFINISHED BUSINESS CONT.)

Article II, Division 6 is deleted in its entirety. In its place is inserted the following:

AN ORDINANCE ESTABLISHING A COMMISSION ON HUMAN RIGHTS, DIVERSITY, EQUITY AND INCLUSION 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 Commission on Human Rights, Diversity, Equity and Inclusion to ensure that all city residents are treated fairly and equally by eliminating bigotry, discrimination, intolerance and prejudice.

MEMBERSHIP:

The 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 commission shall not investigate or adjudicate any complaint(s). However, the commission may refer any person to the appropriate agency responsible for reviewing matters involving alleged discrimination.

The 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 recommendations to all departments, divisions and agencies of the city, including the mayor and city council.
- (8) To perform other duties as they arise from time-to-time

This Ordinance shall take effect ninety (90) days after approval to allow for appointment and confirmation of members of the commission.

(FAVORABLE AS AMENDED)

Amendment passed by a hand vote. Councilors Farwell, Mendes, and Minichiello absent. Passed to a third reading as Amended by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

300.(UNFINISHED BUSINESS CONT.)

922.Ordinance: An Ordinance Amending Article IV, Division 4 – City Clerk and Article IV, Division 2 – City Auditor to establish the City Clerk as the clerk to the standing committee on finance. (FAVORABLE)

Passed to a third reading by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

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, gender, age, 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.

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

301.(UNFINISHED BUSINESS CONT.)

Section 6: The department shall oversee and assist the Commission on Women's Issues, the Commission on Diversity, Human Rights Division, Public Health Division, Veterans' Services Division, Youth Council, Advisory Council on Health, Veterans' Council, Homelessness Commission, Council on Aging 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.

This ordinance shall take effect on July 1, 2023.
(FAVORABLE AS AMENDED)

President Nicaastro withdrew her motion.

Councilor Rodrigues motioned to send back to Ordinance Committee and was properly seconded. The motion carried by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

923.Ordinance: An Ordinance to rename the position of Superintendent of Public Buildings as the "Commissioner of Buildings". (FAVORABLE)

Passed to a third reading by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

ORDERS:

989.Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Deanna Road**, extending from Sinclair Road to Southfield Drive, 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 a plan entitled "**SOUTHFIELD, SECTION I, BROCKTON, MASS.**, Developed by: Braintree Homes, Inc., Scale: 1' = 100', June 15, 1961 ", drawn by Bradford Saivetz & Associates, Inc., Consulting Civil Engineers, Quincy, Mass., recorded at Plymouth County Registry of Deeds as plan 91 of 1962 in Plan Book 12, Page 465, to which reference is hereby made for a more particular description.

The land taken is more fully described as follows:

All the land within the limits of a private way known as **Deanna Road**, supposed to belong to parties unknown, being a strip of land 50.00 feet in width, extending from Sinclair Road, easterly and northerly, a distance of about 2,195 feet, more or less, to Southfield Drive, as shown on the previously 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.**

Referred to Planning and Finance

302.(ORDERS CONT.)

990.Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Dondi Road**, extending from Grinnell Road, northerly, to Southfield Drive, 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 a plan entitled “**SOUTHFIELD, SECTION I, BROCKTON, MASS.,** Developed by: Braintree Homes, Inc., Scale: 1’ = 100’, June 15, 1961 ”, drawn by Bradford Saivetz & Associates, Inc., Consulting Civil Engineers, Quincy, Mass., recorded at Plymouth County Registry of Deeds as plan 91 of 1962 in Plan Book 12, Page 465, to which reference is hereby made for a more particular description.

The land taken is more fully described as follows:

All the land within the limits of a private way known as **Dondi Road**, supposed to belong to parties unknown, being a strip of land 50.00 feet in width, extending from Grinnell Road, northerly, a distance of about 853 feet, more or less, to Southfield Drive, as shown on the previously 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.**

Referred to Planning and Finance

991.Ordered: That the City Council approves the acceptance Local Option increasing Retirement Board members stipend from \$3,000 to \$4,500 in accordance with Section 34 of Chapter 176 of the Acts of 2011, M.G.L., Chapter 32 §20(6).

Referred to Finance

992.Ordered: That the City Council approves the acceptance of a 2% COLA increase in the maximum base amount upon which the COLA is calculated for Brockton Retirement pension payments for FY23 retroactive to July 1, 2022.

Referred to Finance

993.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: \$1,000,000

FROM: DEPARTMENT OF PUBLIC WORKS HIGHWAY-PURCHASE OF SERVICES

TO: STABILIZATION FUND

Referred to Finance

LATE FILES

Councilor Lally motioned to accept a late file and was properly seconded. The motion carried by a hand vote. Councilors Farwell, Mendes, and Minichiello absent.

994.Resolve: Be it resolved to have Sgt. Edward Cruikshank, chairman of the Brockton Fireworks Taskforce appear before the Finance Committee of the Brockton City Council to discuss planned activities this summer.

Referred to Finance

Councilor's Recognition

Councilor Thompson stated that last Saturday was Keep Brockton Beautiful Again clean-up day they collected 80 bags of trash which made a huge difference. They will be doing it again May 21st at Salisbury Park. Thanks everyone who participated.

Councilor D'Agostino reminded everyone there will be an Accounts meeting in the G.A.R. Room this Wednesday at 6PM.

Meeting Adjourned: 7:40 PM

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.