

In City Council May 22, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening May 22, 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, Lally and Tavares absent.

President Nicastro stated that Councilors Asack, Lally, and Tavares will not be attending tonight meeting.

Councilor Farwell had a moment of silence for former Ward 2 School Committee member Glenna Riley who passed away on May 14, 2023.

995.Acceptance of the Minutes of the May 8, 2023 City Council meeting.

Accepted and placed on file

REPORTS:

996.Of the Finance Committee for its meeting of May 15, 2023.

Accepted and placed on file

HEARINGS:

Petition of Gen-Three Realty LLC, of 568 Montello Street, Brockton, MA 02301 for a Garage and Flammable Storage (Underground) License Transfer located at 568 Montello Street, Brockton, MA 02301.

Michael Niccoli appeared in favor of the petition and was there to answer any questions.

Hearing held.

Councilors Thompson commented.

No one was in opposition.

Granted by a hand vote. Councilors Asack, Lally, Tavares absent.

Petition of Kenneth Tavares DBA, Always EZ Autobody, of 14 Healy Road, Weymouth, MA 02188 for a Garage License Transfer located at 451 Montello Street, Brockton, MA 02301.

Kenneth Tavares appeared in favor of the petition and was there to answer any questions.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilors Asack, Lally, Tavares absent.

COMMUNICATIONS:

997.From the DPW Engineering Superintendent requesting the layout and acceptance of Lawson Terrace, from the end of the 1968 Layout, easterly, as outlined in the draft Council Order.

Accepted and placed on file

305. (COMMUNICATIONS CONT.)

998. From the DPW Engineering Superintendent requesting the layout and acceptance of Fields Avenue, from Pleasant Street to Prospect Street, as outlined in the draft Council Order.

Accepted and placed on file

999. From the DPW Engineering Superintendent requesting the layout and acceptance of Ida Avenue, extending from Court Street to Hobson Street, as outlined in the draft Council Order.

Accepted and placed on file

1000. From the City Auditor requesting a transfer in the amount of \$239,000 from Auditing Personal Services Non-Overtime to the Following Budgets:
Auditing Mail Purchase of services \$127,000
Auditing Purchase of Services \$110,000
Auditing Personal Services Overtime \$2,000
These transfers are being requested to cover unanticipated expenses for the remainder of the Fiscal Year.

Accepted and placed on file

1001. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$239,000
FROM: AUDITORS PERSONAL SERVICES NON-OVERTIME \$239,000
TO: AUDITING MAIL PURCHASE OF SERVICES \$127,000
AUDITING PURCHASE OF SERVICES \$110,000
AUDITING PERSONAL SERVICES OVERTIME \$2,000
In order to cover unanticipated expenses for the remainder of the Fiscal Year.

Accepted and placed on file

1002. 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 \$239,000
FROM: AUDITORS PERSONAL SERVICES NON-OVERTIME \$239,000
TO: AUDITING MAIL PURCHASE OF SERVICES \$127,000
AUDITING PURCHASE OF SERVICES \$110,000
AUDITING PERSONAL SERVICES OVERTIME \$2,000
without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

1003. From the Director of Planning and Economic Development requesting to restore \$100,000 previously appropriated funds to the Planning and Economic Development-40R Smart Growth Fund.

Accepted and placed on file

1004. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the total appropriation of \$100,000 as follows:
FROM: CERTIFIED FREE CASH \$100,000
TO: PLANNING AND ECONOMIC DEVELOPMENT-40R SMART GROWTH FUND \$100,000

306. (COMMUNICATIONS CONT.)

Accepted and placed on file

1005. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are adequate to support the total appropriation of \$100,000 as follows:
FROM: CERTIFIED FREE CASH \$100,000
TO: PLANNING AND ECONOMIC DEVELOPMENT-40R SMART GROWTH FUND \$100,000
without detrimental impact on the continuous provision of the existing level of municipal services. *This transfer is intended to replenish the budget to the mayor's original FY23 proposal.

Accepted and placed on file

1006. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$1,300.00
FROM: FINANCE – OTHER CONTRACT SERVICES \$1,300.00
TO: FINANCE- OUT OF STATE TRAVEL \$1,300.00
In order to cover unanticipated expenses for the remainder of the Fiscal Year.

Accepted and placed on file

1007. 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 \$1,300.00
FROM: FINANCE – OTHER CONTRACT SERVICES \$1,300.00
TO: FINANCE- OUT OF STATE TRAVEL \$1,300.00
without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

1008. From the Chief of Police requesting acceptance of donation monies from North Easton Savings Bank for \$1,000.00. The bank was generous in providing the necessary funds to ensure that the First Responder Community Jamboree.

Accepted and placed on file

1009. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the amount of \$1,000.00 from.... NORTH EAST SAVINGS BANK to..... BROCKTON POLICE DEPARTMENT. The donation is for the First Responder Community Jamboree.

Accepted and placed on file

1010. 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 a donation in the amount of \$1000.00 from NORTH EAST SAVINGS BANK to..... BROCKTON POLICE DEPARTMENT without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

307. (UNFINISHED BUSINESS CONT.)

UNFINISHED BUSINESS:

Councilor Farwell waived the reading and was properly seconded. The motion carried by a hand vote.

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:

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.

308. (UNFINISHED BUSINESS CONT.)

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

Ordained as Amended by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Asack, Lally, and Tavares absent.

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.)

Ordained by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Asack, Lally, and Tavares 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.)

Ordained by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors Asack, Lally, and Tavares absent.

991.Ordered: That the City Council approves 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). (FAVORABLE)

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

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 the Brockton Retirement pension payments for FY23 retroactive to July 1, 2022. (FAVORABLE)

Ordained by a roll call vote taken by “yeas” and “nays”; seven members present and all voting in the affirmative. Councilor Farwell recused himself from the vote. Councilors Asack, Lally, and Tavares absent.

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
(FAVORABLE)

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

309. (UNFINISHED BUSINESS CONT.)

837.Resolve: WHEREAS, the City of Brockton was required to, and the City Council did adopt on December 22, 20019 the stormwater control ordinances (Revised Ordinances section 23- 131) to comply with the Stormwater Program of the National Pollutant Discharge Elimination System promulgated by the U.S. Department of Environmental Protection; and WHEREAS, the purpose of said Ordinances is to "... effect proper management of Stormwater runoff and its control facilities, in a prudent manner; to Comply with state and federal environmental regulations."; and WHEREAS, said Ordinances provide, at sections 23-132 and -135, for the imposition of a Stormwater Utility Fee to fund Stormwater services and payable into a special dedicated fund.; WHEREAS, said fee is intended, as stated in Sec.23-135, to be "...operated in the manner the existing sewer and water utilities are operated"; and WHEREAS, since the City began billing property owners for said Stormwater Utility Fees, there have been repeated problems with the billings including inaccuracies and duplicate billings, and how the bills are calculated, as well as the need to clarify the amounts being raised. NOW Therefore, be it resolved by the Brockton City Council to invite the Commissioner of Public Works, Patrick Hill, the Treasurer/Collector, Martin Brophy, and CFO Troy Carlson to appear before the Finance Committee of the Brockton City Council to discuss billing issues and such other related issues as may arise. By separate resolve, the members of the Stormwater Authority will be invited to discuss the uses of the funds raised and other related issues. (FAVORABLE)

Adopted by a hand vote. Councilors Asack, Lally, and Tavares absent.

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

Adopted by a hand vote. Councilors Asack, Lally, and Tavares absent.

ORDERS:

1011. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Lawson Terrace**, extending from the end of the 1968 layout, easterly, a distance of 509.96 feet, 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 plans entitled as follows:

1. "Plan of Land in Brockton, Massachusetts, owned by Alice I. Magoon, Scale: 1" = 40', July 17, 1991", drawn by Hayward – Boynton & Williams, Inc., Surveyors, Civil Engineers, 140 School St., Brockton, Mass., recorded at Plymouth County Registry of Deeds on December 4, 1991, in Plan Book 034, Pages 875-6; and
2. "LAWSON TERRACE EXTENSION, Definitive Subdivision Plan of Land in Brockton, Massachusetts, Scale: 1' = 40', January 8, 1991", drawn by Hayward – Boynton & Williams, Surveyors, Engineers, 140 School St., Brockton, Mass., recorded at Plymouth County Registry of Deeds on December 8, 2004, in Plan Book 049, Page 051.

Said layout of Lawson Terrace is bounded and described as follows:

Beginning at a point in the northerly line of Lawson Terrace at the easterly terminus of the 1968 layout of said Lawson Terrace, said point being further located **N 85 – 12' – 06" E**, a distance of 299.43 feet from the easterly line of Copeland Street; thence **N 04 – 47' – 54" W**, a distance of 0.99 feet; thence

310. (ORDERS CONT.)

N 84 – 52’ – 35” E, in the northerly line of Lawson Terrace, a distance of 510.50 feet, to a point at the easterly terminus of said Lawson Terrace; thence **S 03 – 19’ – 08” E**, in said easterly terminus, a distance of 42.02 feet to a point, said point being at the easterly terminus of the southerly line of Lawson Terrace; thence **S 84 – 52’ – 35” W**, in the southerly line of said Terrace, a distance of 509.42 feet to the end of the afore said 1968 layout, said point being further located **N 85 – 12’ – 06” E**, a distance of 300.57 feet from the easterly line of Copeland Street; and thence **N 04 – 47’ – 54” W**, a distance of 42.00 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 **Lawson Terrace**, supposed to belong to parties unknown, being a strip of land variable in width, extending from the end of the 1968 Layout of said Lawson Terrace, easterly, a distance of 509.96 feet, as shown on the previously described plans, together with a “**Drainage and Turnaround Easement**” in and over lots numbered 4 and 5 as shown on the first herein described plan. Reference is hereby made to plans 1 and 2 above 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

1012. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of **Fields Avenue**, extending from Pleasant Street, northerly, to Prospect Street, a distance of 332.52 feet, 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 32.00 in width, is shown more particularly on a plan entitled “Street Layout and Acceptance Plan of Fields Avenue, Station 0+00 – 3+32.52, in Brockton, (Plymouth County), Massachusetts”. Said plan, drawn by JDE CIVIL at a scale of 1” = 30’, and dated May 4, 2023, 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 Pleasant Street at its intersection with the easterly line of Fields Avenue; thence

N 09 – 19’ – 00” E, in said easterly line of Fields Avenue, a distance of 337.50 feet, to a point in the southerly line of Prospect Street; thence

N 72 – 21’ – 42” W, in said southerly line of Prospect Street, a distance of 14.82 feet, to a point of curvature in said southerly line; thence

By a curve to the left of 800.00 feet radius, a distance of 17.49 feet to a point in said southerly line, said point being the intersection of the southerly line of Prospect Street with the westerly line of Fields Avenue; thence

S 09 – 19’ – 00” W, in the westerly line of Fields Avenue a distance of 327.34 feet, to a point in the northerly line of Pleasant Street; and thence

S 56 – 05’ – 12” E, in said northerly line of Pleasant Street, a distance of 35.19 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 Fields Avenue, supposed to belong to parties unknown, being a strip of land 32.00 in width extending from Pleasant Street, northerly, a distance of 332.52 feet, to Prospect Street as shown on the previously described plan, to which reference is hereby made. Said plan 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.

Referred to Planning and Finance

311. (ORDERS CONT.)

1013. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **IDA AVENUE**, extending from Court Street to Hobson Street, a distance of about 860 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 42.00 feet in width, is shown more particularly on a plan entitled "Section IV, Indian Heights at Brockton, Brockton, Mass., Developed by Campanelli Homes, Inc., Scale 1" = 40 feet, Dec. 1, 1956", drawn by Bradford Saivetz C.E., Quincy, Mass., and recorded at Plymouth County Registry of Deeds in Plan Book 11, Page 131.

The land taken is more fully described as follows:

All the land within the limits of a private way known as **Ida Avenue**, supposed to belong to parties unknown, being a strip of land 42.00 feet in width, with curved corners at Court Street, extending from said Court Street to Hobson Street, a distance of about 860 feet, more or less, as shown on the herein described plan, 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

1014. 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: \$239,000

FROM: AUDITORS PERSONAL SERVICES NON-OVERTIME \$239,000

TO: AUDITING MAIL PURCHASE OF SERVICES \$127,000

AUDITING PURCHASE OF SERVICES \$110,000

AUDITING PERSONAL SERVICES OVERTIME \$2,000

In order to cover unanticipated expenses for the remainder of the Fiscal Year.

Referred to Finance

1015. Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows:

appropriation of \$100,000

From: CERTIFIED FREE CASH \$100,000

To: PLANNING AND ECONOMIC DEVELOPMENT-40R SMART GROWTH
FUND \$100,000

Referred to Finance

1016. 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: \$1,300.00

FROM: FINANCE – OTHER CONTRACT SERVICES \$1,300.00

TO: FINANCE- OUT OF STATE TRAVEL \$1,300.00

In order to cover unanticipated expenses for the remainder of the Fiscal Year.

Referred to Finance

312. (ORDERS CONT.)

1017. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$1,000.00 ...
From: North Easton Savings Bank
To: The Brockton Police Department
(The donation is for the First Responder Community Jamboree.

Referred to Finance

LATE FILES

Councilor Minichiello motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

1022. Resolve: Be it resolved by the Brockton City Council to invite representatives from Wildlands Trust and Old Colony Planning Council to provide an update on the D.W. Field Park Initiative and summarize results of the community survey recently conducted.

Referred to Finance

Councilor D'Agostino motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

COMMUNICATION:

1018. From the Executive Health Officer requesting a City Council Transfer from BOH Personal Salary Line to the Overtime Line in the amount of \$10,000.00.
Accepted and placed on file

1019. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$10,000.00

FROM:	HEALTH DEPARTMENT- PERSONAL SALARY LINE	\$10,000.00
TO:	HEALTH DEPARTMENT- OVERTIME	\$10,000.00

In order to cover unanticipated expenses for the remainder of the Fiscal Year.

Accepted and placed on file

1020. 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 \$10,000.00

FROM:	HEALTH DEPARTMENT- PERSONAL SALARY LINE	\$10,000.00
TO:	HEALTH DEPARTMENT- OVERTIME	\$10,000.00

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

Accepted and placed on file

313. (LATE FILES CONT.)

ORDER:

1021. 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: \$10,000.00
FROM: HEALTH DEPARTMENT- PERSONAL SALARY LINE \$10,000.00
TO: HEALTH DEPARTMENT- OVERTIME \$10,000.00
In order to cover unanticipated expenses for the remainder of the Fiscal Year.

Referred to Finance

Councilor's Recognition

President Nicaastro reminded everyone that the next Finance Committee Meeting will be on Monday June 5.

Councilor D'Agostino wanted to thank Commonwealth Alternative Care for picked up trash at D.W. Field's park this weekend. Also, reminder there will be a workshop Wednesday May 24 at 6PM at South Middle School a workshop on the redevelopment of Campello.

Councilor Thompson wanted to thank everyone who participated in the Community Clean up last Sunday at Salisbury and Snow park. Also, Veteran's Services Office is looking for volunteers to place flags on the headstones in Melrose's cemetery starting today through May 26. Last invites everyone to the City of Brockton Memorial day Parade Monday May 29.

President Nicaastro stated that Stop and Shop bags for my cause has chosen Veterans' Services to donate \$1 for every bag sold the month of May. Also, Many Brocktonian's that are graduating from College with degrees and wanted to congratulate all of them and especially Councilor Asack's daughter Alexandra who graduated Boston college and Presidents' Nicaastro's own son Edward who graduated Suffolk Law School.

Meeting Adjourned: 7:30 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.