

In City Council July 24, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening July 24, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00 PM with nine members present. Councilor D'Agostino and Mendes absent.

1079. Acceptance of the Minutes of the June 15, 2023 Special City Council meeting.

Accepted and placed on file

1080. Acceptance of the Minutes of the June 26, 2023 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

Councilor Mendes stepped in.

1081. Appointment of William Forte of 1 Hamilton Way, Holbrook, MA 02343 to the position of Deputy Commissioner of Buildings for the City of Brockton for a three (3) year term, ending July 2026.

Councilor Asack motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote.

Inspector of Buildings/Building Superintendent James Plouffe and William Forte commented.

Councilors Farwell, Rodrigues, Tavares, and Asack commented.

Confirmed by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote. Councilor D'Agostino absent.

1082. Appointment of Katrice Gerald of 766 Ash Street, MA 02301 to the License Commission as an Alternate for a three (3) year term, ending July 2026.

Referred to Finance

1083. Appointment of Janet Landerholm of 499 Copeland Street Brockton, MA 02301 to the License Commission as a Commissioner for a three (3) year term, ending July 2026.

Referred to Finance

1084. Appointment of Beverly Post of 503 West Elm Street, Brockton, MA 02301 to the Women's Commission as a Commissioner for a three (3) year term, ending June 2026.

Referred to Finance

1085. Reappointment of Daniel DePina of 109 Arthur Street, Apt. 3W, Brockton, MA 02302 to the City of Brockton Cemetery Board of Trustees as a member for a five (5) year term, ending June 2028.

Referred to Finance

### 337. (APPOINTMENTS CONT.)

1086.Appointment of James C. Wade, Jr., of 355 Linwood Street, Brockton, MA 02301 to the Commission on Human Rights, Diversity, Equity, and Inclusion for a three (3) year term ending in June 2026.

Referred to Finance

1087.Appointment of Kenneth Lofstrom of 101 Church Street, East Bridgewater MA 02333 as a Special Police Officer to the City of Brockton Police Department.

Referred to Finance

1088.Reappointment of Charles F. Studenski of 56 Manners Avenue, Brockton, MA 02301 to the Parks & Recreation Commission as a Commissioner for a five (5) year term, ending June 2028.

Referred to Finance

#### HEARINGS:

Councilor Rodrigues stepped out.

Councilor Farwell motioned to take items #11-13 Collectively and was properly seconded. The motion carried by a hand vote.

Petition of Autumn Taber, of Mass Save Program, 344 Rathbun St., Woonsocket, RI 02895, for a license to Solicit and Canvass. (POSTPONED FROM CITY COUNCIL MEETING JUNE 26, 2023)

Petition of Amanda Chita, of Mass Save Program, 38 Heroux Ave., Woonsocket, RI 02895, for a license to Solicit and Canvass. (POSTPONED FROM CITY COUNCIL MEETING JUNE 26, 2023)

Petition of Daniel Houle, of Mass Save Program, 66 Patton Rd., Woonsocket, RI 02895, for a license to Solicit and Canvass. (POSTPONED FROM CITY COUNCIL MEETING JUNE 26, 2023)

Autumn Taber, Amanda Chita, and Daniel Houle of Mass Save Program, appeared in favor of the petition and were there to answer any questions.

Hearing was reopened.

No one was in opposition.

Councilor Farwell commented.

Granted by a hand vote. Councilor Rodrigues not present. Councilor D'Agostino absent.

Councilor Rodrigues stepped back in.

Petition of Clifford Myrtil, of 1058 Adams Street, Boston, MA 02124, for a Garage License transfer located at 62-64 Elliot Street, Brockton, MA 02302.

Clifford Myrtil, of 1058 Adams Street, Boston, MA 02124 appeared in favor of the petition and was there to answer any questions.

Councilor Lally commented.

Hearing held.

No one was in opposition.

### 338. (HEARINGS CONT.)

Granted by a hand vote. Councilor D'Agostino absent.  
Petition of Clifford Myrtil (DBA Myrtil Repair & Body) of 1058 Adams Street, Boston, MA 02124 for a Motor Vehicle Repair Mechanical License and Motor Vehicle Repair Body License transfer located at 62-64 Elliot Street, Brockton, MA 02302.

Clifford Myrtil, of 1058 Adams Street, Boston, MA 02124 appeared in favor of the petition and was there to answer any questions.

Councilor Lally and Rodrigues commented.

Hearing held.

No one was in opposition.

Councilor Lally motioned to amend stipulations hours of operation to 7:30AM-6PM Monday-Saturday and was properly seconded. The motion carried by a hand vote.

Granted with amended stipulation hours of operation by a hand vote. Councilor D'Agostino absent.

#### REPORTS:

1089.Of the Finance Committee for its meeting of July 10, 2023.

Accepted and placed on file

#### COMMUNICATIONS:

1090.From the Mayor appointing William Forte of 1 Hamilton Way, Holbrook, MA 02343 to the position of Deputy Commissioner of Buildings for the City of Brockton for a three (3) year term, ending July 2026.

Accepted and placed on file

1091.From the Mayor appointing Katrice Gerald of 766 Ash Street, MA 02301 to the License Commission as an Alternate for a three (3) year term, ending July 2026.

Accepted and placed on file

1092.From the Mayor appointing Janet Landerholm of 499 Copeland Street Brockton, MA 02301 to the License Commission as a Commissioner for a three (3) year term, ending July 2026.

Accepted and placed on file

1093.From the Mayor appointing Beverly Post of 503 West Elm Street, Brockton, MA 02301 to the Women's Commission as a Commissioner for a three (3) year term, ending June 2026.

Accepted and placed on file

1094.From the Mayor reappointing Daniel DePina of 109 Arthur Street, Apt. 3W, Brockton, MA 02302 to the City of Brockton Cemetery Board of Trustees as a member for a five (5) year term, ending June 2028.

Accepted and placed on file

### 339. (COMMUNICATIONS CONT.)

1095. From the Mayor appointing James C. Wade, Jr., of 355 Linwood Street, Brockton, MA 02301 to the Commission on Human Rights, Diversity, Equity, and Inclusion for a three (3) year term ending in June 2026.

Accepted and placed on file

1096. From the Chief of Police requesting the appointment of Retired Police Officer Kenneth Lofstrom of 101 Church Street, East Bridgewater MA 02333 as a Special Police Officer to the City of Brockton Police Department.

Accepted and placed on file

1097. From the Mayor appointing Kenneth Lofstrom of 101 Church Street, East Bridgewater MA 02333 as a Special Police Officer to the City of Brockton Police Department.

Accepted and placed on file

1098. From the Mayor reappointing Charles F. Studenski of 56 Manners Avenue, Brockton, MA 02301 to the Parks & Recreation Commission as a Commissioner for a five (5) year term, ending June 2028.

Accepted and placed on file

1099. From the Mayor informing the City Council that John McGarry of 68 Cambo Street, Brockton MA 02301 is resigning as a Member of the License Commission effective June 27, 2023.

Accepted and placed on file

1100. From the Mayor informing the City Council that Anne McCormack of 25 Mayotte Circle, Brockton MA 02301 is resigning as a Member of the Cemetery Board of Trustees effective June 6, 2023.

Accepted and placed on file

1101. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total appropriation of \$55,000,000 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 and located at 430, 440, 460, and 500 Belmont Street in Brockton.

Accepted and placed on file

1102. 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 \$55,000,000 for the purpose of acquiring a parcel or parcels of and located at 430, 440, 460, and 500 Belmont Street in Brockton, without a detrimental impact on the continuous provision of the existing level of municipal services. This acquisition is for the purpose of conducting a city sponsored master plan of the site, and subsequent disposition of the property.

Accepted and placed on file

**340. (COMMUNICATIONS CONT.)**

1103.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the proposed land taking located at the following described parcel of land:

Brockton Fair Grounds	Amount
Parcel ID:	\$55,000,000
026-120	
026-117	
026-116	
026-116R	
029-044	
029-045	
029-002	

Accepted and placed on file

1104.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 proposed land taking located at the following described parcel of land:

Brockton Fair Grounds	Amount
Parcel ID:	\$55,000,000
026-120	
026-117	
026-116	
026-116R	
029-044	
029-045	
029-002	

without a detrimental impact on the continuous provision of the existing level of municipal services. There is a loan order that has also been filed to complete this transaction. The site generates a significant amount of income which will be used to pay the interest only costs holding for the property while the City Council, The Mayor, and other shareholders conduct master planning to best determine future use. This is a rare opportunity for the city to control its destiny in redefining this parcel in the heart of the city. Since the rental income will be used to support the holding costs, the financial risk to the city is minimal, yet the opportunity is significant.

Accepted and placed on file

1105.From the Director of Animal Control informing the City Council that recently, the manager of Ocean State Job Lot in East Bridgewater, MA contacted the Animal Control department to donate. The company would like to donate \$1,500.00 in the form of a gift card to be spent at the store. It's part of an annual donation program they do for various organizations. This year's drive is called "To the Rescue". Respectfully requesting this donation be accepted by the Council to help provide for the animals in our care and custody.

Accepted and placed on file

**341. (COMMUNICATIONS CONT.)**

1106.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 \$1,500.00 from OCEAN STATE JOB LOT to the ANIMAL CONTROL DEPARTMENT.

Accepted and placed on file

1107.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 \$1,500.00 from OCEAN STATE JOB LOT to the ANIMAL CONTROL DEPARTMENT, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

1108.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 \$2,500.00 from THE GODDARD FOUNDATION to THE CITY OF BROCKTON. The donation will be used for the Brockton After Dark program.

Accepted and placed on file

1109.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 \$2,500.00 from THE GODDARD FOUNDATION to the CITY OF BROCKTON, without a detrimental impact on the continuous provision of the existing level of municipal services. The donation will be used for the Brockton After Dark program.

Accepted and placed on file

1110.From the Director of Planning and Economic Development requesting that City Council accept this payment and to appropriate it to the Department of Planning and Economic Development as follows: Full Time Salaries 01760074-511100  
\$100,000

DPED 40R Activities 01860085-530910 \$44,000

The \$100,000 appropriated to salaries will allow the Department to hire a new full time Planner II for short- and long-term planning activities and allow the existing Planner I position to be dedicated to coordinating downtown development projects. The remaining funds will be used for supporting downtown planning and development activities.

Accepted and placed on file

1111.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$144,000.

FROM: THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
\$144,000

TO: THE CITY OF BROCKTON- MASS 40R SMART GROWTH FUND \$144,000

Accepted and placed on file

**342. (COMMUNICATIONS CONT.)**

1112.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of the grant award in the amount of \$144,000 from THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, without detrimental impact on the continuous provision of the existing level of municipal services.  
FROM: THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
\$144,000  
TO: THE CITY OF BROCKTON- MASS 40R SMART GROWTH FUND  
\$144,000

Accepted and placed on file

1113.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize and approve the Tax Increment Financing Agreement between the City and KARM Hospitality, LLC. This agreement will contribute to the ongoing economic vitality of the city, and will commit to job creation and increased revenue.

Accepted and placed on file

1114.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 Tax Increment Financing Agreement between the City and KARM Hospitality, LLC, without a detrimental impact on the continuous provision of the existing level of municipal services. This agreement will contribute to the ongoing economic vitality of the city, and will commit to job creation and increased revenue.

Accepted and placed on file

1115.From the Fire Chief requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$557,446.69 from FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – FY22 ASSISTANCE TO FIREFIGHTERS GRANT to the BROCKTON FIRE DEPARTMENT. This grant requires the City’s share of ten percent (10%) or fifty-five thousand seven hundred forty-four dollars and sixty-seven cents (\$55,744.67) to be appropriated by the Brockton Fire Department from the Other Contracted Services line item.

Accepted and placed on file

1116.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$557,446.69 from FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – FY22 ASSISTANCE TO FIREFIGHTERS GRANT to the BROCKTON FIRE DEPARTMENT. This grant requires the City’s share of ten percent (10%) or fifty-five thousand seven hundred forty-four dollars and sixty-seven cents (\$55,744.67) to be appropriated by the Brockton Fire Department from the Other Contracted Services line item.

Accepted and placed on file

### 343. (COMMUNICATIONS CONT.)

1117. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of the grant award in the amount of \$557,446.69 from the FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – FY22 ASSISTANCE TO FIREFIGHTERS GRANT to the BROCKTON FIRE DEPARTMENT, without detrimental impact on the continuous provision of the existing level of municipal services.

This grant requires the City's share of ten percent (10%) or fifty-five thousand seven hundred forty-four dollars and sixty-seven cents (\$55,744.67) to be appropriated by the Brockton Fire Department from the Other Contracted Services line item.

Accepted and placed on file

1118. From the Police Chief respectfully requesting support and approval of a Home Rule Petition to the General Court entitled "An Act Relative to the Police Cadet Program in the City of Brockton. It is now our hope to create a Home Rule Petition that establishes a preference for Police Cadets on the Civil Service List. This measure would allow the Mayor to appoint Cadets as Police Officers to the Brockton Police Department regardless of their placement on the eligible list as long as they have taken the civil service examination for Police Officer and complied with all requirements of the Cadet program.

Accepted and placed on file

1119. From the Mayor hereby transmitting for approval of a Home Rule Petition to the General Court entitled: "AN ACT RELATIVE TO THE POLICE CADET PROGRAM IN THE CITY OF BROCKTON." This special act would amend state Civil Service rules that govern police department hiring by establishing a new preference for police cadets who have served at least two (2) years in the Brockton Police Department. This measure will allow the appointing authority for the City of Brockton to appoint cadets to the Brockton Police Department (BPD) regardless of their placement on the eligible list created by the Commonwealth's Human Resources Division (HRD).

Accepted and placed on file

1120. From the CFO in support of the creation of the Home Rule Petition for Cadet Preference. This act would amend state Civil Service rules that govern police department hiring by establishing a new preference for police cadets who have served the last two (2) years in the Brockton Police Department. This measure will allow the appointing authority for the City of Brockton to appoint cadets to the Brockton Police Department (BPD) regardless if their placement on the eligible list created by the Commonwealth's Human Resources Division (HDR).

This would ensure that the most qualified cadets are selected, and I believe this is of utmost importance for the City of Brockton.

Accepted and placed on file



### 344. (COMMUNICATIONS CONT.)

1121. From Financial Analyst Evan Lacasse requesting a Residency waiver under Section 2-110 of the Ordinances of the City of Brockton: "Special Circumstances exist justifying residence outside the city limits."

Accepted and placed on file

1122. From the Mayor humbly requesting a waiver of the City of Brockton's residency requirement for Financial Analyst Evan LaCasse. Evan has shown his dedication to the City of Brockton through his year of employment under CFO Troy Clarkson's leadership.

Accepted and placed on file

1123. From the CFO formally requesting a waiver of the City of Brockton residency requirement for Financial Analyst Evan Lacasse under sec.2-110 of the Ordinances of the City of Brockton. During his tenure with the City, Evan has become a valuable member of the Finance team and has demonstrated an extraordinary commitment to the City. The ordinance allows for a waiver of the residency requirement if "special circumstances exist justifying residence outside the city limits.

Accepted and placed on file

Councilor Mendes stepped out.

1124. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acquiring of the Liberty Tree in the amount of 9,625.00. The Liberty Tree is a reminder that our City has always served as a beacon of hope to those seeking shelter, safety, and most importantly, freedom. This acquisition preserves our history here in the City of Brockton, and allows our residents to continue to remember such a monumental occurrence in the city. It will also allow us to share the rich cultural heritage with visitors by establishing this site as an African American Heritage Site and the proposed creation of a Black History Trail here in the City of Champions.

Accepted and placed on file

1125. 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 acquiring of the Liberty Tree in the amount of \$9,625.00, without a detrimental impact on the continuous provision of the existing level of municipal services. The acquiring of the Liberty Tree serves as a preservation of history here in the City of Brockton, and allows its residents to continue to remember such a monumental occurrence in the city.

Accepted and placed on file

#### UNFINISHED BUSINESS:

1037. Appointment of Jackie Joseph of 147 Centre Street Apt. 608, Brockton MA to the City of Brockton Cultural Council as a member for a three (3) year term, ending June 2026. (FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilor Mendes not present. Councilor D'Agostino absent.

**345. (UNFINISHED BUSINESS CONT.)**

1038.Appointment of Lily Green of 142 Woodard Avenue, Brockton MA to the City of Brockton Conservation Commission as a commissioner for a three (3) year term, ending June 2026. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Mendes not present. Councilor D’Agostino absent.

1073.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 \$500,000

FROM: THE DEPARTMENT OF PUBLIC HEALTH – BUREAU OF SUBSTANCE ADDICTION SERVICES \$500,000

TO: THE CITY OF BROCKTON- MAYOR’S OFFICE \$500,000

This is for a two-year period which will cover FY24 July 1,2023 to June 30<sup>th</sup> 2024 in the amount of 250,000. As well as July,1 2024 to June 30<sup>th</sup> 2025 in the amount of 250,000.

(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Mendes not present. Councilor D’Agostino absent.

1077.Ordered: That the Council authorize an appropriation of \$106,917 to Mayor Personal Services to support the addition of two positions to address the need for Immigration Services within the Mayor’s office. (FAVORABLE AS AMENDED)

Adopted as Amended by a roll call vote taken by “yeas” and “nays”; ten members present and nine members voting in the affirmataive. Councilor Thompson voting in the negative. Councilor D’Agostino absent.

887.Resolve: Be it resolved by the Brockton City Council to invite Rob May, Director of Planning and Economic Development for the City of Brockton, and area restauranters, to come before the Council to provide an update and discuss their vision of the Sycamore Grove project being proposed by the City of Brockton. (FAVORABLE)

President Nicastro referred this item to the Standing Committee on Economic Development.

**ORDERS:**

1126.Ordered: That the sum of \$55,000,000 is appropriated to pay costs of acquiring a parcel or parcels of land located at 430, 440, 460, and 500 Belmont Street in Brockton, by eminent domain or otherwise, including the payment of all costs incidental and related thereto, 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.

Referred to Finance

### 346. (ORDERS CONT.)

1127. WHEREAS, the City of Brockton, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 45 School Street, Brockton, MA is authorized, pursuant to Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, to take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS, the public benefit of the inhabitants of the City require that land described below be taken in fee for the purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto (the "Project"); and

WHEREAS, by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Brockton by its City Council does hereby take the land hereinafter described, and all privileges and appurtenances thereto belonging as well as all trees and all structures thereon, excepting any easement of record, for any municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land, excepting any easement of record, included within such description by whomsoever the same may be owned, it is therefore

ORDERED:

That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit:

DESCRIPTIONS BY ASSESSOR AND DEED REFERENCES

**Three parcels of land in Brockton**

*Parcel ID Nos: 026-120; 029-044; 029-045*

City of Brockton Assessors Map 026 Parcel 120 containing 2.06 acres +/-, and Map 029 Parcel 044 containing 1.83 acres +/-, and Map 029 Parcel 045 containing 1.56 acres +/- - being further identified as Lot 2, Lot 3, and Lot 4 on a Land Court Plan of Land being a subdivision of land shown on Land Court In No. 0319A, dated September 27, 1995, prepared by J.K. Holmgren & Associates, Inc. filed as Land Court Plan No. 8319D. For Title reference see Certificate number 89403.

We have considered and estimated the damages sustained by all persons who have not waived damages in their several estates and hereby determine and award the same as follows, to be paid by the bond amounts previously authorized by the City Council for purchase or taking of property for purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto.

The damages awarded with respect to said Parcels of Land are nine million one hundred sixty-one thousand and three hundred thirty-nine dollars and forty-two cents (\$9,161,339.42) and the supposed owner is Massasoit Greyhound Association, Inc. Said taking shall include all trees, soil or fixtures thereon.

Referred to Finance

1128. WHEREAS, the City of Brockton, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 45 School Street, Brockton, MA is authorized, pursuant to Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, to take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS, the public benefit of the inhabitants of the City require that land described below be taken in fee for the purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto (the "Project"); and

### 347. (ORDERS CONT.)

WHEREAS, by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Brockton by its City Council does hereby take the land hereinafter described, and all privileges and appurtenances thereto belonging as well as all trees and all structures thereon, excepting any easement of record, for any municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land, excepting any easement of record, included within such description by whomsoever the same may be owned, it is therefore

ORDERED:

That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit:

#### DESCRIPTIONS BY ASSESSOR AND DEED REFERENCES

City of Brockton Assessors Map 026 Parcel 117 containing 14.1 acres on a plan by Hayward-Boynton & Williams, Inc. surveyors, dated August 10, 1979, and filed with the Land Court as Plan no. 8319C. For Title reference see Certificate 63003.

We have considered and estimated the damages sustained by all persons who have not waived damages in their several estates and hereby determine and award the same as follows, to be paid by the bond amounts previously authorized by the City Council for purchase or taking of property for purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto.

The damages awarded with respect to said Parcel of Land are thirteen million and one hundred eighty thousand eight hundred and thirty<sup>0</sup>five dollars and seven cents (\$13,180,835.07) and the supposed owner is George L. Carney, Jr. Trustee of the Carney Office Building Trust.

Said taking shall include all trees, soil or fixtures thereon.

Referred to Finance

Councilor Farwell motioned to tabled item #61 and was properly seconded. The motion carried by a hand vote. Councilor D'Agostino absent.

1129. WHEREAS, the City of Brockton, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 45 School Street, Brockton, MA is authorized, pursuant to Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, to take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS, the public benefit of the inhabitants of the City require that land described below be taken in fee for the purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto (the "Project"); and

WHEREAS, by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Brockton by its City Council does hereby take the land hereinafter described, and all privileges and appurtenances thereto belonging as well as all trees and all structures thereon, excepting any easement of record, for any municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land, excepting any easement of record, included within such description by whomsoever the same may be owned, it is therefore

### 348. (ORDERS CONT.)

ORDERED:

That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit:

DESCRIPTIONS BY ASSESSOR AND DEED REFERENCES

City of Brockton Assessors Map 029 Parcel 002 containing 0.273 acres on a “Plan of House lots belonging to Houghton and Coolidge, Brockton, Mass”, and being lots 102 and 111 on said plan. Recorded with Plymouth County registry of deeds in Plan Book 1, Page 78.

Being the same premises conveyed by deed of 418 Belmont Street, Inc. dated April 11, 1980 and recorded at Book 4815, Page 257 and also recorded at Book 06029, Page 301.

We have considered and estimated the damages sustained by all persons who have not waived damages in their several estates and hereby determine and award the same as follows, to be paid by the bond amounts previously authorized by the City Council for purchase or taking of property for purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto.

The damages awarded with respect to said Parcel of Land is one million and five hundred and ninety-eight thousand and eight hundred and thirty- fifty dollars and twenty-nine cents (\$1,598,835.29), and the supposed owner is Galvani Realty Trust – 418 Belmont Street.

Said taking shall include all trees, soil or fixtures thereon.

1130. WHEREAS, the City of Brockton, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 45 School Street, Brockton, MA is authorized, pursuant to Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, to take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS, the public benefit of the inhabitants of the City require that land described below be taken in fee for the purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto (the “Project”); and

WHEREAS, by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Brockton by its City Council does hereby take the land hereinafter described, and all privileges and appurtenances thereto belonging as well as all trees and all structures thereon, excepting any easement of record, for any municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land, excepting any easement of record, included within such description by whomsoever the same may be owned, it is therefore

ORDERED:

That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit:

DESCRIPTIONS BY ASSESSOR AND DEED REFERENCES

**Two parcels of land in Brockton**

*Parcel One // Belmont Street // Parcel ID 026-116*

City of Brockton Assessors Map 026 Parcel 116 containing 45.45 acres +/- being identified as Lot A on subdivision plan No. 8319B drawn by Arthur W. Bean, C.E. dated Nov. 4, 1931, filed with Certificate of Title No. 4566, and Lot 7 on subdivision plan No. 8319F prepared by Land Surveys Incorporated dated April 10, 2014, last revised November 18, 2014, and Lots 5 and 6 on subdivision plan No. 8319E prepared by Land Surveys Incorporated dated January 6, 2014 and filed with Certificate of Title No. 1611. For Title reference see Certificate of Title 1611.

*Parcel Two // Belmont Street // Parcel ID 026-116R*

**349. (ORDERS CONT.)**

City of Brockton Assessors Map 026 Parcel 116R containing 0.89 acres +/- and located westerly of the intersection of Avon Street and Thurber Avenue and are further bounded and described as follows:

Said premises are shown as Lot A on subdivision plan No. 8319B drawn by Arthur W. Bean, C.E. dated Nov. 4, 1931, filed with Certificate of Title No. 4566, and referenced in Release Deed found at Document No. 447936 / Certificate No. 95405, all and by land now or formerly of the Brockton Agricultural Society, as shown on the plan hereinafter mentioned.

We have considered and estimated the damages sustained by all persons who have not waived damages in their several estates and hereby determine and award the same as follows, to be paid by the bond amounts previously authorized by the City Council for purchase or taking of property for purposes of master-planned redevelopment, preservation of open space, office use, stimulation of economic growth/development, job creation, and all accessory uses thereto, or any other municipal purposes, and for all purposes and uses accessory thereto.

The damages awarded with respect to said Parcels of Land are thirty-one million fifty-eight thousand nine hundred ninety dollars and twenty-three cents (\$31,058,990.23) and the supposed owner is BAS Holding Corp.

Said taking shall include all trees, soil or fixtures thereon.

Referred to Finance

1131.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$1,500.00  
From: OCEAN STATE JOB LOT  
To: THE ANIMAL CONTROL DEPARTMENT

Referred to Finance

1132.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$2,500.00.  
From: The Goddard Foundation  
To: The City of Brockton  
The donation will be used for the Brockton After Dark program.

Referred to Finance

1133.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 \$144,000  
FROM: THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
\$144,000  
TO: THE CITY OF BROCKTON- MASS 40R SMART GROWTH FUND \$144,000

Referred to Finance

1134.Ordered: That the City Council authorizes and approves the Tax Increment Financing Agreement between the City and KARM Hospitality, LLC. This agreement will contribute to the ongoing economic vitality of the city, and will commit to job creation and increased revenue.

Referred to Finance

**350. (ORDERS CONT.)**

1135. 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 \$ 557,449.69  
This grant requires the City's share of ten percent (10%) or fifty-five thousand seven hundred forty-four dollars and sixty-seven cents (\$55,744.67) to be appropriated by the Brockton Fire Department from the Other Contracted Services line item.  
FROM: THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):  
\$557,446.69  
TO: THE BROCKTON FIRE DEPARTMENT – FY22 ASSISTANCE TO  
FIREFIGHTERS GRANT \$ 557,446.69

Referred to Finance

Councilor Farwell motioned the waiving of the reading of item #68 and was properly seconded. The motion carried by a hand vote. Councilor D'Agostino absent.

1136. Ordered: Moved that the City Council vote to authorize the Mayor to petition the General Court for a special act in the form set forth on the document entitled "An Act Relative To The Police Cadet Program In The City Of Brockton", which amends the state Civil Service rules that govern police department hiring by establishing a new preference for Brockton Police Cadets; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court; and provided further that the Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**AN ACT RELATIVE TO THE POLICE CADET PROGRAM IN THE CITY OF BROCKTON.**

SECTION 1. Notwithstanding the provisions of chapter thirty-one of the General Laws, any person who has completed not less than two years of service as a police cadet in the police department of the city of Brockton under the provisions of section twenty-one A of chapter one hundred and forty-seven of the General Laws may, subject to a program established by the Mayor of the city and approval by the personnel administrator of the state division of personnel administration and the Massachusetts Police Training Committee, be appointed to fill a vacancy in a position in the lowest grade in the police force of said city without certification from an eligible list prepared under the provisions of chapter thirty-one of the General Laws; provided, however, that such person either is on a police entrance eligible list prepared under said chapter or passes a qualifying examination to be given by said personnel administrator. Such program shall include provisions for recruitment of applicants for appointment as police cadets in said city and for appointment from an eligible list prepared after a competitive examination administered under the supervision of the appointing authority of the city of Brockton.

SECTION 2. If any federal or state, administrative or court order requires the listing of candidates on separate groups, each group to be listed according to the law of the commonwealth, then this act shall be subject to such listing.

SECTION 3. Not more than thirty-three and one-third per cent of the total number of appointments to the regular police force of the city of Brockton in any calendar year shall be made under the provisions of this act. The appointing authority of the city of Brockton shall report in writing to the personnel administrator in said division of personnel administration any appointment made under the provisions of this act.

### 351. (ORDERS CONT.)

SECTION 4. The provisions of section sixty-one of chapter thirty-one of the General Laws shall apply to appointments made under this act. A person appointed to the regular police force of the city of Brockton under the provisions of this act shall, after satisfactory completion of the probationary period, be deemed to be permanently appointed to said police force and subject to the provisions of chapter thirty-one of the General Laws.

SECTION 5. This act shall take effect upon its passage.

Councilor Rodrigues motioned to suspension the rules and was properly seconded.

Councilor Farwell commented.

Councilor Rodrigues withdrew the motion.

Referred to Finance

1137. Ordered: The City Council reviews an exemption from the residency requirement in accordance with the Revised Ordinances of the City of Brockton Article III Section 2-110, City of Brockton Ordinance Waiver of Residency in reference to Evan LaCasse.

Referred to Finance

1138. WHEREAS, the City of Brockton, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 45 School Street, Brockton, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 30, of the City Charter and M.G.L. c. 79; and  
WHEREAS, the City of Brockton, intends to acquire a portion of land for the preservation of the Liberty Tree, which marks a spot on the Underground Railroad and was a gathering place for great voices of abolition, such as the street's namesake, Frederick Douglass (the "Project"); and  
WHEREAS, in the opinion of the Mayor and City Council of the City of Brockton, the public benefit of the inhabitants of the City require that land be taken in fee for the purpose of historical beautification and preservation of the Liberty Tree, from the owner listed below, as the same is more particularly described hereinafter, it is therefore  
ORDERED:  
That the City of Brockton does hereby take in fee in accordance with G.L. ch. 79 and/or other applicable law, the following described parcels of land, to wit:  
A certain parcel of land situated on the northerly side of Frederick Douglass Avenue in Brockton, Plymouth County, Massachusetts being a portion of parcels 091-049 and 091-040 being more particularly described as follows:  
Beginning at the southwesterly corner of the described premises, said point being the northerly side of Frederick Douglass Avenue; THENCE  
N86-57-17E a distance of 30.00' along the northerly line of Frederick Douglass Avenue to a corner; THENCE  
N03-02-43W a distance of 7.17' along the remaining land of the subject property to a corner; THENCE  
N87-19-50W a distance of 29.48' along the remaining land of the subject property to a corner and land of parcel 019-050; THENCE  
S00-44-12E a distance of 10.13' along parcel 091-050 to the northerly line of Frederick Douglass Avenue and the point of the beginning.  
Said parcel of land contains 257 s.f. of land and is shown as Parcel A on a plan entitled "Proposed Boundary Lines Frederick Douglass Avenue, Brockton, MA" dated 09/06/2022, prepared by Klim Land Surveying Inc.  
We have considered and estimated the damages sustained by all persons who have not waived damages in their several estates and hereby determine and award the same as follows, to be paid from the bond amounts previously authorized by the City



### 352. (ORDERS CONT.)

Council for purchase or taking of property for historical beautification and preservation purposes.

PROPERTY/OWNER	AMOUNT
Wun U. Ryee	
W&H Management, LLC	\$9,625.00

Said taking shall include all trees, soil or fixtures thereon.

Referred to Finance

### LATE FILES

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

1139.From the DPW Commissioner that the City Council authorize the increase of the Refuse fees from \$70 per quarter to \$100 per quarter. The increase in in the quarterly collection fee will allow for a positive impact on the retained earnings of the enterprise fund, and will assist in the prevention of a financial deficit.

Accepted and placed on file

1140.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the increase of the Refuse fees from \$70 per quarter to \$100 per quarter. The increase in in the quarterly collection fee will allow for a positive impact on the retained earnings of the enterprise fund, and will assist in the prevention of a financial deficit.

Accepted and placed on file

1141.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 increase of the Refuse fees from \$70 per quarter to \$100 per quarter, without a detrimental impact on the continuous provision of the existing level of municipal services. The increase in fees will ensure that the Refuse Enterprise remains in good financial standing as well as positively impacting the retained earnings of the enterprise fund. As noted by the DPW commissioner, fees have not been increased since 2003.

Accepted and placed on file

1142.ORDERED: That the City Council approves the increase of the Refuse fees from \$70 per quarter to \$100 per quarter, in order to prevent financial deficit for the Refuse Enterprise, as well as positively impact retained earnings for the enterprise fund.

Referred to Finance

### 353. (COUNCILOR'S RECOGNITION CONT.)

#### **Councilor's Recognition**

Councilor Nicastro had a moment of silence for the loss of Bob Jones, Brothers Terry and Makhi Boston, and Councilor Thompson also asked to include May Lang.

Councilor Asack reminded everyone there is an Ordinance meeting in the Council Chambers Wednesday July 26, 2023 at 6PM. Also, the 29<sup>th</sup> Cape Verdean Festival will be held on Sunday July 30th from 2-8PM at the Arnone School.

Councilor Lally stated that Sister Ruth who lives in the convent on thatcher street in ward 6 will be turning 90 years old and all she asks is for her birthday is birthday cards. Anyone interest may send cards to Sister Ruth in care of Sister Mary 61 thatcher St. Brockton, MA 02302.

Councilor Minichiello reminded everyone that on Thursday August 3 at 6 PM in Council Chambers Standing Committee of Economic Development meeting will be held.

Councilor Tavares stated that they will be having a Fund Raiser for Maria Rogers on August 27 at 7PM.

Councilor Nicastro stated that on the ground level of the Library Wednesday July 26 at 6PM they will be having a Campello Workshop pertaining to Wards 3 & 4.

Councilor Asack stated she knows why Councilor D'Agostino isn't here today it's his birthday today and she wanted to wish him a Happy Birthday.

Meeting adjourned at 8:45 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.