

In City Council August 28, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening August 28, 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 eight members present. Councilor Mendes, Minichiello, and Rodrigues absent.

President Nicasastro stated that Councilors Mendes and Rodrigues were not able to attend the Meeting.

President Nicasastro had a moment of silence for Charles Tartaglia and Sisto Volpe.

1143. Acceptance of the Minutes of the July 24, 2023 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

1144.Appointment of Kenneth Galligan of 25 Messina Drive Brockton, MA 02301 to the Traffic Commission as a Commissioner for a three (3) year term, ending July 2026.

Referred to Finance

1145.Reappointment of Stephen R. Kelley of 45 Stonehill Street, Brockton, MA 02301 to the Elections Commission as a Commissioner for a four (4) year term, ending August 2027.

Referred to Finance

1146.Reappointment of Tanya Tillman of 1092 N Main Street Unit 4 Brockton, MA 02301 to the Elections Commission as a Commissioner for a four (4) year term, ending July 2027.

Referred to Finance

1147.Reappointment of Ulisses M. Varela of 81 Kennelworth Avenue, Brockton, MA 02301 to the Parks & Recreation Commission as a Commissioner for a five (5) year term, ending July 2028.

Referred to Finance

1148.Appointment of George Depina of 176 Bourne Street, Brockton, MA 02302 to the position of Chief of Inspections for the City of Brockton for a five (5) year term, ending July 2028.

Referred to Finance

Councilor Farwell motioned to take items #7-8 Collectively and was properly seconded. The motion carried by a hand vote. Councilors Mendes, Minichiello, and Rodrigues absent.

1149.Appointment of Alex S. Albanese of 110 Tosca Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

1150.Appointment of James J. Kundicz of 69 Tosca Drive, Brockton, MA to the rank of Firefighter in the Brockton Fire Department.

355. (APPOINTMENTS CONT.)

Confirmed by a hand vote. Councilor Asack motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote. Councilor Mendes, Minichiello, and Rodrigues absent.
Brief Recess

Back in Session

1151.Appointment of Taylor P. Harris of 38 Cathy Lane Brockton, MA 02301 to the Brockton Housing Authority as a Commissioner for a five (5) year term ending August 2028.

Referred to Finance

HEARINGS:

Petition requesting approval for the change of Ownership related to Green World, LLC from Gevorg Saribekyan to GOUR Holdings, LLC. (Gevorg Saribekyan's 50% ownership interest to be held by Gour Holdings, LLC.Gevorg Saribekyan is the 100% beneficial owner of GOUR Holdings, LLC and no monetary consideration is being paid for the transfer as approved by the License Commission on July 20, 2023.

Attorney Scott Rubin appeared in favor of the petition and was there to answer any questions.

Councilor Thompson commented.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilors Mendes, Minichiello, and Rodrigues absent.

Petition requesting approval for the change of ownership related to Hyecorp, LLC, from Knarik Markosyan to YNUK Holdings, LLC. (Knarik Markosyan's 50% ownership interest to be held by YNUK Holdings, LLC Knarik Markosyan's is the 100 % beneficial owner of YNUK Holdings, LLC and no monetary consideration is being paid for the transfer as approved by the License Commission on July 20, 2023.

Attorney Scott Rubin appeared in favor of the petition and was there to answer any questions.

President Nicastro commented.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilors Mendes, Minichiello, and Rodrigues absent.

REPORTS:

1152.Of the Ordinance Committee for its meeting on July 26, 2023.

Accepted and placed on file

1153.Of the Ordinance Committee for its meeting on August 9, 2023.

Accepted and placed on file

356. (REPORTS CONT.)

1154.Of the Finance Committee for its meeting of August 14, 2023.

Accepted and placed on file

COMMUNICATIONS:

1155.From the Mayor advising that effective July 17, 2023, Irene Giannopoulos has been appointed Interim Auditor for the City of Brockton, pursuant to Massachusetts General Laws Chapter 41. Section 61A.

Accepted and placed on file

1156.From the Mayor appointing Kenneth Galligan of 25 Messina Drive Brockton, MA 02301 to the Traffic Commission as a Commissioner for a three (3) year term, ending July 2026.

Accepted and placed on file

1157.From the Mayor reappointing Stephen R. Kelley of 45 Stonehill Street, Brockton, MA 02301 to the Elections Commission as a Commissioner for a four (4) year term, ending August 2027.

Accepted and placed on file

1158.From the Mayor reappointing Tanya Tillman of 1092 N Main Street Unit 4 Brockton, MA 02301 to the Elections Commission as a Commissioner for a four (4) year term, ending July 2027.

Accepted and placed on file

1159.From the Mayor reappointing Ulisses M. Varela of 81 Kennelworth Avenue, Brockton, MA 02301 to the Parks& Recreation Commission as a Commissioner for a five (5) year term, ending July 2028.

Accepted and placed on file

1160.From the Mayor appointing George Depina of 176 Bourne Street, Brockton, MA 02302 to the position of Chief of Inspections for the City of Brockton for a five (5) year term, ending July 2028.

Accepted and placed on file

1161.From the Fire Chief recommending the selection of candidate Alex S. Albanese for appointment to the Brockton Fire Department. Candidate Alex S. Albanese meets the requirements for a Public Safety Position with the Brockton Fire Department.

Accepted and placed on file

1162.From the Mayor recommending the selection of candidate Alex S. Albanese for appointment to the Brockton Fire Department. Candidate Alex S. Albanese meets the requirements for a Public Safety Position with the Brockton Fire Department.

Accepted and placed on file

1163.From the Fire Chief recommending the selection of candidate James J. Kundicz for appointment to the Brockton Fire Department. Candidate James J. Kundicz meets the requirements for a Public Safety Position with the Brockton Fire Department.

357. (COMMUNICATIONS CONT.)

Accepted and placed on file

1164. From the Mayor recommending the selection of candidate James J. Kundicz for appointment to the Brockton Fire Department. Candidate James J. Kundicz meets the requirements for a Public Safety Position with the Brockton Fire Department.

Accepted and placed on file

1165. From the Mayor appointing Taylor P. Harris of 38 Cathy Lane Brockton, MA 02301 to the Brockton Housing Authority as a Commissioner for a five (5) year term ending August 2028.

Accepted and placed on file

1166. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 157 Centre St.

Accepted and placed on file

1167. 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 approval of the Tax Increment Exemption Agreement (TIE) between the City of Brockton and CMK Development Partners, for the property located at 157 Centre St, without a detrimental impact on the continuous provision of the existing level of municipal services. This agreement is another tool in the economic development toolbox to foster investment in the City. As with other similar agreements, the tax incentives will only be offered on the new value created, resulting in a net revenue gain for the City even during the period of the tax incentive.

Accepted and placed on file

1168. From the Fire Chief requesting the acceptance and expenditure of a donation in the form of sixty-eight cases of water totaling approximately \$1,404.00 from Christopher Carney, C. Carney Environmental to the Fire Department. The donation will be distributed to each fire station to aid in the hot summer months.

Accepted and placed on file

1169. 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 form of sixty-eight cases of water totaling approximately \$1,404.00 from Christopher Carney, C. Carney Environmental to the Fire Department.

Accepted and placed on file

1170. 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 form of sixty-eight cases of water totaling approximately \$1,404.00 from Christopher Carney, C. Carney Environmental to the Fire Department, without a detrimental impact on the continuous provision of the existing level of municipal services. The donation will be distributed to each fire station to aid in the hot summer months.

Accepted and placed on file

358. (COMMUNICATIONS CONT.)

1171. From the Police Chief requesting the acceptance and expenditure of two donations in the amount of \$2,500.00 to the Police Department, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: NORTH EASTON SAVINGS BANK -
\$1,000.00

EASTERN BANK-
\$1,500.00

TO: THE BROCKTON POLICE DEPARTMENT-
\$2,500.00

The donation will be used for the First Responders Community Jamboree.

Accepted and placed on file

1172. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of two donations totaling the amount of \$2,500.00 to the Police Department.

FROM: NORTH EASTON SAVINGS BANK - \$1,000.00

EASTERN BANK-\$1,500.00

TO: THE BROCKTON POLICE DEPARTMENT- \$2,500.00

The donation will be used for the First Responders Community Jamboree.

Accepted and placed on file

1173. 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 two donations in the amount of \$2,500.00 to the Police Department, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: NORTH EASTON SAVINGS BANK - \$1,000.00

EASTERN BANK-\$1,500.00

TO: THE BROCKTON POLICE DEPARTMENT- \$2,500.00

The donation will be used for the First Responders Community Jamboree.

Accepted and placed on file

1174. From the Director of Planning and Economic Development requesting the acceptance and expenditure of the grant award in the amount of \$125,000 from the Massachusetts Development Finance Agency to the City of Brockton.

This grant will serve to improve site readiness on publicly- and privately-owned property in the vicinity of the Good Samaritan Medical Center.

FROM: MASSACHUSETTS DEVELOPMENT FINANCE AGENCY- SITE
READINESS GRANT \$125,000.00

TO: THE CITY OF BROCKTON \$125,000.00

Accepted and placed on file

1175. 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 \$125,000 from the Massachusetts Development Finance Agency to the City of Brockton.

This grant will serve to improve site readiness on publicly- and privately-owned property in the vicinity of the Good Samaritan Medical Center.

FROM: MASSACHUSETTS DEVELOPMENT FINANCE AGENCY- SITE
READINESS GRANT \$125,000.00

TO: THE CITY OF BROCKTON \$125,000.00

Accepted and placed on file

359. (COMMUNICATIONS CONT.)

1176. 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 \$125,000 from the Massachusetts Development Finance Agency to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services.

This grant will serve to improve site readiness on publicly- and privately-owned property in the vicinity of the Good Samaritan Medical Center.

FROM: MASSACHUSETTS DEVELOPMENT FINANCE AGENCY- SITE READINESS GRANT	\$125,000.00
TO: THE CITY OF BROCKTON	\$125,000.00

Accepted and placed on file

UNFINISHED BUSINESS:

961. Ordinance: An Ordinance amending Appendix C – Zoning, Article III, Section 27-20 “Accessory Structures” to establish new provisions for fence heights. (FAVORABLE)

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

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

Home Occupation – As a Right

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

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

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

Home Occupation – By Special Permit

360. (UNFINISHED BUSINESS CONT.)

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

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

Be it further amended that "Home Occupation" as defined in Article II, Section 27-61 is hereby stricken. (FAVORABLE AS AMENDED)

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

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

Portable Storage Containers

Section 1. Definitions.

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

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

Section 2. Restrictions.

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

(1) Residential Zones

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

(2) Commercial and Industrial Zones

- a. The permit shall not allow for more than five (5) storage containers on the premises.

361. (UNFINISHED BUSINESS CONT.)

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

The issuance and extension of any permit shall be within the discretion of the Building Department. The Building Department shall affix fees for the initial permit and permit extension and shall assign a per unit fee for Commercial and Industrial Zones. There shall be a penalty of two hundred dollars (\$200.00) for any violation of this ordinance. Each day shall constitute a separate offense. (FAVORABLE AS AMENDED)

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

964.Ordinance: An Ordinance amending Article III – General Regulations and Permitted Modifications of the City’s Zoning Ordinances, to establish special permit requirements for exterior stairways above the ground floor. (FAVORABLE)

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

965.Ordinance: An Ordinance amending Article V – Special Uses of the City’s Zoning Ordinances, Section 27-38 “Standards” to delete Subsection 27-38(j) in its entirety, relative to standards on fire warning systems. (FAVORABLE)

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

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

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

Building height (Maximum)	R-1A	R-1B	R-1C	R-2	R-3	R-4
Principal building	2 ½ stories or 35 feet	2 ½ stories or 35 feet	2 ½ stories or 35 feet	3 stories or 45 feet*	3 stories or 45 feet*	3 stories or 45 feet*

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

Building height (Maximum)	C-1	C-2	C-3	C-4	C-5	C-6
	2 stories or 35 feet	6 stories	6 stories	6 stories	6 stories	6 stories

362. (UNFINISHED BUSINESS CONT.)

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

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

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

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

3. For I-1, no accessory structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located except by special permit. (FAVORABLE AS AMENDED)

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

859. Ordinance: AN ORDINANCE AMENDING ARTICLE V, DIVISION 1 – STORMWATER AUTHORITY

Be it Ordained by the City Council of the City of Brockton, Article V, Division 1 is hereby amended as follows:

Section 23-132 “Definitions” shall be amended to include the following definitions:

Dwelling unit: A structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household

Places of Worship: a building wherein the primary purpose is for persons to regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes church, synagogue, temple, mosque or other such place for worship.

Sections 23-133, 23-134, 23-135, 23-136, 23-137, 23-138 and 23-139 relating to stormwater management policies, procedures and fees are hereby repealed in their entirety. In place of said sections the following new sections are inserted:

Section 23-133. – Stormwater Management Authority.

(a) Stormwater Authority (Authority) is the agency established by this Ordinance, by the City of Brockton to oversee the proper execution of regulations contained in this article. The article is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Status, M.G.L. Chapter 40, Section 21, M.G.L. Chapter 43B, the regulations of the Federal Clean Water Act found at 40 CFR 122.34

(b) There is hereby established a Stormwater Management Authority (the “Authority”) composed of six (6) members. The commissioner of the department of public works shall be an ex-officio, non-voting member and chair of the Authority. The remaining five (5) members of the Authority shall be as follows: the chief financial officer or their designee, the conservation commission agent, and three (3) residents of the city. One (1) resident shall be appointed by the mayor and two (2) residents shall be appointed by the city council. Each resident shall be appointed for a term of one (1) year and may be reappointed for successive years.

363. (UNFINISHED BUSINESS CONT.)

(c) The purpose of the Authority shall be to ensure that property owners comply with the requirements laid out by the Authority and the City of Brockton Ordinances, and to ensure the city complies with requirements of the United States Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (DEP) or any other regulatory agency having authority over stormwater management within the city. The Authority and the city shall have the power to enforce all provisions contained herein, and within the Stormwater Authority Manual, as well as all regulations and orders pertaining to the management of stormwater.

Section 23-134. – Responsibility for administration.

(a) The Authority shall be required to publish a stormwater management guide. The guide shall contain summaries of regulations, policies and requirements for the management of stormwater and for any permits issued by the Authority. The contents of the guide shall be determined by vote of the members. The guide shall be reviewed by the Authority on an annual basis not later than April 15th, and updated as needed. After approval by the Authority, the requirements contained in the guide shall be effective for the following fiscal year beginning July 1st and incorporated by reference within this ordinance.

(b) The Authority shall establish fees relative to stormwater management for various types of properties. The fee schedule is intended only to support stormwater management staffing, operations, and mitigation. The following properties shall be exempted from fees:

- (1) Owner-occupied residential properties of not more than three (3) dwelling units;
- (2) properties owned by places of worship and cemeteries; and
- (3) properties owned by the City of Brockton.

(c) The fee schedule shall be submitted annually by the Authority to the city council not later than March 1st. The fee schedule shall be subject to city council approval. The fee schedule shall be effective July 1st of the next fiscal year.

(d) The Authority shall submit to the mayor, chief financial officer, and city council, not later than March 1st, the projected costs for stormwater management for the next fiscal year, including, but not limited to, staffing costs, operational expenses, expenses for consultants, and purchase of goods and services. Further, documentation shall be submitted for salary costs which shall include job title, anticipated salary, job description, and minimum qualifications for each position.

Section 23-135. – Severability.

The provisions of this ordinance are severable, and if any provision, sentence or paragraph is found to be invalid, this shall not affect the other provisions contained herein.

Section 23-136. –Meetings.

Meetings of the Authority shall comply with the requirements of the Open Meeting Law. No meeting shall be held prior to 6:00PM on the date scheduled so as to accommodate attendance by residents and other interested persons, except for the case of an emergency meeting. (FAVORABLE AS AMENDED)

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

364. (UNFINISHED BUSINESS CONT.)

1069.Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan to establish pay plan provisions for the positions of DPW Financial Business Manager and Grant Writer. (FAVORABLE)

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

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: AS ATTACHED

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. (FAVORABLE)

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

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: AS ATTACHED

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. (FAVORABLE)

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

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: AS ATTACHED

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. (FAVORABLE)

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

365. (UNFINISHED BUSINESS CONT.)

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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. (FAVORABLE)

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

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

366. (UNFINISHED BUSINESS 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:

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 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. (FAVORABLE)

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

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 (FAVORABLE)

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

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. (FAVORABLE)

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

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
(FAVORABLE)

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

367. (UNFINISHED BUSINESS CONT.)

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. (FAVORABLE)

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

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 (FAVORABLE)

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

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. (FAVORABLE)

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

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

ORDERS:

1177. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 157 Centre St.

Referred to Finance

1178. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the form of sixty-eight cases of water totaling approximately \$1,404.00.

From: Christopher Carney, C. Carney Environmental

To: Fire Department

Referred to Finance

368. (ORDERS CONT.)

1179. Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$2,500.00

FROM: NORTH EASTON SAVINGS BANK -	\$1,000.00
EASTERN BANK-	\$1,500.00
TO: THE BROCKTON POLICE DEPARTMENT-	\$2,500.00

The donation will be used for the First Responders Community Jamboree.

Referred to Finance

1180. Ordered: That the City of Brockton hereby accepts a Recoverable Grant in the amount of One Hundred Twenty-Five Thousand (\$125,000) Dollars through MassDevelopment's Site Readiness Grant Funds to be used to improve site readiness on property located in the vicinity of the Good Samaritan Medical Center, 824 Oak Street, Brockton MA (the "Site"), for the potential development of a new Life Science Center.

It is further Ordered that, if any City-owned portion of the Site is sold, conveyed, gifted, demised, ground leased, or otherwise transferred, or refinanced, and as a result of said transaction, the City receives funds that exceed the aggregate amount necessary for repayment of existing monetary liens, mortgage loans, and other debt on the project and all of the costs incurred by them in the acquisition, development, ownership, and sale of the Site or of the portion of the Site, then the City shall reimburse Mass Development the full amount of the net proceeds up to the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment. The Mayor is authorized to execute any and all documents necessary in connection with said Recoverable Grant, including the expenditure thereof.

Referred to Finance

RESOLVES:

1181. Resolve: WHEREAS, there are continuing efforts to improve the business development opportunities in the city, and,

WHEREAS, in many areas, including the Downtown District, the issues of safety and security, and challenges presented by homeless persons are present;

NOW, THEREFORE, BE IT RESOLVED:

Legislative Counsel Shannon Resnick, City Solicitor Megan Bridges or designee, Director of Social Services Jazmine Bradsher, and Police Chief Brenda Perez be invited to a meeting of the council to address ongoing programs and services related to these issues, as well as federal court decisions affecting the city's efforts.

Referred to Finance

1182. Resolve: To invite Mr. Matt Stanton, chair of the Mayor's Brockton Beautification Committee, to appear before the Finance Committee to discuss the Committee's work, including an upcoming Fall Cleanup Challenge, and other related issues.

Referred to Finance

Late Files

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

369. (LATE FILES CONT.)

COMMUNICATIONS:

1183. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the Tax Increment Exemption Agreement (TIE) between the between the City of Brockton and Ringside Properties LLC, for the property located at 40 Petronelli Way.

Accepted and placed on file

1184. 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 approval of the Tax Increment Exemption Agreement (TIE) between the City of Brockton and Ringside Properties LLC, for the property located at 40 Petronelli Way, without a detrimental impact on the continuous provision of the existing level of municipal services. This agreement is another tool in the economic development toolbox to foster investment in the city. As with other similar agreements, the tax incentives will only be offered on the new value created, resulting in a net revenue gain for the city even during the period of the tax incentive.

Accepted and placed on file

ORDERS:

1185. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City of Brockton and Ringside Properties LLC, for the property located at 40 Petronelli Way.

Referred to Finance

Councilor's Recognition

President Nicaastro stated it's the second annual Matty's Mustache Ride Memorial Motorcycle Ride in memory of Brockton Firefighter and United States Marine Corps Veteran Matthew Flaherty Saturday, September 2 from 9am - 5pm at 80 Perkins Avenue Brockton, MA 02302.

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.