

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening October 23, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:02 PM with eight members present. Councilors D'Agostino, Mendes, and Tavares, absent.

1265. Acceptance of the Minutes of the October 10, 2023 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

1266. Appointment of Dr. Larry Green of 937 Pleasant Street, Brockton, MA 02301 to the Council on Aging as a member for a three (3) year term, ending October 2026.

Referred to Finance

1267. Appointment of Anne McCormack of 25 Mayotte Circle, Brockton, MA 02301 to the Council on Aging as an alternate member for a three (3) year term, ending October 2026.

Referred to Finance

1268. Appointment of Gerald D. Koelsch of 35 Taft Avenue, Brockton, MA 02301 to the Council on Aging as an alternate member for a three (3) year term, ending October 2026.

Referred to Finance

1269. Appointment of Janet Trask of 121 Longwood Ave, Brockton, MA 02301 to the Commission on Human Rights, Diversity, Equity, and Inclusion for a three (3) year Term, ending October 2026.

Referred to Finance

1270. Re-appointment of David Andrews of 124 Clifton Avenue, Brockton MA 02301 to the Council on Aging as a member for a three (3) year term, ending October 2026.

Referred to Finance

HEARINGS:

Petition of David Lynch, DBA Campello Salvage, of 30 Quincy Street, Brockton, MA 02302 for a Junk Collector's License located at 163 Clinton Street, Brockton, MA 02301.

Attorney John F. Creedon and 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 D'Agostino, Mendes, and Tavares, absent.

404. (REPORTS CONT.)

REPORTS:

1271.Of the Finance Committee for its meeting of October 16, 2023.

Accepted and placed on file

COMMUNICATIONS:

1272.From the Superintendent of Parks informing the City Council that on October 12, 2023, The City of Brockton's Park Commission voted unanimously to accept the proposed Marvelous Marvin Hagler Park as an official City Park.

Accepted and placed on file

1273.From the Mayor appointing Dr. Larry Green of 937 Pleasant Street, Brockton, MA 02301 to the Council on Aging as a member for a three (3) year term, ending October 2026.

Accepted and placed on file

1274.From the Mayor appointing Anne McCormack of 25 Mayotte Circle, Brockton, MA 02301 to the Council on Aging as an alternate member for a three (3) year term, ending October 2026.

Accepted and placed on file

1275.From the Mayor appointing Gerald D. Koelsch of 35 Taft Avenue, Brockton, MA 02301 to the Council on Aging as an alternate member for a three (3) year term, ending October 2026.

Accepted and placed on file

1276.From the Mayor appointing Janet Trask of 121 Longwood Ave, Brockton, MA 02301 to the Commission on Human Rights, Diversity, Equity, and Inclusion for a three (3) year Term, ending October 2026.

Accepted and placed on file

1277.From the Mayor re-appointing David Andrews of 124 Clifton Avenue, Brockton MA 02301 to the Council on Aging as a member for a three (3) year term, ending October 2026.

Accepted and placed on file

1278.From the Director of Planning and Economic Development informing the City Council that the development agreement between the property owner 137 Main Street (et. Al.) and CMK Development Partners has been terminated. As such, the Tax Increment Exemption Agreement (TIE) between the City and CMK Partners should be rescinded. The TIE Agreement was needed for CMK Partners to apply to the Commonwealth for Housing Development Incentive Program (HDIP) tax credits for the construction of market rate housing units in Gateway Cities.

Accepted and placed on file

1279.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the rescinding order 861 Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 137 Main St. The development agreement between the property owner of 137 Main Street (et. Al.) and CMK Development Partners has been terminated.

405. (COMMUNICATIONS CONT.)

Accepted and placed on file

1280.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are adequate to support the total proposed rescinding order 861 Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 137 Main St, without detrimental impact on the continuous provision of the existing level of municipal services. The development agreement between the property owner of 137 Main Street (et. Al.) and CMK Development Partners has been terminated, therefore the TIE agreement should be rescinded.

Accepted and placed on file

1281.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the appropriation of \$288,205.86.
FROM: POLICE- FY23 FULL TIME SALARIES
\$288,205.86
TO: POLICE - FY24 PERSONAL SERVICES OVERTIME
\$288,205.86
RETROACTIVE PAYMENT
This appropriation provides funding for one (1) year (July 1, 2022-June 30, 2023), of a three (3) year contract.

Accepted and placed on file

1282.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the total proposed appropriation of \$288,205.86 for purposes of funding the Brockton Police Patrolmen’s Association contract, without detrimental impact on the continuous provision of the existing level of municipal services.
FROM: POLICE- FY23 FULL TIME SALARIES
\$288,205.86
TO: POLICE - FY24 PERSONAL SERVICES OVERTIME
\$288,205.86
RETROACTIVE PAYMENT
This appropriation provides funding for one (1) year (July 1, 2022-June 30, 2023), of a three (3) year contract. This is a reasonable and financially sustainable settlement for the city.

Accepted and placed on file

President Nicastro stated that Councilor D’Agostino could not attend tonight’s meeting.

UNFINISHED BUSINESS:

1214.Ordered: That the City Council dedicate the City owned land more commonly known as 0 Petronelli Way, Brockton, Massachusetts, being identified as Parcel 109-057 and being the same premises identified in Plymouth County Registry of Deeds Book 41854, Page 253, containing approximately 4,157 square feet, more or less, and Parcel 109-055 and being the same premises identified in Plymouth County Registry of Deeds Book 54222, Page 204, containing approximately 1,121 square feet, more or less, to be dedicated as a public park under the protections of Article 97 of the Amendments to the Massachusetts Constitution. (FAVORABLE AS AMENDED) (IN CITY COUNCIL OCTOBER 10,2023 POSTPONED TO NEXT CITY COUNCIL MEETING)

406. (UNFINISHED BUSINESS CONT.)

Adopted as Amended by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilors D’Agostino, Mendes, and Tavares absent.

1195.Appointment of Jack D. Colombo of 22 Hazard Street, Brockton, MA 02301 to the City of Brockton Cultural Council as a member for a three (3) year term, September 2026.
(FAVORABLE)

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

1224.Appointment of Scott Uhlman of PO Box 4010 Brockton, MA 02303 to the License Commission as a Commissioner for a three (3) year term, ending October 2026.
(FAVORABLE)

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

Councilors Mendes and Tavares stepped in.

1253.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$648,038.00.
From: The Executive Office of Public Safety and Security
To: The Police Department
This grant will be used towards the salary and overtime of certified enhanced 911 telecommunicators and dispatchers. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent.

1254.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$304,766.48.
This grant will be used to reimburse overtime for ETDs, police officers and fire department Emergency Medical Dispatch personnel to attend sixteen hours of mandatory E911 continuing education training for annual certification.
From: The Executive Office of Public Safety and Security
To: The Police Department (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent.

1261.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$6,500.
From: The Commonwealth of Massachusetts- Sex Offender Registry Board
To: The Police Department (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent.

1255.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$187,500.
From: The Department of Public Health- Bureau of Substance Addiction Services
To: Mayor’s Office- FY24 Prevention in Early Childhood SOR Grant Fund
This grant will be funded in two sections \$150,000 July 1,2023 through July 1,2024.
\$37,500 July 1,2024 through September 29,2024 to cover a full year FY24 contract and a 3-month contract extension (FAVORABLE)

407. (UNFINISHED BUSINESS CONT.)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent.

1260.Ordered: That the City Council authorizes and approves the Tax Increment Financing Agreement between the City, Brockton Industrial Property Owner LLC and Air Energy Group LLC regarding 105 Industrial Boulevard Brockton, Massachusetts. This agreement will contribute to the ongoing economic vitality of the city, and will commit to job creation and increased revenue. (FAVORABLE AS AMENDED)

Adopted as Amended by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent. Councilor Nicastro motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

1256.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$176,328.0 from Finance- Electricity to Nugen Capital. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent.

1257.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$2,920.60 from Auditing to Domenick J. Coppola, CPA. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor D’Agostino absent.

Councilor Farwell motioned to summarize the reading of item #40 and was properly seconded. The motion carried by a hand vote.

1259.Ordered: That the City Council authorizes the appropriation of \$207,570.68 for purposes of funding the Brockton City Employees Union’s (B.C.E.U) contract. This provides funding for the first year of a three (3) year contract (July 1, 2022-June 30, 2025).

FROM: HUMAN RESOURCES- EMPLOYEE BENEFITS-
\$207,570.68
CONTRACTUAL UNION COSTS

TO: ANIMAL CONTROL- PERSONAL SERVICES OTHER THAN
OVERTIME

\$21,189.02

ASSESSOR’S OFFICE- PERSONAL SERVICES OTHER THAN
OVERTIME

\$4,993.16

AUDITOR’S OFFICE-PERSONAL SERVICES OTHER THAN
OVERTIME

\$3,783.59

BOARD OF HEALTH-PERSONAL SERVICES OTHER THAN
OVERTIME

\$3,232.16

COUNCIL ON AGING- PERSONAL SERVICES OTHER THAN
OVERTIME

\$2,988.97

DPW-ADMINISTRATION-PERSONAL SERVICES OTHER THAN
OVERTIME

408. (UNFINISHED BUSINESS CONT.)

\$3,030.29

DPW-REFUSE DIVISION- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,731.01
ELECTIONS COMMISSION- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,769.46
INFORMATION TECHNOLOGY CENTER- PERSONAL SERVICES OTHER THAN OVERTIME	\$38,285.50
LAW OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,950.23
LICENSE COMMISSION- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,457.46
PARKING AUTHORITY- PERSONAL SERVICES OTHER THAN OVERTIME	\$3,441.62
PARKS & RECREATION DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$5,407.76
POLICE DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$92,879.56
PUBLIC PROPERTY DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	\$4,806.02
VETERANS OFFICE- PERSONAL SERVICES OTHER THAN OVERTIME	\$1,187.85
WEIGHTS & MEASURES DEPARTMENT- PERSONAL SERVICES OTHER THAN OVERTIME	

\$7,437.02

(FAVORABLE AS AMENDED)

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

1078.Resolve: WHEREAS, Many Brockton Public School students walk to, and from school, and,

WHEREAS, Pedestrians use sidewalks and roadways for travel, and,

WHEREAS, Councilors receive periodic inquiries and complaints from residents regarding intersection, pedestrian and student safety, and,

WHEREAS, It is critically important to update and renew goals and objectives for the safety of residents through the efforts of our Traffic Commission and Department of Public Works (DPW);

NOW, THEREFORE, BE IT RESOLVED:

The Traffic Commissioner and the DPW Commissioner be invited to a meeting of the council to discuss the feasibility and implementation of a city-wide study to update regulatory signage, crosswalk markings, areas lacking sidewalks, and such other issues as may relate to the safety of school children and pedestrians. (FAVORABLE)

409. (UNFINISHED BUSINESS CONT.)

Adopted by a hand vote. Councilor D'Agostino absent.

1264.Resolve: Be it resolved by the Brockton City Council to invite to Jazmine Bradsher, Director of Social Services, and designees of organizations that partner with the City and offer services to the City's unhoused population to appear before the Finance Committee of the Brockton City Council to discuss resources and social services in the City of Brockton. (FAVORABLE)

Adopted by a hand vote. Councilor D'Agostino absent.

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. (FAVORABLE)

Adopted by a hand vote. Councilor D'Agostino absent.

ORDERS:

1283.Ordered: The City Council hereby rescinds to Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners approved March 13,2023 for the property at 137 Main Street.

Referred to Finance

1284. Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:

Appropriation of: \$288,205.86
FROM: POLICE- FY23 FULL TIME SALARIES \$288,205.86
TO: POLICE - FY24 PERSONAL SERVICES OVERTIME \$288,205.86
RETROACTIVE PAYMENT

for purposes of funding the Brockton Police Patrolmen's Association contract.

This appropriation provides funding for one (1) year (July 1, 2022-June 30, 2023), of a three (3) year contract.

Referred to Finance

RESOLVES:

1285.Resolve: BE IT RESOLVED, that Mary Waldron of the Downtown Brockton Business Association and Amanda Glennon, Chairwoman of the Brockton Holiday Celebration and Parade, or their designees, be invited to come before the Finance Committee to discuss the Brockton Holiday Celebration and Parade to be held on Saturday, November 25, 2023.

Referred to Finance

1286.Resolve: To have Nathalie Jean, the Executive Director of the Brockton Redevelopment Authority appear before the Finance Committee of the Brockton City Council to introduce herself and update the City Council on the BRA and the Executive Director's plans moving forward.

410. (RESOLVES CONT.)

Referred to Finance

LATE FILES

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

1288.RESOLVE: WHEREAS, The updated property valuations for real property in the city have been certified and also published on the city's website;
NOW, THEREFORE, BE IT RESOLVED: The Board of Assessors and representative(s) from the vendor paid by the city to review and establish updated property values for FY 2024, be invited to a meeting of the Finance Committee of the City Council in November to fully discuss the methodology and data elements applied to this annual process.

Referred to Finance

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

1287.RESOLVE: WHEREAS, A Community Needs Assessment was conducted by the UMASS Boston - Gerontology Institute focusing on the City of Brockton and its senior populations; NOW, THEREFORE, BE IT RESOLVED: Mrs. Janice Fitzgerald, Director of the Council of Aging, and a representative from UMASS Boston be invited to the second Finance Committee meeting in November to presents results and comments of importance relating to the needs assessment survey.

Referred to Finance

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

1289.ORDERED: That the City Council hereby declare as surplus a City owned parcel of land located on Main Street, Parcel ID 091-079, being the premises of land described as "Parcel A" by deed to the City of Brockton recorded in the Plymouth County Registry of Deeds in Book 5313, Page 467, for the purposes of granting a no-build easement to John Merian and Alyce R. Merian, as Trustees of the John and Alyce R. Merian Irrevocable Trust u/d/t dated January 5, 1996, recorded with Plymouth County Registry of Deeds at Book 14073, Page 220, owner of adjacent property located at 137 Main Street, Brockton. This Order further authorizes the Mayor to execute all documents necessary to facilitate the grant of the no-build easement.

Referred to Real Estate

Councilor's Recognition

Councilor Thompson stated that on Wednesday October 25 at 6PM will be a Ward 5 Residents Neighborhood Watch RSVP at Brocktonnhw@gmail.com.

Councilor Lally stated that there will be a Trick or Treat Open House in Ward 6 Fire Station 605 N. Cary Street on Sunday October 29 from 3-5PM.

President Nicastro stated that on Monday October 30 will be a Finance Committee meeting at 7PM in Council Chambers.

411. (COUNCILOR'S RECOGNITION CONT.)

Meeting adjourned at 7:30PM

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.