

In City Council November 13, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening November 13, 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 all eleven members present.

1290. Acceptance of the Minutes of the October 23, 2023 City Council meeting.

Accepted and placed on file

**HEARINGS:**

Petition of Lensam LLC, of 3 Abrams Way, Holbrook, MA 02343, for a Garage License transfer located at 642 Crescent Street, Brockton, MA 02302.

Attorney Scott Ford, Owner and Operator appeared in favor of the petition and were there to answer any questions.

Councilor Thompson commented.

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of Houda Awanda, of 163 Evans St., Weymouth, MA 02191 for a Motor Vehicle Repair Mechanical License at 642 Crescent Street, Brockton, MA 02302.

Attorney Scott Ford, Owner and Operator appeared in favor of the petition and were there to answer any questions.

Councilors Thompson and Asack commented.

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of Afsheen Realty (Javed Shaikh), of 11 Remdall St. #2, Waltham, MA 02453, for a Garage License transfer located at 800 Crescent Street, Brockton, MA 02302.

Former Owner Michael Mather, Jace Mather, and new Owner Javed Shaikh appeared in favor of the petition and were there to answer any questions.

Councilor Thompson commented.

Hearing held.

No one was in opposition.

Granted by a hand vote.

#### 413. (HEARINGS CONT.)

Petition of Afsheen Realty (Javed Shaikh), of 11 Remdall St. #2, Waltham, MA 02453, for a Flammable Storage License Transfer located at 800 Crescent Street, Brockton, MA 02302.

Former Owner Michael Mather, Jace Mather, and new Owner Javed Shaikh appeared in favor of the petition and were there to answer any questions.

Councilor Thompson commented.

Hearing held.

No one was in opposition.

Granted by a hand vote.

Petition of Richard & Larry McLaughlin, of 36 Reservoir St., Avon, MA 02322, for a Flammable Storage (Aboveground) License Transfer located at 157 Clinton Street, Brockton, MA 02301.

Attorney John F. Creedon, David Lynch, and Owner Mr. McLaughlin and appeared in favor of the petition and was there to answer any questions.

President Nicasro commented.

Hearing held.

No one was in opposition.

Granted by a hand vote.

#### **REPORTS:**

1291.Of the Finance Committee for its meeting of October 30, 2023.

Accepted and placed on file

#### **COMMUNICATIONS:**

1292.From the Mayor informing the City Council that Mary Brophy of 476 Crescent Street, Brockton MA 02302 is resigning as a Member of the Board of Health effective October 18, 2023.

Accepted and placed on file

1293.From the Director of Council on Aging submitting a letter of resignation on behalf of Daniel and Irene Clague who reside at 179 Bellevue Avenue. Mr. and Mrs. Clague have been lifelong supporters of the Council on Aging and our seniors since our building was built in 2001. They have both been very instrumental in the success of our center and strong advocates for our older adults. Unfortunately, attending monthly meetings has become too much for them and they are requesting at this time they be removed from the Board so that others can fill their seats.

Accepted and placed on file

1294.From the Mayor informing the City Council that Daniel and Irene Clague of 179 Bellevue Avenue, Brockton MA 02302 have resigned from the Council on Aging Board effective October 19, 2023.

Accepted and placed on file

**414. (COMMUNICATIONS CONT.)**

1295. From the DPW Commissioner requesting that the City Council authorize the acceptance and expenditure of a donation of \$5,000.00 from Hawkeye Fence. This donation will allow for a fence to be installed around the Marvelous Marvin Hagler Statue.

Accepted and placed on file

1296. 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 \$5,000.00 from Hawkeye Fence to the Department of Public Works Highway Division. The donation will be used to build a fence around the Marvelous Marvin Hagler Statue.

Accepted and placed on file

1297. 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 \$5,000 from Hawkeye Fence to the Department of Public Works Highway Division, without a detrimental impact on the continuous provision of the existing level of municipal services. The donation will be used to build a fence around the Marvelous Marvin Hagler Statue.

Accepted and placed on file

1298. From the Director of Animal Control Requesting payment for an FY23 invoice for New England Animal Medical Center (inv. #886648) dated 03/12/23 for \$324.98. From the FY24 budget org code line item 02920075 object code 538800 veterinary services.

Accepted and placed on file

1299. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of prior year unpaid bills of \$324.98

FROM: ANIMAL CONTROL- PURCHASE OF SERVICE	\$324.98
VETERINARY SERVICES FY24	
TO: NEW ENGLAND ANIMAL MEDICAL CENTER	\$324.98

In order to pay for the bills that were received after the close of FY23.

Accepted and placed on file

1300. 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 approval of prior year unpaid bill \$324.98, without a detrimental impact on the continuous provision of the existing level of municipal services.

In order to pay for an invoice from FY23.

FROM: ANIMAL CONTROL- PURCHASE OF SERVICE	\$324.98
VETERINARY SERVICES FY24	
TO: NEW ENGLAND ANIMAL MEDICAL CENTER	\$324.98

Accepted and placed on file

1301. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, Section 53A recommending that the City Council authorize the appropriation and expenditure of the grant award in the amount of \$17,196,926.76 from PLYMOUTH COUNTY to UNAPPROPRIATED ESTIMATED RECEIPTS-AMERICAN RESCUE PLAN ACT (ARPA) FUND.

Accepted and placed on file

**415. (COMMUNICATIONS CONT.)**

1302. From the CFO in accordance with the General Laws of Massachusetts, Chapter 44, Section 53A recommending that the City Council authorize the appropriation and expenditure of the grant award in the amount of \$17,196,926.76 from PLYMOUTH COUNTY to UNAPPROPRIATED ESTIMATED RECEIPTS-AMERICAN RESCUE PLAN ACT (ARPA) FUND without a detrimental impact on the continuous provision of the existing level of municipal services.

Similar to the American Rescue Plan Act (ARPA) grant funds from the federal government, The City of Brockton is submitting this order to accept additional funding from Plymouth County.

Accepted and placed on file

1303. From the Mayor in accordance with the provisions and stipulations of Section 53E ½ of Chapter 44 of the Massachusetts General Laws, and the annual reauthorization of the Comcast revolving fund, requesting that the City Council authorize an expenditure of approximately \$800,000 to complete renovations and audio/visual improvements at the Brockton High School Auditorium more commonly known as the Nelson Auditorium. The Mayor shall comply with reporting requirements for revolving funds of M.G.L., Chapter 44, Section 53 1/2 and with the reporting requirements of the contract with Comcast.

Accepted and placed on file

1304. 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 request for the City Council to authorize an expenditure of approximately \$800,000 from the Comcast Revolving Fund to complete renovations and audio/visual improvements at the Brockton High School Auditorium, more commonly known as the Nelson Auditorium, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

1305. From the DPW Commissioner requesting to accept and authorize the expenditure of a grant awarded to the City of Brockton in the amount of Eighty Thousand Dollars (\$80,000). This Grant is pursuant to the Green Communities Act, in support of the Massachusetts Solid Waste Master Plan, to which MASSDEP has awarded the City a Sustainable Material Recovery Program Grant under the Recycling Dividends Program (RDP). The RDP Program provides payments for Municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste production and incentives to improve their recycling programs. The City is not required to provide any kind of matching funds.

Accepted and placed on file

1306. 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 \$80,000.00 from the Department of Environmental Protection to the Department of Public Works Refuse Division FY24 MassDEP FY24 RDP Grant Fund.

FROM: DEPARTMENT OF ENVIRONMENTAL PROTECTION       \$80,000.00  
TO: THE DEPARTMENT OF PUBLIC WORKS REFUSE DIVISION-   \$80,000.00  
MASSDEP FY24 RDP GRANT FUND

This grant will be used on outreach and education materials to address curbside recycling contamination issues. Purchase/Lease additional security cameras to monitor dumping on public property. Purchase segregated storage container for storing fire-damaged rechargeable batteries received from BFD at Recycle Depot until they are approved for shipping facility. Repair or replace Paint Swap Shed at Recycle Depot, and purchase equipment for kitchen scrap composting for sale to interested residents at a subsidized rate.

**416. (COMMUNICATIONS CONT.)**

Accepted and placed on file

1307.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 \$80,000 from the Department of Environmental Protection to the Department of Public Works Refuse Division FY24 MassDEP FY24 RDP Grant Fund, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: DEPARTMENT OF ENVIRONMENTAL PROTECTION	\$80,000.00
TO: THE DEPARTMENT OF PUBLIC WORKS REFUSE DIVISION- MASSDEP FY24 RDP GRANT FUND	\$80,000.00

Accepted and placed on file

1308.From the Director of Planning and Economic Development informing the City Council that 380 Quincy Street LLC (Mather) is selling the property it owns at 380 Quincy Street, Brockton, Mass, to Quincy St. LLC, and seeks the City's approval to assign a Tax Increment Exemption agreement to the new owners.

Accepted and placed on file

1309.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of the TIE agreement with 380 Quincy Street LLC to Quincy St LLC. The TIE continues to be a valuable tool and resource to encourage development and enhance revenue to the city.

Accepted and placed on file

1310.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 transfer of the TIE agreement with 380 Quincy Street LLC to Quincy St LLC, without a detrimental impact on the continuous provision of the existing level of municipal services. The TIE continues to be a valuable tool and resource to encourage development and enhance revenue to the city.

Accepted and placed on file

1311.From the Traffic Commissioner respectfully requesting the City Council approve the authorization to expend FY24 funds for the following invoices that were received after the close of FY23.

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- ENGINEERING	
\$5,670.00	
TO: CDM SMITH	\$5,670.00
FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- PUBLIC SAFTEY	
\$2,059.64	
TO: CITY OF BROCKTON- TAX COLLECTORS	\$2,059.64
FROM: TRAFFIC COMMISSION GOOD AND SERVICES- TRAFFIC LINES AND SIGNS	\$6,449.72
TO: K5 CORPORATION	\$6,449.72

Accepted and placed on file

**417. (COMMUNICATIONS CONT.)**

1312.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, I hereby recommend that the City Council authorize the approval of prior year unpaid bills of \$14,179.36

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- ENGINEERING  
\$5,670.00

TO: CDM SMITH \$5,670.00

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- PUBLIC SAFTEY  
\$2,059.64

TO: CITY OF BROCKTON- TAX COLLECTORS \$2,059.64

FROM: TRAFFIC COMMISSION GOOD AND SERVICES- TRAFFIC LINES AND  
SIGNS \$6,449.72

TO: K5 CORPORATION \$6,449.72

In order to pay for the bills that were received after the close of FY23.

Accepted and placed on file

1313.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 approval of prior year unpaid bills \$14,179.36, without a detrimental impact on the continuous provision of the existing level of municipal services.

In order to pay for the bills that were received after the close of FY23.

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- ENGINEERING  
\$5,670.00

TO: CDM SMITH \$5,670.00

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- PUBLIC SAFTEY  
\$2,059.64

TO: CITY OF BROCKTON- TAX COLLECTORS \$2,059.64

FROM: TRAFFIC COMMISSION GOOD AND SERVICES- TRAFFIC LINES AND  
SIGNS \$6,449.72

TO: K5 CORPORATION \$6,449.72

Accepted and placed on file

1314.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the creation of the Economic Development Revolving Fund, provided that no more than \$500,000 may be expended during Fiscal Year 2024.

Accepted and placed on file

1315.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 authorization of the Economic Development Revolving Fund, provided that no more than \$500,000 may be expended during Fiscal Year 2024, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file

**418. (UNFINISHED BUSINESS CONT.)**

**UNFINISHED BUSINESS:**

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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

1284.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: \$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. (FAVORABLE AS AMENDED)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

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. (FAVORABLE)

Adopted by a hand vote.

**419. (UNFINISHED BUSINESS CONT.)**

1262.Resolve: Be it resolved by the Brockton City Council to invite the Chief Financial Officer Troy Clarkson to provide information and a detailed review on the City's and School Department's FY23 final expenditures and FY24 year to date expenditures. (FAVORABLE)

Adopted by a hand vote.

1263.Resolve: WHEREAS, For Fiscal Year 2024, beginning on July 1, 2023, there are vacant but funded positions within city government, including the school department, and,

WHEREAS, It is prudent to identify those positions which will not be filled for several months because of recruitment, background checks, required training programs and other related factors, and,

WHEREAS, The deficit caused by overspending of school appropriations for Fiscal Year 2023 creates a need to identify financial resources to address outstanding obligations;

BE IT RESOLVED:

The Chief Financial Officer attend a meeting of the City Council to discuss the potential transfer of funds currently allocated to vacant positions. Such funds to be transferred to a "School Deficit Reserve Fund," or fund by similar title.

**Example: Police Department, multiple entry-level vacant positions which are fully funded from July 1, 2023, but which will likely not be filled until after January 1, 2024, because of background checks, physical and mental testing, criminal record checks and available police training academy classes. Such unused funds provide at least six (6) months of potential revenue to be assigned to the school department deficit. (FAVORABLE)**

Adopted by a hand vote.

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. (FAVORABLE)

Adopted by a hand vote.

**420. (ORDINANCES CONT.)**

**ORDINANCES:**

**1316.Ordinance: An Ordinance Creating a Revolving Fund pursuant to Massachusetts General Law, Chapter 44, Section 53E 1/2**

Be it ordained by the City Council of the City of Brockton pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, that the following language be adopted as a City of Brockton Ordinance: *The Economic Development Revolving Fund shall be created. Programs or activities for which the Economic Development Revolving Fund may be expended shall be consistent with purposes for economic development in the City of Brockton. Receipts of payments of transfers and payments of fees for the purpose of supporting economic development and planning projects in the City of Brockton shall be credited to the Economic Development Revolving Fund. Expenditures from the Economic Development Revolving Fund shall be made on the authority and direction of the Chief Financial Officer, provided that no more than \$500,000 may be expended from the Economic Development Revolving Fund during fiscal year 2024. The Brockton Chief Financial Officer shall comply with the reporting requirements of M.G.L. ch. 44, Section 53E ½.*

Referred to Ordinance

**ORDERS:**

1317.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$5,000

From: Hawkeye Fence

To: The Department of Public Works Highway Division

The donation will be used to build a fence around the Marvelous Marvin Hagler Statue.

Referred to Finance

1318.Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$324.98

FROM: ANIMAL CONTROL- PURCHASE OF SERVICE \$324.98

VETERINARY SERVICES FY24

TO: NEW ENGLAND ANIMAL MEDICAL CENTER \$324.98

Councilor Farwell motioned suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

1319.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$17,196,926.76

From: Plymouth County

To: Unappropriated Estimated Receipts- American Rescue Plan Act (ARPA) Fund

Referred to Finance

1320.Ordered: That the City Council authorize the expenditure of \$800,000 from the Comcast Revolving Fund for FY2024, in order to complete renovations and audio/visual improvements at the Brockton High School Auditorium more commonly known as the Nelson Auditorium.

Referred to Finance

**421. (ORDERS CONT.)**

1321. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$80,000.

From: The Commonwealth of Massachusetts Department of Environmental Protection- FY23 MassDEP FY24 RDP Grant

To: Department of Public Works Refuse Division- FY24 MassDEP FY24 RDP Grant Fund

This grant will be used on outreach and education materials to address curbside recycling contamination issues. Purchase/Lease additional security cameras to monitor dumping on public property. Purchase segregated storage container for storing fire-damaged rechargeable batteries received from BFD at Recycle Depot until they are approved for shipping facility. Repair or replace Paint Swap Shed at Recycle Depot, and purchase equipment for kitchen scrap composting for sale to interested residents at a subsidized rate.

Referred to Finance

1322. Ordered: Whereas, On March 27, 2023 the City of Brockton has entered into a Tax Increment Exception (TIE) agreement with 380 Quincy Street LLC for property located at 380 Quincy Street; and,

Whereas, Paragraph D Assignment, of Section 6 – Miscellaneous prohibits the assignment or transfer of the TIE agreement without the written consent of the Municipality, which approval shall not be unreasonably withheld; and,

Whereas, 380 Quincy Street LLC has agreed to sell their interest in the subject property to Quincy St LLC; and,

Whereas, 380 Quincy Street LLC has petitioned the City of Brockton to consent to the assignment of the TIE agreement to Quincy St LLC.

Now, therefore, be it ordered by the City Council that the City of Brockton grants its consent to the assignment of the TIE agreement to Quincy St LLC.

Referred to Finance

1323. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$14,179.36.

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- ENGINEERING  
\$5,670.00

TO: CDM SMITH \$5,670.00

FROM: TRAFFIC COMMISSION PURCHASE OF SERVICE- PUBLIC SAFETY  
\$2,059.64

TO: CITY OF BROCKTON- TAX COLLECTORS \$2,059.64

FROM: TRAFFIC COMMISSION GOOD AND SERVICES- TRAFFIC LINES AND  
SIGNS \$6,449.72

TO: K5 CORPORATION \$6,449.72

Referred to Finance

**Councilor's Recognition**

Councilor Asack reminded everyone there is an Ordinance meeting Thursday November 16, 2023 at 6:30 PM.

Councilor Lally reminded everyone there is a Real Estate Meeting tomorrow Tuesday November 14, 2023 at 6PM. Also, he wanted to wish Herb Peloquin a Happy 50<sup>th</sup> Birthday from him and all the Councilors.

Councilor Thompson stated that the Holiday Parade sign up is full for Marketplaces but to March and for Parade Marshalls nominations are still available anyone interested please sign up at the Downtown Brockton Business Association.

#### **422. (COUNCILOR'S RECOGNITION CONT.)**

Councilor Farwell stated that he is speaking on behalf of the Beautification Chair Matthew Stanton who is unable to attend tonight's meeting that they will be holding a holiday decorating contest for residents and businesses hoping to bring positivity back to the community to sign up please visit City hall, City website, Library, and several community Facebook pages.

President Nicaastro stated last Tuesday was Elections and wanted to congratulate all Councilors that were reelected and a farewell to Councilors Mendes and D'Agostino and they will be missed.

Meeting adjourned at 7:35 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.