

MINUTES – PUBLIC SAFETY COMMITTEE
February 2, 2022

The Standing Committee on Public Safety was called to order at 6:32 p.m. by Councilor Nicasastro with Councilors D’Agostino, Nicasastro, Tavares, Teixeira, and Thompson present.

Agenda read into the record.

The Committee first considered the following:

#1 on agenda

Comments by Brandon Rogers

(applicant, one of the owners of the building, mom mostly runs everything, defers questions to her)

Comments by Maria Rogers

(39 South Street, Brockton, MA, waiting for second hand license since 2019, has been on the list, then followed up with City, looking for second hand license to open business, use to have business in Brockton, did pretty well, mission to be here to build something for her son, son is owner of the building and of the business, but she will be running it and teaching him, will be hiring employees, donates regularly)

Comments by Councilor Nicasastro

(where does inventory come from, records)

Comments by Maria Rogers

(gentleman from Hull, estate sales, online purchase, phone calls, records are too much for her because she gets stock from gentleman from Hull, doesn’t buy as much, use to own a store but it was new items, not selling merchandise, waiting to get license)

Comments by Councilor Nicasastro

(records are supposed to be kept for City to inspect, hours of operations in the City of ordinances)

Comments by Maria Rogers

(haven’t set up yet, hasn’t made a dime yet, once she gets a license she will do that, hours 9am - 7pm, wants to play it “as the weather permits”)

Comments by Councilor Thompson

(Ordinance on how shop is supposed to operate)

Comments by Maria Rogers

(no but ready to follow the rules, has previously operated a store in Brockton, didn't know, here for City to teach her)

Comments by Councilor Thompson

(standards, not responsibility to teach to set up business or how to operate, expectation to be informed of what the ordinances are and responsibilities, not opened, items at the property?)

Comments by Maria Rogers

(here to follow rules, yes because of the warehouse in the back)

Comments by Councilor Thompson

(how long have you been acquiring items?)

Comments by Maria Rogers

(about a year)

Comments by Councilor Thompson

(City involvement at property, not in compliance with cleanliness/orderliness of property)

Comments by Maria Rogers

(so what they say, what is said on the paper is not true, some stuff outside that she needs to sell, they are covered, needs to have a talk with James)

Comments by Councilor Thompson

(concerned about violations, property is not in compliance with ordinances, efforts to enter property are not permitted, court intervention, reflects poorly on application, asked if she was aware of 3 separate orders to clean the property)

Comments by Maria Rogers

(says she didn't know about any of this until yesterday, hasn't had a reason to be there, blocked with snow, need time to clean, trying to start a business, untrue that things are on the sidewalk, south street is all cleaned out, said she was not aware of orders to clean)

Comments by Councilor Thompson

(notice of non-inspection, follow ups, and then court process, City had to come to clean South Street property)

Comments by Maria Rogers

(got rid of a lot of stuff without her permission, lost a lot of money to please the City)

Comments by Councilor Teixeira

(any violations at 181 Clinton Street?)

Comments by Maria Rogers

(no, found letter tagged to door, Zoom court on February 18, says will get 30 days, will work with James)

Comments by Councilor D'Agostino

(clarify that access was not given)

Comments by Maria Rogers

(snowed in, will call after it's cleaned out)

Comments by Councilor D'Agostino

(violation history, starting to see the same thing happen at 181 Clinton Street, with the history at South Street and history at Clinton Street, will be across the street from a school, concerned about it, why should a license be granted)

Comments by Maria Rogers

(honest woman, owned homes, businesses, given to the community, upstanding citizen, licensed family daycare provider, Jim might be trying to prove himself, coming at the property owners and business owners the wrong way, we should want communication and build for the city, more taxes for the city, employ other people, harassed, neighbors call to make her life miserable, doing this for her son, history of car accident and learning to walk again, owned a trucking company, retail shop, first Cape Verde woman to start a business in the City, did it all on her own by herself, good stuff in her yard that all got thrown away, help from Maria Tavares, knows she was being harassed, afraid when someone comes to the door)

Comments by Councilor D'Agostino

(thanks applicant for sharing her story, concerned about comment she made about "why can't we do whatever we want on our property", need to be good neighbors, obligation of business owners)

Comments by Councilor Tavares

(thanks Maria for being here, question regarding letters for inspection, do you know why you received the order)

Comments by Maria Rogers

(was not explained)

Comments by Councilor Tavares

(experience at board of Health, old furniture, explained wanted to have second-hand store, this was her dream, case was closed, trained Jim, save things on the back yard, thinking about her country, always want to save it, does not understand if she does not have a complaint why was she getting an inspection)

Comments by Councilor Nicastro

(letters and narrative provided by Board of Health, 2 for 181 Clinton Street in 2021, went to Court in early January to institute a complaint)

Comments by Maria Rogers

(Jim is going to give her 30 days when they get to court, she has no problem with that, just got notice 2 days ago about the Court case)

Comments by Councilor Nicastro

(thanks the applicant)

No one else to speak in favor.

No one else to speak against.

Comments by Councilor Nicastro

(vote to have Mr. Depina from the Building Department to speak)

Motion by Councilor Nicastro to have Mr. Depina Speak, 2nd by Councilor D'Agostino. Motion carried unanimously.

Comments by Mr. Depina

(complaint listed that there was items littered through-out the yard, going back to August 2021, 90% of yard covered in items, covered in tarp, looked at Code, property was in violation of zoning regulation, all materials are to be stored in a shop, no outside storage allowed in C2 zone, violation notice posted, call Ms. Rogers in August, spoke to her about the violation, told her about the position on outside storage, was told about hard ship and told about license to sell second hand licenses, informed on compliance, two weeks later halted violations and fine given that she was petition the Council for a license and other issue with 39 South Street, snowed in but items still remain in the yard)

Comments by Councilor Nicastro

(you did go by yesterday? Merchandise outside the fence?)

Comments by Mr. Depina

(yes, ordinance says everything is suppose to be inside the building)

Comments by Councilor D'Agostino

(39 South street, multiple dumpsters?)

Comments by Mr. Depina

(yes, board of health involved, several 30 yard dumpsters were hauled off)

Comments by Councilor Thompson

(August of 2021 informed of violation at 181 Clinton on the open space, how did you notify her?)

Comments by Mr. Depina

(correct, never had access to inside, called her and posted a notice of violation, she disagreed that she couldn't have a business and not store items outside, notice makes specific of what the ordinance states and what the violation is, notice of violation posted at time of inspection, before phone call, let her know about petition for a variance, no other communication)

Comments by Councilor Thompson

(Jim Doucette actions?)

Comments by Mr. Depina

(yes, in September 2021, Jim issued an order to remove the items in the yard)

Comments by Councilor Thompson

(has she ever come into compliance?)

Comments by Mr. Depina

(no)

Comments by Councilor Thompson

(how does gaining a license change? Will the property still be in non-compliance)

Comments by Mr. Depina

(she would still be out of compliance, time period to come into compliance, there are items on the side-walk in the front of the building, building department desires to help bring her into compliance)

Comments by Councilor Thompson

(reasonable amount of time?)

Comments by Mr. Depina

(usually 2 weeks, have to show some time of effort)

Comments by Councilor Nicastro

(second hand article ordinance requires ability of City to be able to come in and inspect at any time, application is dated after August and September violations)

Clerk read email of Deputy Chief Edward R. Williams, Jr. into the record.

(copies attached at end of minutes)

Comments by Councilor Nicastro

(Ward councilor, neighbor calls about condition of property and tarped stuff that is outside and on side walk, drives by often, infestation of rodents believed to be coming from the property)

Comments by Councilor Thompson

(business have the responsibility to obey ordinances, seek to postpone, willing to give time/opportunity to acquire license for her to come into compliance, wants inspectional service to come back and say she has completely complied, free inspection of the building, shows an understanding of the codes and requirements and plan to continually comply with the code, wants to give her a chance, story is compelling, wants to support her as a business owner, need to see a turnaround)

Comments by Councilor Nicastro

(wants to get compliance before a license is granted)

Comments by Councilor Thompson

(get into compliance as soon as possible, not on the 89th day, requests follow up from Building Department, looking for progress reports)

Motion to report POSTPONED until May 4, 2022 at 6pm by Councilor Thompson, 2nd by Councilor Teixeira. Motion carried unanimously.

Motion to adjourn by Councilor Thompson, 2nd by Councilor Teixeira at 7:39 p.m. Motion carried unanimously.

The meeting was adjourned at 7:39 p.m.