

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening November 27, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the November 13, 2023 City Council meeting.
2. Acceptance of the Minutes of the November 20, 2023 Special City Council meeting.

**APPOINTMENTS:**

3. Re-Appointment of Mr. Robert Graham, 8 Alphonse Road, Brockton, MA 02302, to the Board of Directors of the Brockton Council on Aging pursuant to the City of Brockton Ordinances Sec. 2-414 for a term of three (3) years.
4. Re-Appointment of Stephan Hooke, 31 Hammond Street, Brockton, MA 02302, to the Traffic Commission pursuant to City of Brockton Ordinance Sec. 466, for a term of three (3) years.

**HEARINGS:**

5. Petition of 693 N. Montello, LLC (Manuel D. Pires) of 192 Braemoor, Brockton, MA 02301 for a Motor Vehicle Repair Mechanical License and Motor Vehicle Repair Body License transfer located at 693 N. Montello Street, Brockton, MA 02301.
6. Petition of Warren Avenue Mobil LLC/Nadeem Sattar, of 1 Erica Drive, Lincoln, RI 02865, for a Garage License transfer located at 761 Warren Avenue, Brockton, MA 02302.
7. Petition of Warren Avenue Mobil LLC/Nadeem Sattar, of 1 Erica Drive, Lincoln, RI 02865, for a Flammable Storage (Underground) License Transfer located at 761 Warren Avenue, Brockton, MA 02302.
8. Petition of National Grid and Verizon New England, Inc to install one JO Pole on Crescent Street. Beginning at a point approximately 90 feet East of the centerline of the intersection of Christo's Way. Install 50ft class H1 pole between P77 and P79 Crescent Street. The Pole will be located on city property on the South side of Crescent Street. The pole will be labeled 78.
9. Petition of Westgate AP Investment LLC DBA Westgate Lanes, of 13 Willow St. Lowell MA 01852, for a Billiard, Pool Tables, and Bowling Alleys License Transfer located at 65 Westgate Drive, Brockton, MA 02301.

**REPORTS:**

10. Of the Real Estate Committee for its meeting of November 14, 2023.
11. Of the Ordinance Committee for its meeting of November 16, 2023.
12. Of the Finance Committee for its meeting of November 20, 2023.

**COMMUNICATIONS:**

13. From the Mayor re-appointing Mr. Robert Graham, 8 Alphonse Road, Brockton, MA 02302, to the Board of Directors of the Brockton Council on Aging pursuant to the City of Brockton Ordinances Sec. 2-414 for a term of three (3) years.

14. From the Mayor re-appointing Stephan Hooke, 31 Hammond Street, Brockton, MA 02302, to the Traffic Commission pursuant to City of Brockton Ordinance Sec. 466, for a term of three (3) years.

15. From the Mayor appointing Chrislaine Bonny as temporary Election Commissioner to fill the current vacancy. This appointment shall take effect on November 17<sup>th</sup>, 2023 and terminate upon the formal appointment of an Election Commissioner pursuant to Section 16A of Massachusetts General law Chapter 51.

16. From the DPW Commissioner requesting that the City Council allow them to use monies from Fiscal Year 24 to fund unpaid/unencumbered Veolia invoices as listed below. Please be aware that this request is due to a shortfall in funding the FY23 Budget.  
Veolia \$213,560.97  
Veolia \$238,820.35  
Veolia \$483,275.99

17. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$935,657.31.  
FROM: DPW- SEWER DIVISION – \$935,657.31  
OTHER CONTRACTED SERVICES FY24  
TO: VEOLIA \$213,560.97  
\$238,820.35  
\$483,275.99

In order to pay unencumbered FY23 invoices.

18. 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 transfer of \$935,657.31, without a detrimental impact on the continuous provision of the existing level of municipal services.  
FROM: DPW- SEWER DIVISION – \$935,657.31  
OTHER CONTRACTED SERVICES FY24  
TO: VEOLIA \$213,560.97  
\$238,820.35  
\$483,275.99

In order to pay unencumbered FY23 invoices.

19. From the DPW Commissioner requesting that the City Council allow them to use \$530,872.99 from existing Fiscal Year 24 monies to fund unpaid/unencumbered invoices from Fiscal Year 23 as itemized below:

Brockton Police Dept. \$5,713.38  
Abington Police Dept. \$ 825.00  
Plymouth County Sheriff \$440.00  
East Bridgewater Police Dept. \$440.00  
Town of Holbrook Police Dept. \$1,276.00  
Plympton Police Dept. \$2,186.60  
Advantage Truck Raynham, LLC \$1,540.15  
Burke, Dennis K. Inc. \$667.86  
United Construction & Forestry, LLC \$920.74  
Woodwards Auto Spring Shop \$22.39  
Zep \$720.21  
Constellation \$248,817.85  
Bertarelli Bros. \$2,520.00  
Veolia \$251,153.54  
Modern Auto Body \$7,142.88  
T.L. Edwards Inc. \$6,486.39

20. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$530,872.99.  
FROM: DPW WATER DIVISION- PURCHASE OF SERVICES FY24 \$530,152.78

DPW WATER DIVISION- GOODS AND SUPPLIES FY24	\$720.21
TO:	
BROCKTON POLICE DEPARTMENT	\$5,713.38
ABINGTON POLICE DEPARTMENT	\$825.00
PLYMOUTH COUNTY SHERIFF	\$440.00
EAST BRIDGEWATER POLICE DEPARTMENT	\$440.00
TOWN OF HOLBROOK POLICE DEPARTMENT	\$1,276.00
PLYMPTON POLICE DEPARTMENT	\$2,186.60
ADVANTAGE TRUCK RAYNHAM, LLC	\$1,540.15
BURKE, DENNIS K. INC	\$667.86
UNITED CONSTRUCTION & FORESTRY, LLC	\$920.74
WOODWARDS AUTO SPRING SHOP	\$22.39
ZEP	\$720.21
CONSTELLATION	\$248,817.85
BERTARELLI BROS.	\$2,520.00
VEOLIA	\$251,153.54
MODERN AUTO BODY	\$7,142.88
T.L. EDWARDS INC	\$6,486.39

21. 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 \$530,872.99 to cover FY23 unpaid bills, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: DPW WATER DIVISION- PURCHASE OF SERVICES FY24	\$530,152.78
DPW WATER DIVISION- GOODS AND SUPPLIES FY24	\$720.21
TO:	
BROCKTON POLICE DEPARTMENT	\$5,713.38
ABINGTON POLICE DEPARTMENT	\$825.00
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BERTARELLI BROS.	\$2,520.00
VEOLIA	\$251,153.54
MODERN AUTO BODY	\$7,142.88
T.L. EDWARDS INC	\$6,486.39

22. From the Chief of Police Requesting authorization to expend grant monies related to the FY 24 Municipal Road Safety Program of \$60,000.00 from the National Highway Traffic Safety Administration.

23. From the BPD Grant Writer requesting that the enclosed grant award documents be processed to allow the City of Brockton to expend funds authorized under the FY24 Municipal Road safety Program in the amount \$60,000.00. Brockton has been awarded \$60,000: \$52,560.00 to fund overtime shifts during five enforcement campaigns: Winter Impaired Driving, Distracted Driving, Click It or Ticket, Summer Speed, and Summer Impaired Driving. \$7,440.00 will be used for overtime shifts for pedestrian and bike safety enforcement. There is no match required.

24. 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 \$60,000 from the Commonwealth of Massachusetts Executive Office of Public Safety & Security to the Police Department.

FROM: THE COMMONWEALTH OF MASSACHUSETTS- EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY	\$60,000
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TO: THE POLICE DEPARTMENT – FY24 MUNICIPAL ROAD SAFETY PROGRAM  
\$60,000

The awarded grant will be used to fund overtime shifts during five enforcement campaigns; Winter Impaired Driving, Click it or Ticket, Summer Speed, and Summer Impaired Driving in the amount of 52,560.00. The remaining 7,440.00 of the funds will also be used for overtime shifts for pedestrian and bike safety enforcement.

25. 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 \$60,000 from the Commonwealth of Massachusetts - Executive Office of Public Safety & Security to the Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: THE COMMONWEALTH OF MASSACHUSETTS- EXECUTIVE OFFICE  
OF PUBLIC SAFETY & SECURITY \$60,000

TO: THE POLICE DEPARTMENT – FY24 MUNICIPAL ROAD SAFETY PROGRAM  
\$60,000

The awarded grant will be used to fund overtime shifts during five enforcement campaigns; Winter Impaired Driving, Click it or Ticket, Summer Speed, and Summer Impaired Driving in the amount of 52,560.00. The remaining 7,440.00 of the funds will also be used for overtime shifts for pedestrian and bike safety enforcement.

26. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the rescinding order 1260 Tax Increment Financing Agreement (TIF) between the City and Air Energy Group LLC. After reviewing the TIF with the Commonwealth, some adjustments were requested. The best way to proceed is to rescind the existing agreement and approve a new one.

27. 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 1260 Tax Increment Financing Agreement (TIF) between the City and Air Energy Group LLC, without detrimental impact on the continuous provision of the existing level of municipal services. After reviewing the TIF with the Commonwealth, some adjustments were requested. The best way to proceed is to rescind the existing agreement and approve a new one.

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

29. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed Tax Increment Financing Agreement between the City and Air Energy Group LLC, without a detrimental impact on the continuous provision of the existing level of municipal services. This agreement will contribute to the ongoing economic vitality of the city, and will commit to job creation and increased revenue.

**UNFINISHED BUSINESS:**

30. Ordinance: Be it Ordained by the City Council of the City of Brockton to adopt a new section to Chapter 12, Section VI “Pedestrians” of the Revised Ordinances of the City of Brockton as follows:

**12-154.1 Purpose**

Every pedestrian shall have the right to use the public ways in the City of Brockton except where pedestrian travel is expressly or specifically prohibited by law, regulation, signage, road closure, or other safety or emergency factors.

Notwithstanding the right of pedestrians to use public ways within the City of Brockton, the City of Brockton has experienced an increase in public safety issues relating to pedestrian use of and entry into the public roadways identified herein, for which a significant public safety need has arisen requiring implementation of this median safety and pedestrian regulation ordinance.

### **12-154.2 Roads Subject to the Provision of this Ordinance**

This ordinance shall apply to the following roadways within the City of Brockton:

Main St  
N Main St  
Warren Ave  
N Warren Ave  
Montello St  
N Montello St  
Belmont St  
Pleasant St  
Centre St  
Crescent St  
Oak St  
Pearl St  
N Pearl St  
Reynold's Memorial Hwy  
E Ashland St  
Spring St  
W Chestnut St  
School St  
Court St  
Forest Ave  
Richmond St  
Battles St  
North Quincy St

### **12-154.3 Exemptions**

12-154.3.1 Nothing in this ordinance shall prohibit law enforcement officials and public safety officials from enforcement of statutory, regulatory and local regulations and requirements pertaining to use of public ways by pedestrians, travelers and motor vehicle operators within the City of Brockton.

12-154.3.2 These regulations shall not apply to municipal, state, federal or other public-service corporation individuals or their agents, servants and employees while in the performance of their public duties, including duties involving public safety, construction, maintenance, repair or cleaning work.

12-154.3.3 These regulations shall not apply to road closures for special events as deemed necessary by municipal, state, federal or other public-service corporation individuals or their agents, servants and employees.

12-154.3.4 These regulations do not apply to pedestrians entering into a roadway for purposes of acting in emergency circumstances.

### **12-154.4 Definitions**

crosswalk: the specially paved and marked path for pedestrian crossing on a roadway

median: a section or reserved area separating opposing lanes of traffic on a roadway  
traffic between lanes on a roadway

center traffic island/safety island: An area provided for safety of pedestrians from  
vehicular

sidewalk: a paved walkway along the side of a roadway

shoulder: the area or strip of land immediately adjacent to a traffic lane of a roadway  
which does not contain a sidewalk

roadway: shall refer to the roadways identified in Section 12-154.2

### **12-154.5 Regulations**

12-154.5.1 It shall be unlawful for any pedestrian to walk along and upon an adjacent  
roadway whenever a sidewalk, median, crosswalk, center traffic island, or safety island is  
available for pedestrian use.

12-154.5.2 It shall be unlawful for any pedestrian to leave an available sidewalk, median,  
crosswalk, center traffic island, or safety island and enter the path of any motor vehicle  
on a roadway.

12-154.5.3 Where sidewalks, medians, crosswalks, center traffic islands, or safety  
islands are unavailable, a pedestrian shall use an unfinished shoulder of a roadway and  
avoid traveling or entering into the roadway.

12-154.5.4 A pedestrian shall not enter a public way into the pathway of motor vehicles  
traveling on and along the roadway or approach within five (5) feet of a motor vehicle or  
vehicles using a roadway.

### **12-154.6 Enforcement**

12-154.6.1 These median safety and pedestrian regulations shall be enforced by the City  
of Brockton Police Department.

12-154.6.2 Any individual who violates the provisions of this ordinance shall be cited  
and fined as follows: a fine not exceeding fifty dollars (\$50.00) for a first offense, one  
hundred dollars (\$100.00) for a second offense, and three hundred dollars (\$300.00) for a  
third and each subsequent offense thereafter, with each separate instance considered a  
distinct violation subjecting the violator to citations and fines. (FAVORABLE AS  
AMENDED)

31. 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 material 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 storage container shall be stored or parked on a premise without a permit from the  
Inspectional Services 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 one (1) storage container or bulk transportation devices on the premises. A permit for more than one (1) storage container shall be subject to the discretion of the Commissioner of Buildings.
- b. The permit shall be for an initial period of forty-five (45) days.
- c. The permit may only be extended one (1) time for an additional period not to exceed thirty (30) days. Only one permit may issue during a twelve (12) month period commencing at the date of the original permit.
- d. Placement of storage containers must comply with all accessory setback requirements for rear and side setbacks and must comply with all front setbacks for a primary structure in the subject Residential Zone and not be situated further forward than the plane of the house. The Commissioner of Buildings may allow in his or her discretion for a portable storage container to be situated as directed by the Commissioner of Buildings if compliance with these standards cannot be met.
- 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.
- 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 be screened from view and not be situated further forward than the plane of the primary structure. The Commissioner of Buildings may allow in his or her discretion for a portable storage container to be situated as directed by the Commissioner of Buildings if compliance with these standards cannot be met.

A permit shall be prominently displayed and visible for inspection personal and the permit shall contain the expiration date of the permit.

Inspectional Services Department shall provide a list of prohibited materials not to be stored in the portable storage container, which shall include prohibiting storage of live animals, hazardous materials, and combustible material, and shall further prohibit habitation in the portable storage container.

Inspectional Services Department shall have the right to inspect the portable storage containers for compliance with the permit and this Ordinance.

Construction sites shall be exempt from the requirements of this ordinance.

The issuance and extension of any permit shall be within the discretion of the Inspectional Services Department. The Inspectional Services Department shall affix fees for the initial permit and permit extension and shall assign a per unit fee for Commercial and Industrial Zones. The Commissioner of Buildings shall file the fee schedule with the City Council annually. 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 FURTHER AMENDED)

32. 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.  
(FAVORABLE)
33. 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.  
(FAVORABLE)
34. 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. (FAVORABLE)
35. 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  
(FAVORABLE)
36. 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. (FAVORABLE)
37. 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 (FAVORABLE)
38. 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. (FAVORABLE)



39. 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. (FAVORABLE)

**ORDERS:**

40. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$935,657.31

FROM: DPW- SEWER DIVISION –	\$935,657.31
OTHER CONTRACTED SERVICES FY24	
TO: VEOLIA	\$213,560.97
	\$238,820.35
	\$483,275.99

In order to cover unanticipated expenses for the remainder of the Fiscal Year.

41. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of 530,872.99

FROM: DPW WATER DIVISION- PURCHASE OF SERVICES FY24	\$530,152.78
DPW WATER DIVISION- GOODS AND SUPPLIES FY24	\$720.21
TO:	
BROCKTON POLICE DEPARTMENT	\$5,713.38
ABINGTON POLICE DEPARTMENT	\$825.00
PLYMOUTH COUNTY SHERIFF	\$440.00
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ADVANTAGE TRUCK RAYNHAM, LLC	\$1,540.15
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BERTARELLI BROS.	\$2,520.00
VEOLIA	\$251,153.54
MODERN AUTO BODY	\$7,142.88
T.L. EDWARDS INC	\$6,486.39

42. ORDERED: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$60,000.

From: The Commonwealth of Massachusetts- Executive Office of Public Safety & Security	\$60,000
To: The Police Department – FY24 Municipal Road Safety Program	\$60,000

43. Ordered: The City Council hereby rescinds the Tax Increment Financing Agreement (TIF) between the City and Air Energy Group LLC approved October 24, 2023.

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

**Councilor’s Recognition**

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.