

In City Council August 26, 2024

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening August 26, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:05 PM with nine members present. Councilors Derenoncourt and Teixeira absent.

395. Acceptance of the Minutes of the July 17, 2024 Special City Council meeting.

Accepted and placed on file

396. Acceptance of the Minutes of the July 22, 2024 City Council meeting.

Accepted and placed on file

**APPOINTMENTS:**

397. Appointment of Ms. Elaine Gatewood, of 95 Rockland Drive, Brockton, MA, 02301, to serve as member of the Brockton Library Board of Trustees for a three (3) year term, ending August 2027.

Referred to Finance

398. Re-appointment of Ms. Carol Roberts, of 755 Crescent Street, #516B, Brockton, MA 02302, to serve as a member of the Brockton Housing Authority for a five (5) year term, ending August 2029.

Councilor Thompson stated that Ms. Carol Roberts would not be able to attend next Finance Meeting and is here tonight and he made a motion to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Councilors Derenoncourt and Teixeira absent.

Mayor Sullivan stated Ms. Roberts is an asset and wanted to thank her.

Ms. Roberts stated that she loves her position and learns so much on the board and also educating others and thanks the mayor and council.

Councilor Thompson thanks Ms. Roberts for coming and she is an asset and is also the president of Caffrey Towers for the tenant associations.

Councilor Nicastro stated that Ms. Roberts is an asset to Housing authority as well as to the City of Brockton and she had the pleasure of taking a road trip with Ms. Roberts and she knows what she's doing and is happy she wants to do another term.

Confirmed by a roll call vote taken by "yeas" and "nays", nine members present and all voting in the affirmative. Councilors Derenoncourt and Teixeira absent.

President Rodrigues stated that he received a phone call from Councilor Teixeira and he wouldn't be able to make it to tonight's City council meeting due to other obligations.

**HEARINGS:**

Petition of Signature Healthcare of 680 Centre Street, Brockton, MA 02302, for a Flammable Storage (Aboveground/Underground) license located at 680 Centre Street, Brockton, MA 02301.

### 143. (HEARINGS CONT.)

No one appeared in favor of the petition.

Councilor Thompson stated he would make a motion to postpone by the will of the council but he feels comfortable to make a motion to grant license. Councilor Thompson went out with Deputy Chief Williams and saw the location of the additional storage this is for the emergency generators for if the hospital loses power they have the generators and they are fueled by diesel.

Councilor Farwell stated that if Deputy Chief Williams has given his approve he feels comfortable moving forward.

No one was in opposition.

Granted by a hand vote. Councilors Derenoncourt and Teixeira absent.

Petition of Massachusetts Electric Company d/b/a National Grid to install one SO Pole on Kingston Street. Beginning at a point approximately 0 feet Northeast of the centerline of the intersection of Edwards St. and Kingston St. and continuing approximately 160 feet in a Northeast direction. Beginning at a point at the approximate centerline of Short St. and Kingston St. and continuing approximately 327 feet in a Southwest direction. Install one new pole, P#1-50 in the public way (grass area off the road where the sidewalk would typically reside) at the right-hand side of #11 Kingston St. The customer installed new electrical service and changed the service location to the other side of the house. The pole is required to enable National Grid to provide service to the customer.

Muhammad Jamous a representative from National Grid appeared in favor of the petition and was there to answer any questions.

Residents were in opposition.

Hearing is continued to a later date pending new plan.

Petition of Massachusetts Electric Company d/b/a National Grid to install two SO Poles on Commercial Street. Beginning at a point approximately 70 feet southeast of the centerline of the intersection of Commercial Street and Centre Street, Brockton. Installing two new poles at the intersection of Commercial St. and Centre St. due to overhead pole line clearance issues to building, public safety.

Muhammad Jamous a representative from National Grid appeared in favor of the petition and was there to answer any questions.

No one was in opposition.

Granted by a hand vote. Councilors Derenoncourt and Teixeira absent.

Councilor Thompson stepped out.

### REPORTS:

399.Of the Public Safety Committee for its meeting of August 12, 2024.

Accepted and placed on file

400.Of the Ordinance Committee for its meeting of August 16, 2024.

Accepted and placed on file

401.Of the Finance Committee for its meeting of August 16, 2024.

**144. (REPORTS CONT.)**

Accepted and placed on file

**COMMUNICATIONS:**

402. From the Mayor advising that in accordance with the Revised Ordinances of the City of Brockton Chapter 2, Section 2-186 that he has appointed John P. Fischer to the position of Assistant City Solicitor- Full Time for a three-year term, effective July 29<sup>th</sup>, 2024.

Accepted and placed on file

403. From the Mayor appointing Ms. Elaine Gatewood, of 95 Rockland Drive, Brockton, MA, 02301, to serve as member of the Brockton Library Board of Trustees for a three (3) year term, ending August 2027.

Accepted and placed on file

404. From the Mayor re-appointing Ms. Carol Roberts, of 755 Crescent Street, #516B, Brockton, MA 02302, to serve as a member of the Brockton Housing Authority for a five (5) year term, ending August 2029.

Accepted and placed on file

405. From the Mayor supporting the request of a Right of Easement for National Grid due to the construction of two (2) new poles on private property at 0 North Avenue, Brockton, MA, 02301. These poles will require running lines and operating materials for maintenance of these poles through city property.

Accepted and placed on file

406. 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 \$12,495.00 from the Massachusetts Council on Aging to the City of Brockton Council on Aging.

FROM: MASSACHUSETTS COUNCIL ON AGING \$12,495.00

TO: COUNCIL ON AGING \$12,495.00

These funds will be used on exercise equipment.

Accepted and placed on file

407. 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 \$12,495.00 from the Massachusetts Council on Aging to the City of Brockton Council on Aging, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: MASSACHUSETTS COUNCIL ON AGING \$12,495.00

TO: COUNCIL ON AGING \$12,495.00

**145. (COMMUNICATIONS CONT.)**

Accepted and placed on file

408. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the raise and appropriation of \$250,000.

TO: FINANCE – PURCHASE OF SERVICE \$250,000

Accepted and placed on file

409. 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 raise and appropriation of \$250,000, without a detrimental impact on the continuous provision of the existing level of municipal services.

TO: FINANCE – PURCHASE OF SERVICE \$250,000

Accepted and placed on file

410. 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 \$5,525.50.

In order to pay prior invoices from both FY23 and FY24.

FROM: HUMAN RESOURCES – BENEFITS \$5,525.50

TO: CANARX \$5,525.50

Accepted and placed on file

411. 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 a prior year unpaid bill of \$5,525.50, without a detrimental impact on the continuous provision of the existing level of municipal services.

In order to pay prior invoices from both FY23 and FY24.

FROM: HUMAN RESOURCES – BENEFITS \$5,525.50

TO: CANARX \$5,525.50

Accepted and placed on file

412. From the Executive Director of Parking Authority requesting your approval to pay an invoice received after the Auditing deadline on July 22, 2024 with FY2024 funds. The invoice in question is from Associated Elevator and the work performed on June 27, 2024 with a total expense of \$3,011.00. There remains sufficient funds in the BPA budget to cover this expense.

**146. (COMMUNICATIONS CONT.)**

Accepted and placed on file

413. 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 \$3,011.00. In order to pay a prior invoice from FY24.

FROM: PARKING AUTHORITY – PURCHASE OF SERVICES \$3,011.00

TO: ASSOCIATED ELEVATOR \$3,011.00

Accepted and placed on file

414. 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 a prior year unpaid bill of \$3,011.00, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay a prior invoice from FY24.

FROM: PARKING AUTHORITY – PURCHASE OF SERVICES \$3,011.00

TO: ASSOCIATED ELEVATOR \$3,011.00

Accepted and placed on file

415. From the Director of Planning and Economic Development informing the City Council that the City has been awarded a \$15,000 grant from New England Foundation for the Arts to fund a local call for temporary public art in Brockton.

Accepted and placed on file

416. 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 \$15,000 from the New England Foundation for the Arts to the Department of Planning and Economic Development.

FROM: NEW ENGLAND FOUNDATION FOR THE ARTS \$15,000

TO: DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT \$15,000

This grant will fund a local call for temporary public art in Brockton.

Accepted and placed on file

417. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, I hereby certify that it is my professional opinion, after an evaluation of all pertinent financial information reasonably available, 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 \$15,000 from the New England Foundation for the Arts to the Department of Planning and Economic Development, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: NEW ENGLAND FOUNDATION FOR THE ARTS \$15,000

TO: DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT \$15,000

**147. (COMMUNICATIONS CONT.)**

This grant will fund a local call for temporary public art in Brockton.

Accepted and placed on file

FROM THE BPD GRANT WRITER REQUESTING THE ENCLOSED GRANT AWARD DOCUMENTS BE PROCESSED TO ALLOW THE CITY OF BROCKTON TO EXPEND FUNDS AUTHORIZED UNDER FY 2025 STATE 911 DEPARTMENT SUPPORT & INCENTIVE GRANT PROGRAM IN THE AMOUNT OF \$668,038.00.

Accepted and placed on file

418. From the Chief of Police requesting authorization to expend grant monies related to the FY 2025 State 911 Department Support & Incentive Grant of \$668,038.00 from the Executive Office of Public Safety and Security.

Accepted and placed on file

419. 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 \$668,038.00 from the Massachusetts' Executive Office of Public Safety & Security State 911 Department to the Brockton Police Department.

FROM: THE STATE 911 DEPARTMENT \$668,038

TO: THE BROCKTON POLICE DEPARTMENT \$668,038

The FY2025 State 911 Department Support & Incentive Grant funds will support the Brockton Police Department's Public Safety Answering Point emergency call center.

Accepted and placed on file

420. 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 \$668,038.00 from the Massachusetts' Executive Office of Public Safety & Security State 911 Department to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: THE STATE 911 DEPARTMENT \$668,038

TO: THE BROCKTON POLICE DEPARTMENT \$668,038

The FY2025 State 911 Department Support & Incentive Grant funds will support the Brockton Police Department's Public Safety Answering Point emergency call center.

Accepted and placed on file

**148. (COMMUNICATIONS CONT.)**

FROM THE BPD GRANT WRITER REQUESTING THE ENCLOSED GRANT AWARD DOCUMENTS BE PROCESSED TO ALLOW THE CITY OF BROCKTON TO EXPEND FUNDS AUTHORIZED UNDER FY 2024 STATE 911 DEPARTMENT TRAINING PROGRAM IN THE AMOUNT OF \$290,236.60.

Accepted and placed on file

421.From the Chief of Police requesting authorization to expend grant monies related to the FY 2025 State 911 Department Training Grant Program of \$290,236.30 from the Executive Office of Public Safety and Security.

Accepted and placed on file

422.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 \$290,236.30 from the Massachusetts' Executive Office of Public Safety & Security State 911 Department to the Brockton Police Department.

FROM: THE STATE 911 DEPARTMENT \$290,236.30

TO: THE BROCKTON POLICE DEPARTMENT \$290,236.30

The FY2025 State 911 Department Training Grant will be used to reimburse overtime for ETDs, police officers and fire department Emergency Medical Dispatch personnel to attend mandatory E911 education training. There is no match required.

Accepted and placed on file

423.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 \$290,236.30 from the Massachusetts' Executive Office of Public Safety and Security State 911 Department to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: THE STATE 911 DEPARTMENT \$290,236.30

TO: THE BROCKTON POLICE DEPARTMENT \$290,236.30

The FY2025 State 911 Department Training Grant will be used to reimburse overtime for ETDs, police officers and fire department Emergency Medical Dispatch personnel to attend mandatory E911 education training. There is no match required.

Accepted and placed on file

424.From the BPD Grant Writer requesting that the enclosed grant award documents be processed so that the City of Brockton can expend \$243,100.00 in funds authorized under the FY 2025 Jail Arrest Diversion Program.

Accepted and placed on file

**149. (COMMUNICATIONS CONT.)**

425. From the Chief of Police requesting authorization to expend \$243,100.00 in grant monies from the Department of Mental Health related to the FY25 Jail Arrest Diversion Program.

Accepted and placed on file

426. 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 \$243,100.00 from the Massachusetts' Department of Mental Health to the Brockton Police Department.

FROM: THE MASSACHUSETTS' DEPARTMENT OF MENTAL HEALTH \$243,100  
TO: THE BROCKTON POLICE DEPARTMENT \$243,100

The Jail Arrest Diversion Grant provides funding for the police departments to support outreach clinicians who will work in cooperation with the BPS's Co-response Officers and conjunction with other police personnel in Brockton.

Accepted and placed on file

427. 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 \$243,100.00 from the Massachusetts' Department of Mental Health to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: THE MASSACHUSETTS' DEPARTMENT OF MENTAL HEALTH \$243,100  
TO: THE BROCKTON POLICE DEPARTMENT \$243,100

The Jail Arrest Diversion Grant provides funding for the police departments to support outreach clinicians who will work in cooperation with the BPS's Co-response Officers and conjunction with other police personnel in Brockton

Accepted and placed on file

428. 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 Project Safe Neighborhood Law Enforcement Equipment & Technology Grant of \$94,463.00.

Accepted and placed on file

429. Chief of Police requesting authorization to expend grant monies related to the Project Safe Neighborhood Law Enforcement Equipment & Technology Grant of \$94,463.00 from the Executive Office of Public Safety and Security.

Accepted and placed on file



**150. (COMMUNICATIONS CONT.)**

430. 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 \$94,463.00 from the Massachusetts' Executive Office of Public Safety & Security to the Brockton Police Department.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$94,463

TO: THE BROCKTON POLICE DEPARTMENT \$94,463

The Project Safe Neighborhood Law Enforcement Equipment & Technology Grant funds will be used to support the purchase of departmental equipment. There is no match required.

Accepted and placed on file

431. 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 \$94,463.00 from the Massachusetts' Executive Office of Public Safety & Security to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$94,463

TO: THE BROCKTON POLICE DEPARTMENT \$94,463

The Project Safe Neighborhood Law Enforcement Equipment & Technology Grant funds will be used to support the purchase of departmental equipment. There is no match required.

Accepted and placed on file

432. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the raise and appropriation of \$6,000,000.

TO: CITY OF BROCKTON STABILIZATION FUND \$6,000,000

Accepted and placed on file

433. 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 raise and appropriation of \$6,000,000, without a detrimental impact on the continuous provision of the existing level of municipal services.

TO: CITY OF BROCKTON STABILIZATION FUND \$6,000,000

Accepted and placed on file

434. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the proposed land taking located at the described parcels of land found in Exhibits A and B. The funding source for the taking is Chapter 90 funds. This is a MassDOT TIP project for these road improvements.

**151. (COMMUNICATIONS CONT.)**

Accepted and placed on file

435.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 proposed land taking located at the described parcels of land found in Exhibits A and B. The funding source for the taking is Chapter 90 funds. This is a MassDOT TIP project for these road improvements.

Accepted and placed on file

**UNFINISHED BUSINESS:**

355.Reappointment of Mr. Martin S. Brophy, of 15 Morse Avenue, Brockton, MA, 02301, to the position of Treasurer/Tax Collector for a three (3) year term, expiring August 2027. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Thompson not present. Councilors Derenoncourt and Teixeira absent.

381.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$500.

FROM: EASTERN BANK FOUNDATION	\$500
TO: COUNCIL ON AGING	\$500

(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Thompson not present. Councilors Derenoncourt and Teixeira absent.

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

Transfer of: \$63,473.91

FROM: FINANCE – PERSONAL SERVICES NON-OT	\$63,473.91
TO: HUMAN RESOURCES – PERSONAL SERVICES NON-OT	\$63,473.91

This transfer will be to cover the salary of an employee being moved from the Finance Department to the Human Resource Department. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Thompson not present. Councilors Derenoncourt and Teixeira absent.

383.Ordered: Raise and Appropriate the sum of \$390,000.

TO: LAW – COURT JUDGEMENTS	\$390,000
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This appropriation will be to fund a court settlement for a recently settled lawsuit.

**152. (UNFINISHED BUSINESSES CONT.)**

(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Thompson not present. Councilors Derenoncourt and Teixeira absent.

384.Ordered: Raise and Appropriate the sum of \$584,678.

TO: LIBRARY - PERSONAL SERVICES NON-OT \$393,753

TO: LIBRARY – PURCHASE OF SERVICE \$172,850

TO: LIBRARY – GOODS AND SUPPLIES \$18,075

This appropriation will fully fund the Brockton Public Library for Fiscal Year 2025.  
(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Thompson not present. Councilors Derenoncourt and Teixeira absent.

385.Ordered: Raise and Appropriate the sum of \$275,000.

TO: MAYOR – PERSONAL SERVICES NON-OT \$275,000

This appropriation will help fund the full-time salaries of employees in the Mayor’s Office for the entire fiscal year. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councilor Thompson not present. Councilors Derenoncourt and Teixeira absent.

Councilor Farwell motioned to file for reconsideration on # 49 & 50 with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

386.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$50,000.00

From: The Estate of Francis X. McDonnell

To: The Brockton Parks and Recreation Department (FAVORABLE)

Councilor Thompson stepped in.

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Derenoncourt and Teixeira absent.

**153. (UNFINISHED BUSINESSES CONT.)**

387. Ordered: That the City of Brockton appropriate the amount of Forty-Eight Million Dollars (\$48,000,000) for the purpose of paying additional costs of designing, constructing and equipping a public safety complex to house the Police, Fire, and Information Technology departments, as well as the Brockton Emergency Management Agency, including the payment of costs of designing and improving roadways and utilities in the vicinity of the public safety complex, making improvements to enhance traffic flow, and for the payment of all costs incidental or related thereto. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under G.L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. (FAVORABLE)

Passed to a third reading by a hand vote. Councilors Derenoncourt and Teixeira absent.

392. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$151,670.

FROM: THE DEPARTMENT OF ENERGY	\$151,670
TO: THE DEPARTMENT OF PUBLIC WORKS (FAVORABLE)	\$151,670

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Derenoncourt and Teixeira absent.

341. Resolve: To invite Brockton Police Chief Brenda Perez to appear before the Finance Committee to discuss how the department is addressing the operation of vehicles at excessive speeds on City streets, the operation of off-road unlicensed vehicles on City streets, and the use of illegal fireworks in the City of Brockton, all of which affect public safety, and such other related matters as she may share.  
(FAVORABLE)

Adopted by a hand vote. Councilors Derenoncourt and Teixeira absent.

**259. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 23 SECTION 23-61-23-69 OF THE REVISED ORDINANCES OF THE CITY OF BROCKTON**

The following language

“Rate Block Quarterly Usage (per 100 cubic ft of water usage)

Rate Effective on all bills mailed on or after July 1, 2020

Shall be replaced from:

To:

- |                 |      |
|-----------------|------|
| 1. 0-1250       |      |
| 2. 1251-2500    | 6.20 |
| 3. 2501-5000    | 7.60 |
| 4. 5001-10000   | 8.60 |
| 5. 100001-25000 | 8.40 |
| 6. 25001-999999 | 9.00 |

**154. (UNFINISHED BUSINESSES CONT.)**

USAGE in Cubic Feet	Sewer Rate per 100 Cubic Feet
0-750	\$2.93
751-1250	\$4.61
1251-2500	\$6.14
2501-5000	\$8.15
5001-10,000	\$11.06
10,001-25,000	\$14.80
Block 7 25,001-anything greater	\$19.67

Rate shall be effective on all bills mailed on or after July 1, 2024. Users shall be given the option to pay retroactive fees for 2024 Q1 and Q2 over Q3 and Q4 billing with no interest. (FAVORABLE AS AMENDED)

Passed to a third reading as amended by a hand vote. Councilors Derenoncourt and Teixeira absent.

**ORDINANCES:**

Councilor Lally motioned to summarize #56 and was properly seconded.

City Clerk Cruise thanked Councilor Lally but stated that he would prefer to read the ordinance in whole for its first reading.

Councilor Lally withdrew his motion.

436.Ordinance: AN ORDINANCE PROHIBITING CAMPING ON PUBLIC PROPERTY

Be it ordained by the City Council of the City of Brockton as follows:

**SECTION 1. PURPOSE**

The purpose of this Ordinance is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the area in the manner for which it is intended.

**SECTION 2. DEFINITIONS**

- A. "To Camp" means to pitch, set up, erect, or occupy a Campsite or to use Camping Materials, or both, for the purpose of, or to facilitate, outdoor sheltering, temporarily or permanently.
- B. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove, cooking facility or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. "Camping Materials" means items used to establish or facilitate occupancy of a campsite, including tents, tarps or other temporary structures, as well as items used for furniture, stoves, and other cooking instruments.

## 155. (ORDINANCES CONT.)

- D. “Public Property” means any real property, including parks, buildings, structures, equipment, sign, shelter or public open space, including all areas such as parking lots, bridges, bridge nooks and ledges, or areas controlled or owned by the City or any other City agency.
- E. “Street” means any roadway, highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way and place in the City of Brockton open as a matter of right to public pedestrian and vehicular travel.
- F. “Posted Notice” means any signage, written notice or material posted or distributed to the City either to individuals or erected, pinned, or posted in a public space to convey directive or prohibited conduct.

### **SECTION 3. SLEEPING ON SIDEWALKS, STREETS, ALLEYS, OR WITHIN DOORWAYS PROHIBITED**

- A. No person may sleep on Public Property at any time.
- B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

### **SECTION 4. CAMPING PROHIBITED**

No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly-owned property or under any bridge or viaduct.

### **SECTION 5. REMOVAL OF CAMPSITE ON PUBLIC PROPERTY**

- i. Immediate Removal: The following shall be cause for immediate removal of a campsite:
  - A. Any campsite that infringes upon safe usage of public sidewalks, roadways, parking lots, and/or alleys is subject to immediate removal.
  - B. Any campsite residing on private property is subject to immediate removal.
  - C. Any campsite in which the individual inhabiting the site has committed a crime under any local, state, or federal law is subject to immediate removal and any other appropriate enforcement action mandated by law.
  - D. All personal property must be collected and removed from the campsite by the individual. Any property left behind will be disposed of by the City of Brockton. The City is not responsible for any property left after a campsite is vacated.
- ii. Removal with 24-Hour Notice: If immediate removal does not apply, and upon discovery of a campsite on public property, removal of the campsite by the City may occur under the following circumstances:

## **156. (ORDINANCES CONT.)**

- A. Prior to removing the campsite, the City shall post a notice, 24-hours in advance. The notice shall be prominently posted in the immediate area of the tent or campsite and provide a specific date and time by which individuals must remove their property from the location. The notice shall include a statement that any property left at the site may be immediately disposed of. The notice shall include information, including contact numbers and location, for agencies that provide a range of shelter, housing services, and recovery support services.
- B. After the 24-hour notice period has passed, the City is authorized to remove the campsite and all personal property related thereto.
- C. Upon request, translated versions of the 24-Hour Notice and or this Ordinance must be made available to any individuals affected by the provisions of this Ordinance for notice or removal of any campsite inhabited by a limited English proficient individual.

### **SECTION 6. REMOVAL PROCESS AND ENFORCEMENT**

The Director of Social Services, Brockton Police Department, Code Enforcement, Fire Department, Parks Commission, and the Department of Public Works or their designees may be present at the time of removal, enforcement, or to provide resources for individuals affected by the provisions of this Ordinance.

### **SECTION 7. POSTED NOTICE**

The City shall erect Posted Notice signage stating that camping on public property is prohibited. Discretion shall be given to the City to determine appropriate locations throughout the City to post appropriate signage.

### **SECTION 8. PENALTY FOR VIOLATIONS**

Any person who violates any of the provisions of this Ordinance shall be given a written warning for the first offense. The 24-Hour Notice provided for in Section 5(ii)(A) above shall constitute the written warning for the first offense.

Any person who violates any of the provisions of this Ordinance following the 24-Hour Notice shall be subject to immediate removal and may be fined two hundred dollars (\$200.00) for the second and any subsequent offense. Each day the person is in violation of the ordinance shall constitute a separate offense.

The City may seek a criminal complaint for violation of this ordinance for any individual who is given more than three (3) violations under this Ordinance.

### **SECTION 9. SEVERABILITY**

The provisions of this Ordinance are severable. If any part or provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such holding and shall continue to have full force and effect.

Referred to Ordinance

## 157. (ORDINANCES CONT.)

### 437. Ordinance: AN ORDINANCE PROHIBITING LOITERING IN PUBLIC PLACES

Be it ordained by the City Council of the City of Brockton as follows:

#### § 1 Definitions.

The following words, as used in this section, shall, unless the context otherwise requires, have the following meanings:

*Loiter:* Remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

*Public Place:* Any area within the City of Brockton that is City, state or federally owned or controlled and accessible to the general public, including, but not limited to, buildings, streets, sidewalks, bridges, alleys, plazas, parks, driveways and parking lots.

#### § 2 Prohibited conduct.

- A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to hinder or prevent persons passing or attempting or desiring to pass thereon.
- B. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do the same.
- C. No person shall congregate, stand, loaf, loiter or remain in any parking garage, whether publicly or privately owned, so as to interfere with the property of others or with any person's ability to use the services afforded by the garage, unless present there with the intent to park or use any other services afforded by the garage.
- D. No person shall stand, loaf, loiter or remain in, or in the immediate vicinity of, or frequent a public transportation terminal, whether publicly or privately owned, unless present there with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.
- E. No person shall congregate, stand, loaf or loiter in or in front of any school, community college, or community center with the purpose of annoying or interfering with the students or employees thereof or so as to hinder, obstruct, prevent or disrupt the normal functions carried on therein or thereat, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so. It shall be unlawful for any person to loiter or remain in or about the area of a school not having any reason or relationship, involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.
- F. No person shall loiter or remain in a vacant unoccupied building or on any portion of vacant land upon which such vacant building is located, unless with the permission of an authorized agent of said property.



**158. (ORDINANCES CONT.)**

**§ 3 Violations and penalties.**

- A. No person shall be arrested for a violation of this chapter unless the arresting officer, or by direct demand, first affords such person an opportunity to cease or explain such conduct.
- B. No person shall be convicted of a violation of this chapter if it appears at trial that the explanation tendered was true and disclosed a lawful purpose.
- C. Any person who violates the provisions of this chapter shall be punished by a fine of \$50. Each day on which the violation exists shall be deemed to be a separate offense.

Referred to Ordinance

**ORDERS:**

438. Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, approve the request of a Right of Easement for National Grid.

Referred to Finance

439. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$12,495.00.

FROM: MASSACHUSETTS COUNCIL ON AGING	\$12,495.00
TO: COUNCIL ON AGING	\$12,495.00

Referred to Finance

440. Ordered: Raise and Appropriate the sum of \$250,000.

TO: FINANCE – PURCHASE OF SERVICE	\$250,000
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Referred to Finance

441. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$5,525.50.

FROM: HUMAN RESOURCES – BENEFITS	\$5,525.50
TO: CANARX	\$5,525.50

Referred to Finance

442. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$3,011.00.

FROM: PARKING AUTHORITY – PURCHASE OF SERVICES	\$3,011.00
TO: ASSOCIATED ELEVATOR	\$3,011.00

Referred to Finance

**159. (ORDERS CONT.)**

443. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$15,000.

FROM: NEW ENGLAND FOUNDATION FOR THE ARTS \$15,000  
TO: DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT \$15,000

Referred to Finance

444. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$668,038.

FROM: THE STATE 911 DEPARTMENT \$668,038  
TO: THE BROCKTON POLICE DEPARTMENT \$668,038

Referred to Finance

445. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$290,236.30.

FROM: THE STATE 911 DEPARTMENT \$290,236.30  
TO: THE BROCKTON POLICE DEPARTMENT \$290,236.30

Referred to Finance

446. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$243,100.00.

FROM: THE MASSACHUSETTS' DEPARTMENT OF MENTAL HEALTH \$243,100  
TO: THE BROCKTON POLICE DEPARTMENT \$243,100

Councilor Lally stated that the Chief of Police had reached out to him and all the councilors and they need this grant to hire a few clinicians and this grant to pass through before posting the positions.

Councilor Lally motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and eight voting in the affirmative. Councilor Nicastro voting in the negative. Councilors Derenoncourt and Teixeira absent.

447. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$94,463.00.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$94,463  
TO: THE BROCKTON POLICE DEPARTMENT \$94,463

**160. (ORDERS CONT.)**

Referred to Finance

448. Ordered: Raise and Appropriate the sum of \$6,000,000.

TO: CITY OF BROCKTON STABILIZATION FUND \$6,000,000

Referred to Finance

449. Ordered: Whereas, in the opinion of the Mayor and the City Council of the City of Brockton, the public convenience and necessity of the City require that the following described parcels of land abutting Cary Street, Lyman Street and Centre Street (Route 123), in the City of Brockton, Massachusetts, be taken in fee for Highway Purposes from certain owners of land abutting said streets, as the same are more particularly described hereinafter, and whereas it is the intention of the Mayor and the City Council to take said land by right of eminent domain as set forth in the order of notice annexed hereto will full appear. It is therefore ordered: that the City of Brockton does hereby take in fee the following described parcels of land to wit: The parcels identified on Exhibit A attached hereto and shown on a plan entitled "Plan of land showing city layout alterations, permanent easements and temporary easements on Centre Street (Route 123) in the City of Brockton, MA, Plymouth County" October 31, 2023, prepared for the City of Brockton by Chappell Engineering Associates, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752, to be filed herewith and made a part of this taking and a copy to be on file in the office of the Department of Public Works, Engineering Division, Brockton, Massachusetts. And we have considered and estimated the damages in their several estates and hereby determine and award the same as and to be paid to all persons who have not waived damages in the amount of: (see Exhibit B attached hereto).

Councilor Thompson motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote.

DPW Commissioner was available to answer any questions.

Councilor Farwell wanted to know what is the cost of any damages?

Commissioner Hill stated that there will be 14 parcels they will be taking approximately total value is \$94,000.

Councilor Farwell funding source?

Commissioner Hill stated Chapter 90.

Councilor Thompson this is the intersection on Centre street where supreme pizza is located will this interfere with the sign because it is dedicated to the former owner?

Commissioner Hill stated he would have to follow up with State.

Councilor Thompson how long is this project?

Commissioner Hill stated approximately 18 months.

Councilor Thompson traffic delays?

Commissioner Hill detour information will be up and have appropriate signs.

## 161. (ORDERS CONT.)

Councilor Thompson will this intersection have updated technology like smart sensors?

Commissioner Hill not sure what the state will provided he will follow up with them.

Councilor Thompson any new traffic lights?

Commissioner Hill two new traffic lights still under review.

Councilor Farwell easement takings on file with law department? What is the state responsible for paying?

Commissioner Hill stated yes, they should be in today. The state does not pay for land taking or appraisals.

Councilor Farwell motion to amend order that damages should not exceed \$94,000 and was properly seconded.

Councilor Thompson on the motion is \$94,000 enough to get the job done?

Commissioner Hill on the side of caution he would ask for \$100,000.

Councilor Farwell withdrew his first amendment and Councilor Nicastro withdrew her second.

Councilor Farwell motion to amend to not exceed \$100,000 in damages and was properly seconded. The motion carried by a hand vote.

The motion carried by a hand vote. Adopted as amended by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilors Derenoncourt and Teixeira absent. Councilor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

### RESOLVES:

450.Resolve: WHEREAS, The governor signed into law the Affordable Housing Act applicable to Massachusetts cities and towns, and,

WHEREAS, The law will require an analysis of existing zoning regulations so as to comply with the new law and to protect the interests of the city and its neighborhoods;

NOW, THEREFORE, BE IT RESOLVED:

Mr. Rob May, Director of Planning and Economic Development, Building Commissioner James Plouffe, Legislative Counsel Shannon Resnick, and Zoning Board Chair Kenneth Galligan be invited to a meeting of the Ordinance Committee to comment and discuss recommended zoning amendments pertinent to the new housing law.

Referred to Ordinance

451.Resolve: Be it resolved by the Brockton City Council to invite representatives from Wildlands Trust and Old Colony Planning Council to provide an update on the D.W. Field Park Initiative and to present the Draft Master Plan for Phase 1 of the project.

**162. (RESOLVES CONT.)**

Referred to Finance

**LATE FILES**

Councilor Nicastro motioned to accept a late file and was properly seconded. The motion carried by a had vote. Councilor Derenoncourt and Teixeira absent.

452.Resolve: RESOLVED, to invite Mayor Robert Sullivan, CFO Troy Clarkson, assistant superintendent Dr. James Cobbs, interim school business manager Trish Boyer, consultant TJ Plante and City Solicitor Megan Bridges to appear before the Finance Committee of the Brockton City Council to discuss the investigation into the FY23 School Department financial deficit of \$18 Million dollars, including without limitation, payment of the costs thereof, and such other related matters and issues.

Councilor Nicastro motion to amend to add Superintendent Priya Tahiliani and was properly seconded. The motion carried by a hand vote. Councilor Derenoncourt and Teixeira absent.

Referred to Finance

Councilor Farwell motioned to accept a late file and was properly seconded. The motion carried by a had vote. Councilor Derenoncourt and Teixeira absent.

453.Resolve: WHEREAS, It is important to create an environment of safety and security for businesses and their patrons in the city and to enhance economic development, and,

WHEREAS, A recent, local news article cited problems for businesses in the Belmont Street area near the high school, with one establishment closing its dining area and offering only drive through service during certain hours;

NOW, THEREFORE, BE IT RESOLVED:

Business owners in the area of the high school on Belmont Street and Police Chief Brenda Perez or designee be invited to a meeting of the Public Safety Committee of the City Council to discuss related issues and how the city can assist businesses to provide safety and security for employees and customers.

To be invited:

Owner/Manager StarBucks Coffee

Owner/Manager McDonald's Restaurant

Owner/Manager Burger King Restaurant

Manager, Shaw's Supermarket

Owner/Manager Taco Bell Restaurant

Others, To be Determined

## **163. (LATE FILESCONT.)**

Referred to Finance

### **Councilor's Recognition**

Councilor Nicastro mentioned that this Thursday August 29 at 6PM Massasoit Community College an annual Overdose Prevention candle lighting will be held.

Councilor Lally wished Councilor Minichiello a Happy Birthday.

Councilor Thompson Mentioned that yesterday at East Middle School was the 6<sup>th</sup> annual family fun day sponsor Sam Chenet owner of The Spot. There was food, activities, and back to school supplies. Ward 3 Councilor Griffin also attend this event. Thanks Sam Chenet for hosting this event.

President Rodrigues stated a reminder that summer session is over and we are back to regular scheduled meetings due to the holiday and elections the next Finance meeting will be on Wednesday September 4.

Meeting Adjourned: 8:10 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.