

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening September 23, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

**APPOINTMENTS:**

1. Appointment of Mr. Allan Parker, of Bassett Road, Brockton, MA 02301, to serve on the Elections Commission for a four (4) year term, ending September 2028.
2. Appointment of Mr. Iolando Spinola, of 23 Noyes Avenue, 02301, as the City of Brockton's delegate to the Old Colony Planning Council for a one (1) year term, ending in September 2025.
3. Appointment of Mr. Michael Avilla, of 813 Court Street, Brockton, MA 02302, to the Parks and Recreation Commission for a five (5) year term, ending September 2029.
4. Appointment of Ms. Shiekeishia R. Jackson, of 91 Blue Hill Avenue, Apt #1, Milton, MA 02186, to serve as a Fire Alarm Operator for the Brockton Fire Department.
5. Appointment of Retired Brockton Police Officer Mr. Jeffrey Costello as a Special Police Officer to the Brockton Police Department. Mr. Costello will assist in working details with the department.

**HEARINGS:**

6. Petition of Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc to install one JO Pole on Westgate Drive. Beginning at a point approximately 40 feet Southwest of the centerline of the intersection of Westgate Drive. Installing new Riser Pole 41-50 to feed new underground transformer, located on 535 Westgate Drive Property. (POSTPONED AT CITY COUNCIL MEETING SEPTEMBER 9, 2024)

**REPORTS:**

7. Of the Finance Committee for its meeting of September 4 , 2024.
8. Of the Planning Board for its meeting of September 5, 2024.
9. Of the Finance Committee for its meeting of September 17, 2024.

**COMMUNICATIONS:**

10. From the Mayor appointing Mr. Allan Parker, of Bassett Road, Brockton, MA 02301, to serve on the Elections Commission for a four (4) year term, ending September 2028.
11. From the Mayor appointing Mr. Iolando Spinola, of 23 Noyes Avenue, 02301, as the City of Brockton's delegate to the Old Colony Planning Council for a one (1) year term, ending in September 2025.
12. From the Mayor appointing Mr. Michael Avilla, of 813 Court Street, Brockton, MA 02302, to the Parks and Recreation Commission for a five (5) year term, ending September 2029.
13. From the Mayor appointing Ms. Shiekeishia R. Jackson, of 91 Blue Hill Avenue, Apt #1, Milton, MA 02186, to serve as a Fire Alarm Operator for the Brockton Fire Department.

14. From the Chief of Police requesting the appointment of the retired Officer Jeffrey Costello as a Special Police Officer.

15. From the Mayor appointing Retired Brockton Police Officer Mr. Jeffrey Costello as a Special Police Officer to the Brockton Police Department. Mr. Costello will assist in working details with the department.

16. 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 \$50,000.00 from the Massachusetts Clean Water Trust to the Department of Public Works.

FROM: MASSACHUSETTS CLEAN WATER TRUST \$50,000  
TO: DPW - WATER \$50,000

17. 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 \$50,000.00 from the Massachusetts Clean Water Trust to the Department of Public Works, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: MASSACHUSETTS CLEAN WATER TRUST \$50,000  
TO: DPW - WATER \$50,000

18. From the Chief of Police requesting authorization to expend the increased grants funds related to the COVID-19 Sexual and Domestic Violence Trust Fund of \$119,370.00 from the Department of Public Health. The available funding for FY25 is now \$143,244.00.

19. From the BPD Grant Writer requesting that the enclosed grant award documents be processed to allow the City of Brockton to expend the increased funds authorized under the COVID-19 Sexual and Domestic Violence Trust Fund, \$119,370.00. With this increase, the available funds for FY25 are \$143,244.00.

20. 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 \$119,370.00 from the Massachusetts Department of Public Health to the Brockton Police Department.

FROM: MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH \$119,370.00  
TO: POLICE DEPARTMENT \$119,370.00

These funds will be added to the COVID-19 Sexual and Domestic Violence Trust Fund. With this increase the available funds for FY25 are now \$143,244.00.

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 acceptance and expenditure of the grant award in the amount of \$119,370.00 from the Massachusetts Department of Public Health to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH \$119,370.00  
TO: POLICE DEPARTMENT \$119,370.00

These funds will be added to the COVID-19 Sexual and Domestic Violence Trust Fund. With this increase the available funds for FY25 are now \$143,244.00.

**UNFINISHED BUSINESS:**

**22.** 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 HANDVOTE)

**23.** 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. (FAVORABLE)

**24.** Ordered: A waiver of the City of Brockton's residency requirement under Section 2-110 of the City Ordinances for Interim City Auditor Irene Giannopoulos. (FAVORABLE)

**25.** Appointment of Ms. Irene Giannopoulos, of Arlington, MA, 02476 to the role of Auditor for the City of Brockton for a three (3) year term. (FAVORABLE)

**26.** 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. (FAVORABLE)

**27.** 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 (FAVORABLE)	\$12,495.00

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

TO: FINANCE – PURCHASE OF SERVICE (FAVORABLE)	\$250,000
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**29.** 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 (FAVORABLE)	\$5,525.50

**30.** 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
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TO: ASSOCIATED ELEVATOR \$3,011.00  
(FAVORABLE)

- 31.** 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  
(FAVORABLE)

- 32.** 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  
(FAVORABLE)

- 33.** 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  
(FAVORABLE)

- 34.** 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  
(FAVORABLE)

- 35.** Ordered: Raise and Appropriate the sum of \$6,000,000.

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

- 36.** 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.  
(FAVORABLE)

- 37.** Resolve: WHEREAS, The city council will consider zoning changes for the area known as the Brockton Fairgrounds, and,

WHEREAS, This area constitutes 66 acres possibly with mixed-use development on the property, and,

WHEREAS, Fire safety is critical in areas where residential, commercial or other development projects take place;

NOW, THEREFORE, BE IT RESOLVED:

Brockton Fire Chief Brian Nardelli and such staff as he deems appropriate be invited to a meeting of the council to discuss the fire safety issues related to a large development

project and surrounding residential and commercial properties, including issues affecting fire operations. (FAVORABLE)

38. Resolve: Be it resolved by the Brockton City Council to invite City Solicitor Megan Bridges to appear before the Finance Committee to discuss the City conducted audit and investigation for the FY23 school department financial deficit. (FAVORABLE)

#### **ORDINANCES:**

39. Ordinance: AN ORDINANCE TO PROVIDE FOR SAFE DISPOSAL OF SHARPS

Be it ordained by the City Council of the City of Brockton to adopt a new ordinance where appropriate as follows:

### **SHARPS DISPOSAL PLAN**

#### **Section 1. Purpose**

Under 105CMR 480.000: minimum requirements for the disposal of medical or biological waste (State Sanitary Code Chapter VIII) there is a state-wide ban on the disposal of needles, syringes and lancets, collectively referred to as sharps, in the household trash. There is a great volume of residents who use sharps, syringes, or needles legally for medical treatments and/or illegally for illicit drug use. The insufficient number of safe drop-off sites for sharps has caused improper disposal of needles in household trash, parks, and public spaces. Improper disposal of sharps poses a risk to public health and safety and our waste management system. Creation of additional safe collection sites and increased public awareness will aid in the City of Brockton's efforts to curb this public health crisis.

The purpose of this ordinance is to protect the health, safety and welfare of the public and of the environment by providing for the safe and orderly collection and disposal of sharps by placing the responsibility on the providers of the products. The intent of this ordinance is to provide consumers with more convenient ways to return and ensure the safe and environmentally sound disposal of personal use sharps.

#### **Section 2. Definitions**

"Department" means the Department of Health and Human Services or Inspectional Services for the City of Brockton.

"Retailer" means any person or entity that sells sharps directly to consumers at a business located within the City of Brockton.

"Distributor" means any company, corporation, business, person or entity that supplies sharps.

"Sharps Disposal Plan" or "Plan" means a Department-approved Plan that requires Retailers and Distributors that supply Sharps to collect, secure, transport, and safely dispose of unwanted or discarded sharps.

"Sharps" means hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for delivery of medications, to humans or animals.

"Personal Use Sharps" means all non-commercially generated, hypodermic needles and lancets that have been used or are not in their original, intact and sealed packaging and that result from personal use by humans or animals. Personal use sharps do not include sharps generated by home health aides, visiting nurses, or any other person providing professional service in a private residence.

“Proper disposal” means the lawful disposal of personal use sharps waste in compliance with the applicable provisions of state law and the State Sanitary Code.

### **Section 3. Mandatory participation in Sharps Disposal Plan**

Each Retailer and/or Distributer in the City of Brockton, whether directly or indirectly through a wholesaler, retailer or other agent, shall

- a. Provide at least two sharps disposal receptacles within the City of Brockton. Type and size of receptacle shall be determined by the Department;
- b. One receptacle must be located at the Retailer’s or Distributer’s place of business and/or selling or distributing the sharps. The other receptacle(s) shall be placed at a location(s) to be decided by the Department;
- c. Be responsible for maintaining the receptacle(s) and properly disposing of any sharps collected;
- d. Accept all sharps for disposal regardless of who sold or distributed them;
- e. Submit a Sharps Disposal Plan to the Department within 90 days of the effective date of this Ordinance or commencement of sales or distribution within the City of Brockton. The plan must include public outreach and education about the Sharps Disposal Plan;
- f. Maintain a certification that any patient information on sharps packaging has been promptly destroyed;
- g. File an annual written report to the Department describing the program’s activities for the prior year and the volume of collection and an attestation that the program has complied with all applicable state and federal requirements;
- h. Pay all administrative and operational costs and fees associated with its Sharps Disposal Plan.

The provisions of this chapter shall be interpreted and applied at all times consistently with the provisions of Chapter 94C § 27A of the General Laws; all provisions of any relevant general or special act; and, 105 CMR 480.00, Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII).

### **Section 4. Container and Signage Requirements**

Collection and transfer containers must meet the requirements of the Federal Occupational Safety and Health Administration and the Federal Department of Transportation and is marked with the International Biohazard Symbol. Any containers provided for the Disposal Plan shall include the name and contact information for the person to direct all inquiries regarding the Retailer’s or Distributer’s participation in the Sharps Disposal Plan.

### **Section 5. Enforcement**

- a. The Commissioner of the Department of Health and Human Services, Inspectional Services, or designee of either, shall have jurisdiction and authority to enforce the provisions of this Ordinance;
- b. The Department shall send a notice to each Retailer and/or Distributer informing them of the requirements to comply with this chapter;
- c. The Department may audit the records of a Retailer and/or Distributer related to a Sharps Disposal Plan or request that the Retailer and/or Distributer arrange for the Department to

inspect at reasonable times the Retailer's and/or Distributer's facilities, vehicles, and equipment used in carrying out the Plan;

- d. The Department shall make all Sharps Disposal Plans and proposed plans submitted under this section available to the public and shall update this list at a frequency determined by the Department;
- e. The Department may promulgate regulations to implement this chapter;
- f. Any Retailer and/or Distributer found to be in violation of any provision, or who fails to comply with any of its requirements, shall be punished by fine of three hundred (\$300.00) dollars. Each day such violation continues shall be considered a separate offense. All revenue received from such fines shall be designated to the City of Brockton's General Fund;
- g. The provisions of this section may be enforced in accordance with the non-criminal disposition proseecco of M.G.L. c. 40 § 21D, provided that this section shall not preclude the City of Brockton from proceeding to restrain a violation by injunction.

**Section 6. 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.

**ORDERS:**

- 40. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.00.

FROM: MASSACHUSETTS CLEAN WATER TRUST	\$50,000
TO: DPW - WATER	\$50,000

- 41. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$119,370.00.

FROM: MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH	\$119,370.00
TO: POLICE DEPARTMENT	\$119,370.00

**RESOLVES:**

- 42. Resolved: To have Superintendent of Schools, Dr. Priya Tahiliani appear before a committee of the Brockton City Council to discuss the methods and policies of the Brockton School Department regarding CORI checks on employees that may have direct contact with the students of the Brockton Public Schools.
- 43. Resolve: Be it resolved by the Brockton City Council to invite Troy Clarkson, Chief Financial Officer, to appear before the Finance Committee to discuss and provide an update on the current status of the FY25 budget and setting of the tax rate.
- 44. Resolve: WHEREAS, The city is evaluating options for the development of the Fairgrounds Property composed of 66 acres of land bordering neighborhoods and roadways, and,

WHEREAS, The City Council will eventually consider and approve zoning changes which are appropriate, given the residential and commercial areas currently existing in this location;

NOW, THEREFORE, BE IT RESOLVED:

Mr. Rob May, Director of Planning and Economic Development, be invited to a meeting of the council to provide an overview of issues and considerations for zoning changes and successful development of the Fairgrounds Property.

45. Resolve: Be it resolved by the Brockton City Council to invite Troy Clarkson, Chief Financial Officer, Priya Tahiliani, Superintendent of the School Department, and Jennifer Perez, Director of Transportation for Brockton Public Schools to appear before the Finance Committee to discuss and provide an update on the current status of the transportation budget and general update for the transportation department.

### **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.