

In City Council October 28, 2024

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening October 28, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the October 15, 2024 City Council Meeting.

APPOINTMENTS:

2. Re-appointment of Mr. Matthew Stanton, of 160 Tribou Street, Brockton, MA 02301, to the War Memorial Board of Trustees for a three (3) year term, ending in October 2027.
3. Appointment of Mr. Abraham Belice, 49 Otis Street, Apt. 3, Brockton, MA 02302, to the Brockton License Commission for a three (3) year term, ending in October 2027.

HEARINGS:

4. Petition of Damaris Automotive Inc. of 104 Talbot Avenue, Dorchester, MA 02124, for the Motor Vehicle Repair License Mechanical located at 800A Crescent Street, Brockton, MA 02302.

REPORTS:

5. Of the Ordinance Committee for its meeting of October 10, 2024.
6. Of the Finance Committee for its meeting of October 21, 2024.

COMMUNICATIONS:

7. From the Mayor re-appointing Mr. Matthew Stanton, of 160 Tribou Street, Brockton, MA 02301, to the War Memorial Board of Trustees for a three (3) year term, ending in October 2027.
8. From the Mayor appointing Mr. Abraham Belice, 49 Otis Street, Apt. 3, Brockton, MA 02302, to the Brockton License Commission for a three (3) year term, ending in October 2027.
9. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the Tax Increment Exemption Agreement (TIE) between the between the City of Brockton and Bryant Hotel LLC, for the property located at 31 W Elm Street.
10. 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 approval of the Tax Increment Exemption Agreement (TIE) between the City of Brockton and Bryant Hotel LLC, for the property located at 31 W Elm Street, without a detrimental impact on the continuous provision of the existing level of municipal services. This agreement is another tool in the economic development toolbox to foster investment in the city. As with other similar agreements, the tax incentives will only be offered on the new value created, resulting in a net revenue gain for the city even during the period of the tax incentive.
11. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of a prior year unpaid bill of \$2,226,390.51. In order to pay for unpaid invoices from FY24.
12. 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 \$2,226,390.51, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for unpaid invoices from FY24.

13. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of a prior year unpaid bill of \$26,832.93. In order to pay for an invoice from FY24.
14. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support approval of prior year unpaid bills of \$26,832.93, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for an invoice from FY24.
15. 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 \$15,000.00 from the Old Colony Planning Council to the Council on Aging. These funds will be used to support older adult exercise programs.
16. 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 \$15,000.00 from the Old Colony Planning Council to the Council on Aging, without detrimental impact on the continuous provision of the existing level of municipal services. These funds will be used to support older adult exercise programs.
17. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of a prior year unpaid bill of \$4,035.40. In order to pay for invoices from FY24.
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 approval of prior year unpaid bills of \$4,035.40, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for invoices from FY24.
19. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of a prior year unpaid bill of \$726,325.44. In order to pay for invoices from FY24.
20. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support approval of prior year unpaid bills of \$726,325.44, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for invoices from FY24.
21. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of a prior year unpaid bill of \$47,466.82. In order to pay for invoices from FY24.
22. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support approval of prior year unpaid bills of \$47,466.82, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for invoices from FY24.
23. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of a prior year unpaid bill of \$46,736.12. In order to pay for an invoice from FY24.

24. 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 \$46,736.12, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for an invoice from FY24.
25. From the Director of Planning and Economic Development informing that over the past two years, the Planning Staff has been working with residents, business owners, developers, and your fellow Councilors to prepare a zoning amendment that will bring Brockton into compliance with the MBTA communities Act (MGL 40A 3A).

UNFINISHED BUSINESS:

26. Ordinance: An Ordinance Prohibiting Camping on Public Property to create an ordinance to prohibit camping on public property and to provide for removal of campsites on public property. (FAVORABLE)
27. 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, 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.

§ 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. (FAVORABLE AS AMENDED)

28. Appointment of Mr. Robert “Bob” Beachesne, of 59 Camden Ave, Brockton, MA, 02301, to the Brockton Council on Aging as an alternate member for a three (3) year term, ending October 2027.

29. Appointment of Mr. Robert “Bob” Beachesne, of 59 Camden Ave, Brockton, MA, 02301, to the Brockton Beautification Committee for a one (1) year term, ending October 2025.

30. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Election will be held on Tuesday, November 5, 2024 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority Community Room, Hawley St
Ward One	Precinct B	West Junior High School Building, West Street
Ward One	Precinct C	Hancock School, Pearl Street
Ward One	Precinct D	Hancock School, Pearl Street
Ward Two	Precinct A	Barrett Russell School, 45 Oakdale St
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Brockton Public Library, Main Branch, 304 Main St
Ward Two	Precinct D	War Memorial Building, 156 West Elm Street
Ward Three	Precinct A	South Junior High School Building, Keith Avenue
Ward Three	Precinct B	South Junior High School Building, Keith Avenue
Ward Three	Precinct C	John F. Kennedy School Building, Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue
Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street
Ward Four	Precinct C	Davis Elementary School, 380 Plain Street
Ward Four	Precinct D	Campello High Rise Apartments, 1380 Main Street
Ward Five	Precinct A	East Side Library, 54 Kingman Street
Ward Five	Precinct B	East Junior High School Building, Centre Street
Ward Five	Precinct C	Downey School, 55 Electric Avenue
Ward Five	Precinct D	Caffrey Towers, 755 Crescent Street
Ward Six	Precinct A	Brookfield School, 135 Jon Drive
Ward Six	Precinct B	Ashfield School Gymnasium, 225 Coe Road
Ward Six	Precinct C	Brookfield School, 135 Jon Drive
Ward Six	Precinct D	Brookfield School, 135 Jon Drive
Ward Seven	Precinct A	North Junior High School Building, Oak Street

Ward Seven	Precinct B	Belair Street High Rise, 105 Belair Street
Ward Seven	Precinct C	Sullivan Towers, 140 Colonel Bell Drive
Ward Seven	Precinct D	Raymond School, 125 Oak Street

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M.

Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named office, viz: Electors of President and Vice President, United States Senator in Congress, United States Representative in Congress, Councillor Second District, Senator in General Court Second Plymouth & Norfolk District, Representative in General Court 9th, 10th and 11th Plymouth District, Clerk of Courts Plymouth County, Register of Deeds Plymouth District, County Commissioner Plymouth County, Southeastern Regional Vocational Technical School Committee, and the following questions: (See attached Questions In City Clerk’s Office)

(FAVORABLE)

31. Ordered: Requesting a waiver of the City of Brockton’s residency requirement under Section 2-110 of the City Ordinances for the Electrical Inspector Chester Anderson.
(FAVORABLE)

32. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$150,000.00.

FROM: OFFICE OF JUSTICE PROGRAMS \$150,000.00

TO: POLICE DEPARTMENT \$150,000.00
(FAVORABLE)

33. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$145,574.66.

FROM: HUMAN RESOURCE – BENEFITS \$145,574.66

TO: BOSTON MUTUAL LIFE INSURANCE \$145,574.66
(FAVORABLE)

34. Resolve: Be it resolved, that the Brockton City Council condemns recent remarks targeting the Haitian immigrant community in Springfield, Ohio made by members of Congress, certain political campaigns and other public figures. Haitian immigrants have long faced harmful stereotypes from false accusations of spreading disease to xenophobic portrayals in the media. These damaging tropes help perpetuate discrimination and violence against an already marginalized group. (FAVORABLE)

35. Resolve: Be it resolved by the Brockton City Council to invite Megan Bridges, City Solicitor, to appear before the Finance Committee to discuss and schedule an Executive Session as permitted by MGL Chapter 30A, Section 21 to discuss strategy with respect to litigation (McNulty v. City of Brockton, et al). (FAVORABLE)

ORDINANCES:

36. Ordinance: Be it ordained by the City Council of the City of Brockton to adopt a new section of the Zoning Code as follows: MBTA Communities and Form-Based Code Zoning Amendment (Full Version is available for viewing in the City Clerk’s Office and on the City of Brockton Planning Department website)

ORDERS:

37. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City of Brockton and Bryant Hotel LLC, for the property located at 31 W Elm Street.

38. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$2,226,390.51.

FROM: DPW WATER – DESAL FIXED CHARGE \$2,226,390.51

TO: AQUARIA WATER LLC \$2,226,390.51

39. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$26,832.93.

FROM: POLICE DEPARTMENT – PURCHASE OF SERVICE \$26,832.93

TO:
VERIZON \$16,955.76
SUR-TEC INC. \$4,613.00
PLYMOUTH COUNTY SHERIFF’S DEPARTMENT \$4,564.00
NEW ERA TECHNOLOGIES \$300.00
GANNETT NEW ENGLAND LOCALIQ \$290.71
CITY OF BROCKTON \$110.00

40. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$15,000.00.

FROM: OLD COLONY PLANNING COUNCIL \$15,000.00

TO: COUNCIL ON AGING \$15,000.00

41. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$4,035.40.

FROM: DPW REFUSE – PURCHASE OF SERVICE \$3,235.40
DPW REFUSE – GOODS AND SUPPLIES \$800.00

TO:
AMERICAN RETROWORKS INC. \$3,235.40
FBS TIRE RECYCLING INC. \$800.00

42. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$726,325.44.

FROM: DPW SEWER – PURCHASE OF SERVICE \$726,325.44

TO:
SOUTHWORTH-MILTON INC. \$1,140.48
CONSTELLATION NEWENERGY INC. \$160,191.92
VEOLIA WATER NORTH AMERICA – OPERATIONS INC. \$539,336.17
PLYMOUTH COUNTY SHERIFF’S DEPARTMENT \$4,788.00
BROCKTON POLICE \$15,768.87
W ROBERT PATTERSON & ASSOCIATES \$5,100.00

43. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$47,466.82.

FROM: DPW WATER – PURCHASE OF SERVICE \$45,434.95
DPW WATER – GOODS AND SUPPLIES \$2,031.87

TO:

EAST BRIDGEWATER POLICE DEPARTMENT	\$7,727.50
CUMMINS INC.	\$815.15
BROCKTON POLICE DEPARTMENT	\$35,272.30
WHITMAN POLICE DEPARTMENT	\$660.00
TOWN OF HOLBROOK	\$960.00
REGAN SUPPLY/STILES CO. INC.	\$200.00
HD SUPPLY INC.	\$1,153.59
HOME DEPOT	\$79.98
CHADWICK-BAROSS	\$598.30

44. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$46,736.12.

FROM: FINANCE – PURCHASE OF SERVICE	\$46,736.12
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TO: PUBLIC CONSULTING GROUP LLC	\$46,736.12
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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.