

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening October 28, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:03 PM with seven members present. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

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

Accepted and placed on file

Councilor Griffin motioned to accept a late file and suspend the rules and act on it this evening and was properly seconded. the motion carried by a hand vote.

566. Communication: From the Chief of Police requesting Officer Andrew Horan be promoted to police sergeant as he is one of the top-ranked candidates on the attached promotional list.

Accepted and placed on file

567. Communication: From the Mayor promoting Officer Andrew Horan of the Brockton Police Department to the position of Police Sergeant at the recommendation of Chief of Police Brenda Perez.

Accepted and placed on file

568. Appointment: Promotion of Officer Andrew Horan of the Brockton Police Department to the position of Police Sergeant.

Officer Andrew Horan stated he has been a Brockton Police Officer for 8 years and that he was raised and has live\ in Brockton for 30 years. It is a pleasure serving Brockton and thanks all.

Confirmed by a roll call vote taken by “yeas” and “nays”; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent. Councilor Lally motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

**APPOINTMENTS:**

530. 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.

Referred to Finance

531. 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.

Referred to Finance

**HEARINGS:**

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.

Candida Ruiz appeared in favor of the petition and was there to answer any questions.

## 202. (HEARINGS CONT.)

No one was in opposition.

Granted by a hand vote. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

### REPORTS:

532.Of the Ordinance Committee for its meeting of October 10, 2024.

Accepted and placed on file

533.Of the Finance Committee for its meeting of October 21, 2024.

Accepted and placed on file

### COMMUNICATIONS:

534.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.

Accepted and placed on file

535.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.

Accepted and placed on file

536.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.

Accepted and placed on file

537.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.

Accepted and placed on file

538.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.

Accepted and placed on file

539.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.

### **203. (COMMUNICATIONS CONT.)**

Accepted and placed on file

540. 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.

Accepted and placed on file

541. 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.

Accepted and placed on file

542. 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.

Accepted and placed on file

543. 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.

Accepted and placed on file

544. 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.

Accepted and placed on file

545. 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.

Accepted and placed on file

546. 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.

Accepted and placed on file

547. 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.

**204. (COMMUNICATIONS CONT.)**

Accepted and placed on file

548.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.

Accepted and placed on file

549.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.

Accepted and placed on file

550.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.

Accepted and placed on file

551.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.

Accepted and placed on file

552.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).

Accepted and placed on file

**UNFINISHED BUSINESS:**

436.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)

Councilor Farwell motioned to refer back to Ordinance Committee and was properly second.

Councilor Farwell on the motion stated that its obviously that have to do something about the unhoused but its important to get something done right. This Ordinance is flawed and this will not accomplish what we are trying to accomplish, this is not going to do it. Let's get it right.

The motion failed by a hand vote. Passed to third reading by a hand vote. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

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.**

## 205. (UNFINISHED BUSINESS CONT.)

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.

**206. (UNFINISHED BUSINESS CONT.)**

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)

Passed to third reading as amended by a hand vote. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

500.Appointment of Mr. Robert “Bob” Beauchesne, 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.

Confirmed by a roll call vote taken by “yeas” and “nays”; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

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

Confirmed by a roll call vote taken by “yeas” and “nays”; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

522.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,

**207. (UNFINISHED BUSINESS CONT.)**

United States Representative in Congress, Councillor Second District, Senator in General Court Second Plymouth & Norfolk District, Representative in General Court 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> 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)

Adopted by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

523.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)

Adopted by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent. Councilor Nicastro motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

525.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)

Adopted by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

526.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)

Adopted by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

Councilor Minichiello stepped in.

528.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)

Adopted by a hand vote. Councilors Derenoncourt, Tavares, and Thompson absent.

527.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)

**208. (UNFINISHED BUSINESS CONT.)**

Adopted by a hand vote. Councilors Derenoncourt, Tavares, and Thompson absent.

**ORDINANCES:**

553.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)

Referred to Planning and Ordinance

**ORDERS:**

554.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.

Referred to Finance

555.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

Referred to Finance

556.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

Referred to Finance

557.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

Referred to Finance

558.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



**209. (ORDERS CONT.)**

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

Referred to Finance

559.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
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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

Referred to Finance

560.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

Referred to Finance

561.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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Referred to Finance

Councilor Farwell motioned to accept two late files and was properly seconded. The motion carried by a hand vote.

**210. (LATE FILES CONT.)**

**LATE FILES**

**COMMUNICATIONS:**

562.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$99,556.00. These funds will be used for the continued upkeep and upgrade of the BCA facility and production equipment.

Accepted and placed on file

563.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 \$99,556.00, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will be used for the continued upkeep and upgrade of the BCA facility and production equipment.

Accepted and placed on file

**ORDER:**

564.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: \$99,556.00

FROM: CABLE REVOLVING FUND	\$99,556.00
TO: BROCKTON COMMUNITY ACCESS	\$99,556.00

Referred to Finance

**RESOLVE:**

565.Resolve: WHEREAS, The residents of the city deserve full disclosure about significant issues in the school department which are impacting the city, operational activities, and our financial stability even after the audit and investigation recently published;

NOW, THEREFORE, BE IT RESOLVED:

City Solicitor Megan Bridges and Chief Financial Officer Troy Clarkson be invited to appear before the finance committee of the city council to present information on legal and financial matters relating to the public schools.

Referred to Finance

**Councilor's Recognition**

Councilor Teixeira reminded everyone about the Accounts Committee Meeting on Wednesday October 30 at 6PM in Council chambers.

President Rodrigues stated that next week is Elections and we will not be having a Finance Committee meeting until the third week in November.

Meeting Adjourned at 7:38PM

**211. (COUNCILOR'S RECOGNITION CONT.)**

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.