

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening December 9th, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the November 25th, 2024 City Council Meeting.

APPOINTMENTS:

2. Appointment of Ms. Harriet Beasley, of 9 Roger Road, Brockton, MA 02301, to the Council on Aging Board of Directors as a permanent member for a three (3) year term, ending in December 2027.

REPORTS:

3. Of the Finance Committee for its meeting of December 2nd, 2024.
4. Of the Planning Board for its meeting on November 19th, 2024.

COMMUNICATIONS:

5. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending the Tax Increment Exemption Agreement (TIE) between the between the City of Brockton and 117 North Main LLC, for the property located at 117 North Main Street.
6. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 117 North Main LLC, for the property located at 117 North Main Street, without a detrimental impact on the continuous provision of the existing level of municipal services.
7. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$39,600.00 from the Massachusetts Emergency Management Agency to the Brockton Emergency Management Agency.

FROM: MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY \$39,600.00

TO: BROCKTON EMERGENCY MANAGEMENT AGENCY \$39,600.00

8. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$39,600.00 from the Massachusetts Emergency Management Agency to the Brockton Emergency Management Agency, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY \$39,600.00

TO: BROCKTON EMERGENCY MANAGEMENT AGENCY \$39,600.00

9. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$791,667.00 from the Department of Public Health to the City of Brockton.

FROM: DEPARTMENT OF PUBLIC HEALTH \$791,667.00

TO: CITY OF BROCKTON \$791,667.00

10. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$791,667.00 from the Department of Public Health to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: DEPARTMENT OF PUBLIC HEALTH \$791,667.00

TO: CITY OF BROCKTON \$791,667.00

11. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the transfer of \$1,488,499.85.

FROM: CERTIFIED FREE CASH \$1,488,499.85

TO: DPW REFUSE RETAINED EARNINGS \$1,488,499.85

12. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$1,488,499.85, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: CERTIFIED FREE CASH \$1,488,499.85

TO: DPW REFUSE RETAINED EARNINGS \$1,488,499.85

13. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the transfer of \$1,252,690.67.

FROM: CERTIFIED FREE CASH \$1,252,690.67

TO: DPW SEWER RETAINED EARNINGS \$1,252,690.67

14. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$1,252,690.67, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: CERTIFIED FREE CASH \$1,252,690.67

TO: DPW SEWER RETAINED EARNINGS \$1,252,690.67

15. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the transfer of \$73,760.21.

FROM: CERTIFIED FREE CASH \$73,760.21

TO: DPW STORMWATER RETAINED EARNINGS \$73,760.21

16. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$73,760.21, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: CERTIFIED FREE CASH \$73,760.21

TO: DPW STORMWATER RETAINED EARNINGS \$73,760.21

17. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$55,000.00 from the Massachusetts Executive Office of Public Safety and Security to the City of Brockton.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$55,000.00

TO: CITY OF BROCKTON \$55,000.00

18. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$55,000.00 from the Massachusetts Executive Office of Public Safety and Security to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$55,000.00

TO: CITY OF BROCKTON \$55,000.00

19. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, hereby recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$850,000.00 from the Department of Housing and Urban Development to the City of Brockton.

FROM: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT \$850,000.00

TO: CITY OF BROCKTON \$850,000.00

20. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, hereby 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 \$850,000.00 from the Department of Housing and Urban Development to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT \$850,000.00

TO: CITY OF BROCKTON \$850,000.00

UNFINISHED BUSINESS:

21. Ordered: That the City Council hereby determines the percentages of the local tax levy for FY2025 in accordance with the provisions of M.G.L., Ch. 40, Section 56, to be borne by each class of real property, as defined in Section 2A of Chapter 59, and personal property.

Residential 75.1225

Commercial 15.9842

Industrial 3.2785

Personal Property 5.6149

(100.00)

The factor for such classification shall be 1.75

22. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$323,822.71.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$323,822.71

TO: BROCKTON FIRE DEPARTMENT \$323,822.71
(FAVORABLE)

23. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$5,000.00.

FROM: DEPARTMENT OF INDUSTRIAL ACCIDENTS \$5,000.00

TO: CITY OF BROCKTON \$5,000.00
(FAVORABLE)

24. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$450,000.00.

FROM: NATIONAL GRID \$450,000.00

TO: DEPARTMENT OF PUBLIC WORKS \$450,000.00
(FAVORABLE)

25. Ordered: A Right of Easement for National Grid to install the underground electric system at 135 Warren Avenue, Brockton, MA, 02301. This easement is part of the ongoing work to support the Public Safety Building project. (FAVORABLE)

26. Ordered: That pursuant to M.G.L. c. 40, § 14 and the City of Brockton's Ordinance 2-157, the City of Brockton hereby accepts the Lease Agreement entered into with Metro South Chamber of Commerce, Inc., a nonprofit corporation and which has an address of 60 School Street Brockton, MA 02301, for certain real property located at 50 School Street Brockton, MA 02301. Said lease agreement shall run for an eight-month term beginning November 1, 2024 and ending June 30, 2025. The Mayor is authorized to execute any and all documents necessary in connection with said Lease Agreement. (FAVORABLE)

27. Ordered: That pursuant to M.G.L. c. 40, § 14 and the City of Brockton's Ordinance 2-157, the City of Brockton hereby accepts the Lease Agreement entered into with BAS Holding Corp., a foreign Corporation organized under the laws of the Delaware, and which has an address of 1958 Broadway, PO Box 172, Raynham, MA, for certain real property located at 433 Belmont Street Brockton, MA 02301. Said lease agreement shall run for a three-year term beginning October 1, 2024 and ending June 30, 2025 with 2 consecutive one-year options to extend. The Mayor is authorized to execute any and all documents necessary in connection with said Lease Agreement. (FAVORABLE)

28. Ordered: **Whereas** the City Council acting on behalf of the City of Brockton, has determined that it is necessary and essential as a matter of public welfare to reconstruct portions of Warren Avenue and Goddard Road in the City of Brockton, and that the public interest and convenience requires the acquisition of easements over portions of certain properties abutting Warren Avenue and Goddard Road.

Now theretofore, acting under the provisions of Chapter 79 of the General Laws, the City of Brockton for the purpose of layout and reconstruction and maintaining said Warren Avenue and Goddard Road does take permanent easements under Chapter 79 of the General Laws and all other general and special laws thereto enabling, the following described interests in real property situated in the City of Brockton, Plymouth County, Commonwealth of Massachusetts:

The following easements over parcels of land on a plan entitled "Easement Plan of Land, for Warren Avenue, Brockton, Massachusetts", dated November 4, 2024, prepared by Dawood Engineering, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows: (see attached) (FAVORABLE)

29. Resolve: To invite the Brockton Fire Department's new Public Education Officer Peter Reardon, and anyone else he may wish to be accompanied by, to appear at a Finance Committee meeting to discuss his role and the significance of BFD's public education efforts.
30. Ordered: That the City Clerk be directed to amend "Order #1" as voted by the Council on June 24, 2024 to amend the Order so that the language specifically states that the \$510,061,072 appropriation order for the FY25 revenue budget reflect that the appropriation included the line item for \$1,000,000 spending from the Stabilization Account, \$952,075.00 from Certified Free Cash, \$7,947,925.00 from Chapter 324 Reserve Fund, and \$650,000 from Ambulance Receipts as reflected in the FY25 budget book.

Be it further ordered that the City Clerk be directed to amend "Order #3" as voted by the Council on June 24, 2024 to amend the Order so that language specifically states that the \$23,766,360 appropriation order for the FY25 revenue budget reflect that the appropriation for certified retained earnings included the line item for \$2,606,668 from the DPW Water Enterprise account.

Be it further ordered that the City Clerk be directed to amend "Order #6" as voted by the Council on June 24, 2024 to amend the Order so that language specifically states that the \$2,396,174 appropriation order for the FY25 revenue budget reflect that the appropriation for certified retained earnings included the line item for \$510,967 from the Parks and Recreation Enterprise. (POSTONED)

31. Ordered: That the City Council authorize the revocation of the general fund subsidy to the Parks and Recreation department in the FY25 Budget in the amount of \$400,000.00. (POSTPONED)
32. Ordered: That the City Council authorize the revocation of retained earnings to balance the Refuse Enterprise in the FY25 Budget in the amount of \$294,639. (POSTPONED)
33. 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.
- 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:

- 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. (FAVORABLE) (PASSED TO A THIRD READING BY A HANDVOTE)

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

Question on the Mayor’s Veto on the Ordinance.

34. 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) (PASSED TO A THIRD READING AS AMENDED BY A HANDVOTE)
- Ordained as amended by a roll call vote taken by “yeas” and “nays”; eleven members present and nine voting in the affirmative. Councilors Derenoncourt, and Tavares in the negative. Councilor Griffin motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Question on the Mayor’s Veto on the Ordinance.

ORDERS:

- 35. 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 117 North Main LLC, for the property located at 117 North Main Street.
- 36. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$39,600.00.

FROM: MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY	\$39,600.00
TO: BROCKTON EMERGENCY MANAGEMENT AGENCY	\$39,600.00
- 37. That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$791,667.00.

FROM: DEPARTMENT OF PUBLIC HEALTH	\$791,667.00
TO: CITY OF BROCKTON	\$791,667.00
- 38. That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$1,488,499.85

FROM: CERTIFIED FREE CASH	\$1,488,499.85
TO: DPW REFUSE RETAINED EARNINGS	\$1,488,499.85
- 39. That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$1,252,690.67

FROM: CERTIFIED FREE CASH	\$1,252,690.67
TO: DPW SEWER RETAINED EARNINGS	\$1,252,690.67
- 40. That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows: Transfer of: \$73,760.21

FROM: CERTIFIED FREE CASH	\$73,760.21
TO: DPW STORMWATER RETAINED EARNINGS	\$73,760.21
- 41. That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$55,000.00.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$55,000.00

TO: CITY OF BROCKTON \$55,000.00

42. That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$850,000.

FROM: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT \$850,000.00

TO: CITY OF BROCKTON \$850,000.00

RESOLVE:

Resolve: In recognition of the Brockton Garden Club's 95th Anniversary, long time member Jacqueline Bonarigo will present to the city council the Garden Clubs involvement as well as some of the exciting projects and events planned in our community.

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.