

In City Council December 23rd, 2024

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

1. Election of City Clerk - Clerk to the Council

APPOINTMENTS:

2. Appointments of the following eight (8) candidates to public safety positions with the Brockton Fire Department. These candidates were found suitable and met the requirements outlined by Chief Brian Nardelli:

Mr. Jordan A. Chartier, 93 Centre Street, Apt. 307, Brockton, MA, 02301

Ms. Yasmine A. Estrella, 12 Brian Drive, Brockton, MA, 02301

Mr. Joshua T. French, 42 North Cary Street, Brockton, MA, 02302

Mr. Samuel A. Hendrigan, 13 Brookville Avenue, Brockton, MA, 02302

Mr. John R. Mahoney, 206 Woodard Avenue, Brockton, MA, 02301

Mr. John M. McLaughlin, 10 Stephen Drive, Brockton, MA, 02302

Mr. Timothy J. Nuttall, of 86 Hayward Avenue, Brockton, MA, 02301

Mr. Tyresse D. Stroud, of 30 Ettrick Street, Brockton, MA, 02301

3. Re-appointment of Mr. John O'Donnell, of 30 Rock Meadow Drive, Brockton MA, 02301, as Chairman to the Brockton Board of Assessors for a three (3) year term, ending in December 2027.
4. Appointment of Ms. Wadezah McCullough, DrPH(c), MPH, CPH, of 47 West Elm Street, Brockton, MA, 02301, to serve on the Brockton Board of Health for a three (3) year term, or until the Health and Human Services Commissioner position is filled.

HEARINGS:

5. Petition of Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. to install one JO Pole on E Ashland Street. Beginning at a point approximately 50 feet Southwest of the centerline of the intersection of E Ashland Street. Installing new Riser Pole 11-50 to feed new underground transformer located on 100E Ashland Street.

PETITIONS:

6. Petition of GTE Brockton LLC dba Botera seeks to modify the corporate structure of its existing limited liability company to allow it to be restructured as an Employee Stock Ownership Plan ("ESOP"), an employee benefit plan that will allow the ultimate ownership of the license to be held by a trust for the benefit of the company's employees. GTE Brockton LLC would continue to be directly owned by Green Tech Enterprises Inc. ("Green Tech"), but all of the shares of Green Tech will be transferred to a trust called the Green Tech ESOP Trust where they will be held for the benefit of the employees. No changes to day-to-day operations.

REPORTS:

7. Of the Finance Committee for its meeting of December 16th, 2024.

COMMUNICATIONS:

8. From the Fire Chief informing you that they have selected eight (8) candidates for appointments to the Brockton Fire Department. These candidates were found suitable for a Public Safety Position with the Brockton Fire Department.

Mr. Jordan A. Chartier, 93 Centre Street, Apt. 307, Brockton, MA, 02301
Ms. Yasmine A. Estrella, 12 Brian Drive, Brockton, MA, 02301
Mr. Joshua T. French, 42 North Cary Street, Brockton, MA, 02302
Mr. Samuel A. Hendrigan, 13 Brookville Avenue, Brockton, MA, 02302
Mr. John R. Mahoney, 206 Woodard Avenue, Brockton, MA, 02301
Mr. John M. McLaughlin, 10 Stephen Drive, Brockton, MA, 02302
Mr. Timothy J. Nuttall, of 86 Hayward Avenue, Brockton, MA, 02301
Mr. Tyresse D. Stroud, of 30 Ettrick Street, Brockton, MA, 02301

9. From the Mayor appointing the following eight (8) candidates to public safety positions with the Brockton Fire Department. These candidates were found suitable and met the requirements outlined by Chief Brian Nardelli:

Mr. Jordan A. Chartier, 93 Centre Street, Apt. 307, Brockton, MA, 02301
Ms. Yasmine A. Estrella, 12 Brian Drive, Brockton, MA, 02301
Mr. Joshua T. French, 42 North Cary Street, Brockton, MA, 02302
Mr. Samuel A. Hendrigan, 13 Brookville Avenue, Brockton, MA, 02302
Mr. John R. Mahoney, 206 Woodard Avenue, Brockton, MA, 02301
Mr. John M. McLaughlin, 10 Stephen Drive, Brockton, MA, 02302
Mr. Timothy J. Nuttall, of 86 Hayward Avenue, Brockton, MA, 02301
Mr. Tyresse D. Stroud, of 30 Ettrick Street, Brockton, MA, 02301

10. From the Mayor re-appointing Mr. John O'Donnell, of 30 Rock Meadow Drive, Brockton MA, 02301, as Chairman to the Brockton Board of Assessors for a three (3) year term, ending in December 2027.

11. From the Mayor appointing Ms. Wadezah McCullough, DrPH(c), MPH, CPH, of 47 West Elm Street, Brockton, MA, 02301, to serve on the Brockton Board of Health for a three (3) year term, or until the Health and Human Services Commissioner position is filled.

12. From Jane McNulty Grant Writer in the Finance Department requesting a residency waiver under section 2-110 of the Ordinances of the City of Brockton.

13. From the Mayor in accordance with Section 2-110 of the Ordinances of the City of Brockton, humbly requesting a waiver of the City's residency requirement for Grant Writer Ms. Jane McNulty. Ms. McNulty has been a strong asset to our Finance Department, and has assisted across multiple departments to apply for and secure funding for various City initiatives. Her dedication to the City of Brockton in her year of employment has been a strong asset to our constituents. I ask that you take this matter into consideration.

14. From the CFO endorsing the request for a residency waiver under section 2-110 of the Ordinances of the City of Brockton for Jane McNulty.

15. From the Director of Veterans services requesting to accept and expend the donation of 34 winter care packages from the Coats4Vets program. The Director estimates that the total value is \$3,4000-\$5,000 in goods. They will be distributed to veterans who live in Brockton.

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 a donation in the amount of \$5,000 from the Coats4Vets Program to the Veterans' Services Department. These funds represent the value of 34 winter care packages from the Coast4Vets Program.

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 a donation in the amount of \$5,000 from the Coats4Vets Program to the Veterans' Services Department, without a detrimental impact on the continuous provision of the existing level of

municipal services. These funds represent the value of 34 winter care packages from the Coast4Vets Program.

18. From the Chief of Police requesting authorization to expend grant monies related to the Address Verification Program of \$6,500.00 from Sex Offender Registry Board.
19. From the BPD Grant writer respectfully requesting that the enclosed grant award documents be processed to allow the Brockton Police Department to expend \$6,500 for the FY22 Address Verification Program (AVP) Application, from a subgrant from the Executive Office of Public Safety and Security (EOPSS). This award will fund overtime for a Brockton Police Officer to verify the address/investigates the location of registered sex offenders in Brockton.
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 \$6,500.00 from the Executive Office of Public Safety and Security to the Brockton Police Department. These funds are a part of the Address Verification Program that provides funding for police departments to verify the addresses of sex offenders, conduct investigations and place offenders without valid addresses into violation.
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 \$6,500.00 from the Executive Office of Public Safety and Security to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services. These funds are a part of the Address Verification Program that provides funding for police departments to verify the addresses of sex offenders, conduct investigations and place offenders without valid addresses into violation.
22. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$100,000.00. These funds will supplement the initial Community Compact Grant Award received by the City.
23. 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 \$100,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will supplement the initial Community Compact Grant Award received by the City.

UNFINISHED BUSINESS:

24. 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. (FAVORABLE)
25. 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. (FAVORABLE)
26. 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
(FAVORABLE)

27. Ordered: 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
(FAVORABLE)

28. Ordered: 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
(FAVORABLE)

29. Ordered: 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
(FAVORABLE)

30. 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: \$100,000.00

FROM: DPW STORMWATER – DEPARTMENT EQUIPMENT \$100,000.00

TO: DPW STORMWATER – CONSULTANTS \$100,000.00
(FAVORABLE)

31. 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. (FAVORABLE)

32. 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. (POSTPONED AT CITY COUNCIL MEETING DECEMBER 9, 2024)

Question on the Mayor's Veto on the Ordinance.

33. 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. (POSTPONED AT CITY COUNCIL MEETING DECEMBER 9, 2024)

Question on the Mayor’s Veto on the Ordinance.

ORDERS:

34. Ordered: In accordance with Section 2-110 of the Ordinances of the City of Brockton, requesting a waiver of the City’s residency requirement for Grant Writer Ms. Jane McNulty.

35. Ordered: That the City Council authorizes the acceptance and expenditure of a donation of 34 winter care packages for a total value of \$5,000.00

From: COATS4VETS PROGRAM

To: VETERANS SERVICES DEPARTMENT

36. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$6,500.00.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY \$6,500.00

TO: BROCKTON POLICE DEPARTMENT \$6,500.00

37. 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: \$100,000.00

FROM: CERTIFIED FREE CASH \$100,000.00

TO: COMMUNITY COMPACT GRANT FUND \$100,000.00

RESOLVE:

38. Resolve: WHEREAS, there has been an increase in motor vehicle collisions and related accidents throughout the City

NOW THEREFORE,

Be it resolved by the Brockton City Council to discuss before the Public Safety Committee the rise in vehicle collisions throughout the City and to discuss public safety concerns and responses to addressing motor vehicle and roadway safety in the City of Brockton.

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.