

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening January 13, 2025 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

Nominations for Council President for the year 2025.

Exchanging of the gavel.

APPOINTMENTS:

1. Appointments of the following retired officers as Special Police Officers:

Samuel Carde
Charles J. Cassiani, Jr.
Andrew Cesarini
Hermer E. Cole
Jeffrey Costello
William Healy
Thomas Keating
Daniel Leonard
Kenneth Lofstrom
Donald J. Mills, Jr.
Callie H. Royster, Jr.
Robert Smith
Scott D. Uhlman

HEARINGS:

2. Petition of Eddie Awon of 25 Cypress Dr., Brockton, MA 02301, for a Motor Vehicle Repair License Mechanical, located at 515 N. Main Street, Unit 5, Brockton, MA 02301.
3. Petition of National Grid and Verizon New England, Inc to install one JO Pole on Oak Street. Beginning at a point approximately 712 feet East of the centerline of the intersection of Campanelli Industrial Drive. Install underground facilities on Oak Street. A new Pole 74-50 will be installed between Pole 74 and 75. This will allow primary to be brought to the new carwash at 710 Oak street.

REPORTS:

4. Of the Ordinance Committee for its meeting of December 19, 2024.
5. Of the Finance Committee for its meeting of January 6, 2025.

COMMUNICATIONS:

6. From the Mayor in accordance with the Massachusetts Acts of 1990, Chapter 324, re-appoint Troy B. G. Clarkson, PhD to the position of Chief Financial Officer for a three-year term, ending in January of 2028.
7. From the Chief of Police requesting the appointments of the following retired officers as Special Police Officers:

Samuel Carde
Charles J. Cassiani, Jr.
Andrew Cesarini
Hermer E. Cole
Jeffrey Costello
William Healy

Thomas Keating
Daniel Leonard
Kenneth Lofstrom
Donald J. Mills, Jr.
Callie H. Royster, Jr.
Robert Smith
Scott D. Uhlman

8. From the Mayor appointing the following retired officers as Special Police Officers:

Samuel Carde
Charles J. Cassiani, Jr.
Andrew Cesarini
Hermer E. Cole
Jeffrey Costello
William Healy
Thomas Keating
Daniel Leonard
Kenneth Lofstrom
Donald J. Mills, Jr.
Callie H. Royster, Jr.
Robert Smith
Scott D. Uhlman

9. From the Chief of Police requesting authorization to expend grant monies related to the FY 2025 Municipal Public Safety Staffing Grant from the Executive Office of Public Safety and Security's Office of Grants and Research in the amount of \$352,620.00.
10. From the BPD Grant Writer respectfully requesting that the enclosed grant award documents be processed to allow the City of Brockton to expend funds authorized under the FY2025 Municipal Public Safety Staffing Grant for \$352,620.00.
11. From 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 \$352,620.00 from the Executive Office of Public Safety and Security to the Brockton Police Department. These funds are part of the Municipal Public Safety Staffing Grant and will be used to pay overtime wages.
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 the acceptance and expenditure of the grant award in the amount of \$352,620.00 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 part of the Municipal Public Safety Staffing Grant and will be used to pay overtime wages.
13. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$150,000.00. These funds will cover the consultant pay for the Interim Human Resource Director, both for future payments and payments already made.
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 the total proposed transfer of \$150,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will cover the consultant pay for the Interim Human Resource Director, both for future payments and payments already made.
15. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$3,200,000.00. These funds will support the replacement of 1600 ft. of 20" water main on Montello Street from Lawrence Street to Crescent Street.

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 total proposed transfer of \$3,200,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will support the replacement of 1600 ft. of 20" water main on Montello Street from Lawrence Street to Crescent Street.
17. 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 \$73,000.00 from the Massachusetts Department of Environmental Protection to the City of Brockton. These funds are part of the Recycling Dividends Program under the Sustainable Materials Recovery Program.
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 the acceptance and expenditure of the grant award in the amount of \$73,000.00 from the Massachusetts Department of Environmental Protection to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services. These funds are part of the Recycling Dividends Program under the Sustainable Materials Recovery Program.
19. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the revocation of the transfer of \$130,000. The Department of Revenue prefer that the use of retained earnings not take place when this order was originally passed. There will be a revote of this transfer to come.
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 the revocation of the total transfer of \$130,000, without a detrimental impact on the continuous provision of the existing level of municipal services. The Department of Revenue prefer that the use of retained earnings not take place when this order was originally passed. There will be a revote of this transfer to come.
21. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$130,000. These funds will be placed into a newly created capital fund that will be used to repair the piston underneath the elevator at the Adams Garage.
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 the total proposed transfer of \$130,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will be placed into a newly created capital fund that will be used to repair the piston underneath the elevator at the Adams Garage.
23. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of prior year unpaid bills in the amount of \$254,714.15. In order to pay for unpaid invoices 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 prior year unpaid bills in the amount of \$254,714.15, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for unpaid invoices from FY24.

UNFINISHED BUSINESS:

25. 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. (FAVORABLE)

26. 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. (FAVORABLE)

27. 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. (FAVORABLE)

28. 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

(FAVORABLE)

29. 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

(FAVORABLE)

30. Ordinance: An Ordinance to adopt a new section of the Zoning Ordinance to establish the MBTA Communities Multi-family Overlay District to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). (FAVORABLE AS AMENDED)

31. Ordinance: An Ordinance pursuant to Section 27-5 of the City Ordinances "Zoning Map" to amend said map to designate the listed parcels as the MBTA Communities Overlay District. (FAVORABLE)

32. Ordinance: An Ordinance amending the City's Zoning Ordinances to regulate and permit accessory dwelling units by right in the R1 district for single-family lots. (FAVORABLE)

33. Ordinance: An Ordinance to replace Sec. 12-28 "Towing" in its entirety and to adopt a revised ordinance for Towing operations in the City of Brockton relative to the towing list, qualification, requirements and assignments. (FAVORABLE)

34. Ordinance: An Ordinance to replace Chapter 11, Article III "Dealers in Secondhand Precious Metals or Gems" and to adopt a revised ordinance for Dealers in Secondhand Precious Metals or Gems in the City of Brockton relative to regulated property, licenses, inspections, recordkeeping, and regulations. (FAVORABLE AS AMENDED)

35. 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) (POSTPONED AT CITY COUNCIL MEETING DECEMBER 23, 2024)

Question on the Mayor’s Veto on the Ordinance.

36. 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) (POSTPONED AT CITY COUNCIL MEETING DECEMBER 23, 2024)

Question on the Mayor’s Veto on the Ordinance.

ORDERS:

- 37.** Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$352,620.00.

FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY	\$352,620.00
TO: BROCKTON POLICE DEPARTMENT	\$352,620.00

- 38.** 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: \$150,000.00

FROM: HUMAN RESOURCES – FULL TIME SALARIES	\$150,000.00
TO: HUMAN RESOURCES – CONSULTANTS	\$150,000.00

- 39.** 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: \$3,200,000.00

FROM: FY25 DPW WATER RETAINED EARNINGS	\$3,200,000.00
TO: NEW WATER MAIN CAPITAL FUND	\$3,200,000.00

- 40.** Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$73,000.00.

FROM: DEPARTMENT OF ENVIRONMENTAL PROTECTION	\$73,000.00
TO: CITY OF BROCKTON	\$73,000.00

41. Ordered: That the following previously approved transfer be revoked as follows:

Transfer of: \$130,000

FROM: PARKING AUTHORITY – RETAINED EARNINGS	\$130,000
TO: PARKING AUTHORITY – CAPITAL PROJECT FUND	\$130,000

42. 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: \$130,000

FROM: PARKING AUTHORITY – RETAINED EARNINGS	\$130,000
TO: PARKING AUTHORITY – CAPITAL PROJECT FUND	\$130,000

43. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$254,714.15.

FROM: DPW SEWER – PURCHASE OF SERVICE	\$228,251.06
TO: REHOBOTH SOLAR LLC.	\$228,251.06
ALTUS POWER LLC.	\$26,463.09

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.