

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening January 13, 2025 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:05PM with 11 members present.

Councilor Derenoncourt had a moment of silence for the Anniversary of Haiti Earthquake.

Nominations for Council President for the year 2025.

President Rodrigues open nominations for 2025 council President

Councilor Lally motioned to nominate Ward 5 Councilor Jeffrey Thompson for Council President and was properly seconded. The motion carried by a hand vote.

President Rodrigues motioned to close nominations and was properly seconded. The motion carried by a hand vote.

By a roll call vote taken by eleven members present and ten members voting for Jeffrey Thompson, Councilor Derenoncourt in the negative. Councilor 2025 President is Ward 5 Councilor Jeffrey Thompson.

President Rodrigues Exchanging of the gavel with 2025 Council President Jeffrey Thompson.

President Thompson thanked Councilor Rodrigues for his leadership as President and presented him with a plaque.

President Thompson thanked all the Councilors for the vote and for the belief that he has the ability to lead this council.

APPOINTMENTS:

712. 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

Councilor Lally motioned to suspend the rules and act on it this evening and was properly seconded. The motion carried by a hand vote.

Confirmed by a role call vote taken by “yeas and “nays”; eleven members present and all voting in the affirmative.

HEARINGS:

1. 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.

267. (HEARINGS CONT.)

Councilor Lally motioned to postpone to the next City Council Meeting he has spoken with the petitioner and several members of code enforcement and this property has had some issues and they want to come up with some satisfactory stipulations to turn the property around and was properly seconded the motion carried by a hand vote.

2. 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.

President Thompson opened the Hearing to anyone who would like to speak in support.

Muhammad Jamous from National Grid spoke briefly on the implementation of the pole on Oak Street.

President Thompson then opened the Hearing up to anyone in opposition of this to which no one stepped forward.

Hearing granted by a hand vote.

REPORTS:

713.Of the Ordinance Committee for its meeting of December 19, 2024.

Accepted and placed on file.

714.Of the Finance Committee for its meeting of January 6, 2025.

Accepted and placed on file.

COMMUNICATIONS:

715. 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.

Accepted and placed on file.

716. 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

268. (COMMUNICATIONS CONT.)

Accepted and placed on file.

717. 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

Accepted and placed on file.

718. 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.

Accepted and placed on file.

719. 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.

Accepted and placed on file.

720. 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.

Accepted and placed on file.

721. 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.

Accepted and placed on file.

722. 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.

269. (COMMUNICATIONS CONT.)

Accepted and placed on file.

723. 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.

Accepted and placed on file.

724. 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.

Accepted and placed on file.

725. 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.

Accepted and placed on file.

726. 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.

Accepted and placed on file.

727. 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.

Accepted and placed on file.

728. 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.

Accepted and placed on file.

270. (COMMUNICATIONS CONT.)

729.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.

Accepted and placed on file.

730.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.

Accepted and placed on file.

731.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.

Accepted and placed on file.

732.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.

Accepted and placed on file.

733.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.

Accepted and placed on file.

UNFINISHED BUSINESS:

686.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)

Confirmed by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

687.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)

271. (UNFINISHED BUSINESS CONT.)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

705.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)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

707.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 (FAVORABLE)	\$6,500.00

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

708.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 (FAVORABLE)	\$100,000.00

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

614.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)

Passed to a third reading as amended by a hand vote.

609.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)

Passed to a third reading by a hand vote.

630.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)

Passed to a third reading by a hand vote.

520.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)

Passed to a third reading by a hand vote.

521.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

272. (UNFINISHED BUSINESS CONT.)

Precious Metals or Gems in the City of Brockton relative to regulated property, licenses, inspections, recordkeeping, and regulations. (FAVORABLE AS AMENDED)

Passed to a third reading as amended by a hand vote.

436. 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

273. (UNFINISHED BUSINESS CONT.)

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.

274. (UNFINISHED BUSINESS CONT.)

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.

President Thompson exchanged sitting with Councilor Rodrigues.

Councilor Thompson stated that the vote they make this evening will have a lasting impact on the future of Brockton. To have a decent, safe, and sanitary environment for the residents. The choice is clear to him and that’s why he is frustrated with the Mayor’s veto. The Mayor was present at two City Hall meetings where he seemed to support these Ordinances. For two months the City Council and the Ordinance Committee debated these Ordinances and the Mayor didn’t appear at any of these meetings and never picked up the phone to voice his objections on the matter. The Mayor waited to the last day to veto that’s not leadership. He has read his believes the Mayor has misread the Supreme Courts ruling and has a misunderstanding on how the ordinances work.

Councilor Derenoncourt stated that homelessness should not be a crime, and that even with the upcoming elections, he would not change his stance and is willing to lose the election based on this. Councilor Derenoncourt stated that the homeless being targeted need help and not punishment. Councilor Derenoncourt then stated that even if this is passed, nothing will change and that this vote is symbolic.

Councilor Farwell stated he does not believe it is fair to criticize the Mayor for doing something that he has availability due to his authority under the City Charter. Councilor Farwell also went on to state that the homelessness issue is larger than it seems and that there is an addiction and mental health issue as well, while acknowledging the fact that the city and the state does not put much money into these issues. Councilor Farwell then highlighted the difficulty in making sure a homeless individual receives a notice to appear in court, and going on to state that this ordinance is not going to be the fix that many think it is.

Councilor Griffin began by commending Councilor Thompson for his creation of this Ordinance and that he believes its time to help the taxpayers in the City. He also goes on to

275. (UNFINISHED BUSINESS CONT.)

tell the residents that, he agrees the homeless needs help but that unfortunately the City of Brockton does not have the funds to do so, and that they should reach out to the State and Federal levels of support. Highlighted the fact that there is open and public drug use and defecation that children have to go through daily on their ways to and from school.

Councilor Asack stated she wanted to acknowledge those in the crowd today and how she agrees with their signs stating that homelessness is not a crime, and that jail is not housing. Councilor Asack then stated that these ordinances were put in place against those who are doing drugs in public, or breaking the law, not just for being homeless. Councilor Asack then stated how Westgate Lanes invested \$2,000,000 to stay in the City, but are being fined by the Board of Health to clean up messes left by encampments in their parking lot. Councilor Asack finished by stating the councilors are all trying to help the homeless but that the ones that are causing issues do not want to be helped.

Councilor Minichiello stated that there are good points on both sides of this situation and that ordinance is just to provide some common sense and some sanitary rules. Specifies that this is not an ordinance to follow a homeless person around and harass them but it is to stop certain conduct that is unacceptable but currently on going in the City.

Councilor Nicastro stated that she believes they need to start pressuring the nearby abutting towns to create shelters to help as a lot of their homeless citizens end up finding themselves in Brockton. Councilor Nicastro stated she finds this ordinance to be mean, and does not think it is one that will help those who need it.

Councilor Thompson held a small presentation regarding the ordinance.

Councilor Farwell stated that he was unaware of Councilor Thompson's video, and that he would just like to state that there are already numerous laws and enforcements in place that combat the issues that are claiming to be targeted with this ordinance and that if nothing has been done to stop them previously, nothing is going to change with this ordinance.

Councilor Thompson request that the council overrides the Mayor's veto.

The question comes before the council "Shall the Ordinance stand the Mayor's veto to the contrary notwithstanding"?

The Mayor's veto failed by roll call vote taken by "yeas" and "nays"; eleven members present and eight voting in the affirmative. Councilor's Derenoncourt, Farwell, and Nicastro in the negative.

Recess.

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.

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.

276. (UNFINISHED BUSINESS CONT.)

- 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.

277. (UNFINISHED BUSINESS CONT.)

Councilor Thompson request that the council overrides the Mayor’s veto.

The question comes before the council “Shall the Ordinance stand the Mayor’s veto to the contrary notwithstanding”?

The Mayor’s veto failed by roll call vote taken by “yeas” and “nays”; eleven members present and ten voting in the affirmative. Councilor Derenoncourt voting in the negative. Councilor Lally motioned to take items 35 and 36 collectively and to file for reconsideration with the wish that it not prevails and was properly seconded. Reconsideration failed by a hand vote.

ORDERS:

734.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

Referred to Finance

735.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

Referred to Finance

736.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

Referred to Finance

737.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

Referred to Finance

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

Transfer of: \$130,000

FROM: PARKING AUTHORITY – RETAINED EARNINGS	\$130,000
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278. (ORDERS CONT.)

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

Referred to Finance

739.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

Referred to Finance

740.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

Referred to Finance

Councilor Tavares motioned to accept a Late file and was properly seconded. The motion carried by a hand vote.

741. Be it Ordained by the City Council of the City of Brockton to adopt an Amendment to the Ordinance Prohibiting Camping of Public Property as follows:

Strike the following language in Section 8 “penalty for violations”:

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.

Further, revise the first sentence of the first paragraph of Section 8 “penalty for violations” so that the language states, “Any person who violations any provision of this Ordinance shall be given a written warning for each offense.”

Referred to Ordinance

Councilor Tavares motioned to accept a Late file and was properly seconded. The motion carried by a hand vote.

742. Be it Ordained by the City Council of the City of Brockton to adopt an Amendment to the Ordinance Prohibiting Camping of Public Property as follows:

Strike the following language in Section 8 “penalty for violations”:

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.

Referred to Ordinance

Councilor Rodrigues motioned to accept a Late File and was properly seconded. The motion carried by a hand vote.

279. (ORDERS CONT.)

743. Be it Ordained by the City Council of the City of Brockton to adopt an Amendment to the Ordinance Prohibiting Camping of Public Property as follows:

Strike the language of Section 6 “Removal Process and Enforcement” in its entirety and insert in its place, “The Brockton Police Department and the Inspectional Service Department shall enforce the provisions of this ordinance.”

Insert the following definition to Section 2 “Definitions”:

“24-Hour Notice” means the first written notice of violation of the ordinance as described in the Penalty for Violation section of this ordinance. The contents of the 24-Hour Notice shall include the date and time the campsite, any camping materials and personal belongings must be removed by, which shall be twenty-four (24) hours from the date and time of issuance of the notice.

Strike the following language in Section 8 “penalty for violations”:

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.

Further, revise the first sentence of the first paragraph of Section 8 “penalty for violations” so that the language states, “Any person who violations any provision of this Ordinance shall be given a written warning for the first offense.”

Further, revise the third paragraph of Section 8 “penalty for violations” so that the language states, “The City shall seek a criminal complaint for any subsequent violation of this ordinance”

Referred to Ordinance

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.

Councilor Asack began by congratulating President Thompson on his presidency and then wanted to state that regarding the recently discussed Ordinances, the City Councilor’s are only trying to do their jobs and they are aware that they are not perfect but that they are working in that direction. Councilor Asack stated her desire for the residents to reach out to the State and ask for more assistance for the City and explained that they must go further than the City Council.

Adjourned 8:20PM