

REPORT – ORDINANCE COMMITTEE
April 3, 2025

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

#1 on agenda

1. Ordinance: An Ordinance to adopt a Sharps Disposal Plan in the City of Brockton.

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Teixeira.

2. Ordinance: An Ordinance to establish the Immunization Revolving Fund in accordance with M.G.L. c. 44 Section 53E ½ relative to reimbursements and expenditures for the administration of vaccines.

having considered the same, report FAVORABLE by Motion of Councilor Farwell, 2nd by Councilor Griffin.

3. Ordinance: An Ordinance to establish the Inspection Revolving Fund in accordance with M.G.L. c. 44 Section 53E ½ relative to collection of fines and expenditures for the Brockton Building Department.

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Griffin.

4. Ordinance: An Ordinance Amending the Ordinance Prohibiting Camping on Public Property to strike language in Section 8 penalty for violations relative to civil penalties.

having considered the same, report POSTPONE by Motion of Councilor Teixeira, 2nd by Councilor Farwell.

5. Ordinance: An Ordinance Amending the Ordinance Prohibiting Camping on Public Property to strike Section 8 penalty for violations relative to criminal complaints.

having considered the same, report UNFAVORABLE by Motion of Councilor Griffin, 2nd by Councilor Teixeira.

6. Ordinance: An Ordinance Amending the Ordinance Prohibiting Camping on Public Property to amend Section 6 “Removal Process and Enforcement”, Section 2 “Definitions” and Section 8 “penalty for violations.”

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Farwell, 2nd by Councilor Teixeira.

7. Ordinance: An Ordinance to reestablish the R-5 Senior Residential Community Zone to Section 27-4 Designation of Zones of the Brockton City Ordinances and to amend Sec. 27-27.6 “R-5 senior residential community.”

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Teixeira.

MINUTES – ORDINANCE COMMITTEE
April 3, 2025

Held in City Council Chambers at Brockton City Hall. The Standing Committee on Ordinances and Rules was called to order at 6:05 p.m. by Councilor Asack, Farwell, Teixeira and Griffin present.

Agenda read into the record.

The Committee first considered the following:

#1 on agenda

Comments by Councilor Thompson
(not yet ripe, more work to do, asks for a continuance)

Motion to report Postponed until the next Ordinance Meeting by Councilor Farwell, 2nd by Councilor Teixeira. Motion carried unanimously.

Next, the Committee considered the following:

#2 on agenda

Comments by Councilor Lally
(revolving fund for immunization for board of health, allows them to keep money state gives, keep in a fund and retain it and get more vaccines)

Comments by Dr. Eno Mondesir, Board of Health
(significant milestone, saving lives, importance of immunization, Covid, measles outbreaks, residents lost to Covid)

Comments by Councilor Farwell
(will recommend)

Comments by Councilor Griffin
(supports this)

Motion to report Favorable by Councilor Farwell, 2nd by Councilor Griffin. Motion carried unanimously.

Next, the Committee considered the following:

#3 on agenda

Comments by Councilor Farwell

(Dr. Clarkson needs to discuss with Mr. Plouffe, looking for a continuance)

Motion to report Postponed until the next Ordinance Meeting by Councilor Farwell, 2nd by Councilor Griffin. Motion carried unanimously.

Next, the Committee considered the following:

#4 on agenda

Comments by Councilor Asack

(Solicitor Bridges not able to attend, Attorney Verde in attendance)

Comments by Councilor Thompson

(similar ordinance sponsored by him)

Comments by Attorney Verde

(letter regarding status of law, Scituate Bylaw, Massachusetts Constitution, specific penalties, Fall River and Lowell, no penalties when there is no shelter available, consulted with Attorney General's office, would the criminal and civil penalties violate the Massachusetts Constitution is still a concern)

Comments by Councilor Asack

(thanks for the summary and letter from the law department)

Comments by Councilor Thompson

(some cities have to lead, sure it will be challenge, sure the City of Brockton can prepare for it, residents deserve that, asks for tables sponsored by Councilor Tavares be tabled and move forward on the Ordinance filed by him)

Comments by Councilor Asack

(not sure about tabling the ordinance)

Comments by Councilor Farwell

(letter from Law Department, should we wait on this)

Comments by Attorney Verde

(oral arguments in Rafferty v. State Retirement Board, deal with broad protection of Massachusetts Constitution, Brockton has accepted 21D, general provision for civil penalties)

Comments by Councilor Farwell

(concerned for police officers taking action and someone making a case out of Brockton)

Comments by Councilor Griffin

(business in downtown Brockton, sanctuary, agrees with Councilor Thompson, business are leaving, residents are going to leave, laws already in the books, children walking to school)

Comments by Councilor Asack

(supported this from the beginning, need to do our job to support our ordinances)

Motion to report Postponed until the next Ordinance Meeting by Councilor Teixeira, 2nd by Councilor Farwell. Motion carried unanimously.

Next, the Committee considered the following:

#5 on agenda

Comments by Councilor Thompson

(opposes removal, vote unfavorably or table)

Motion to report Unfavorable by Councilor Griffin, 2nd by Councilor Teixeira. Motion carried unanimously.

Next, the Committee considered the following:

#6 on agenda

Comments by Councilor Thompson

(developed an ordinance that is constitutional and enforceable, Plymouth County District Attorney working on a community court addressing quality of life issues, tool in the tool box, during debates, feedback from community, ability to afford a fine, saw fine as escalation, listen to community and city councilors to readdress the issue of civil penalties, can support that if there's a warning and then criminal process, help push enforcement along, constructive criticism from the Mayor's veto, will fix some clear definitions, enforcing agencies narrowed, removal of civil fine)

Comments by Councilor Asack

(thanks invited guests Jim Plouffe, Brian Nardelli, Lt. Schlieman, George Depina, Jasmine Bradsher)

Comments by Councilor Farwell

(voted against this, made national news, what has changed?)

Comments by Councilor Thompson

(not going to be resolved through enforcement alone, court set up to address the matter, court to be up and running by June/July)

Comments by Jazmine Bradsher, Director of Human Services

(difference is there, contact made with 40 people every week, has housed over 8 people into housing, 2 more to be into housing on the 14th, 2 have passed away, even without the ordinance, without punitive measures, removed over 80 tents, working with other departments, enforcement has not happened)

Comments by Councilor Farwell

(targeting issue of enforcement)

Comments by Jazmine Bradsher, Director of Human Services

(loss of federal funding)

Comments by Councilor Asack

(changes to keep in mind)

Comments by Jazmine Bradsher, Director of Human Services

(feasibility of 24hrs, 4-5 days, 48 hours, contact by Director of Human Services)

Comments by Brian Nardelli, Fire Chief

(numbers have not changed, contacted by the D.A.'s office about the community court, will be involved, deeply concerned for fires)

Comments by Councilor Farwell

(limiting department language)

Comments by Councilor Thompson

(existing language, social services should have a different relationship, response to wider net, okay to remove it)

Motion to Amend by Councilor Farwell to remove "Strike the language of Section 6", 2nd by Councilor Griffin. Motion carried unanimously.

Comments by Councilor Asack

(the 48-hours notice)

Comments by Councilor Thompson

(comfortable with 24-hour notice, immediate threat aspect)

Motion to Amend by Councilor Farwell to substitute 24-hours to 48-hours throughout the ordinance, 2nd by Councilor Teixeira. Motion carried 3-1, Councilor Griffin in opposition.

Comments by Councilor Teixeira

(seeing a difference)

Comments by Lt. Schlieman

(outreach and education right now, clarity to the police department, can tell what the expectations are, reduce frustration, DW Field)

Comments by Councilor Asack

(has noticed a difference, and has received calls)

Comments by Councilor Griffin

(has heard the same, community court engaged, state funding, thanks for efforts)

Motion to report Favorable as Amended by Councilor Farwell, 2nd by Councilor Teixeira.
Motion carried unanimously.

Next, the Committee considered the following:

#7 on agenda

Comments by Councilor Thompson

(senior residential development, on premise services and activities, age in place, 55 or older, acres of land)

Comments by Councilor Nicastro

(repealed ordinance, properties in ward 4 to become senior communities, needed in the ward, supports 55 or older in ward 4, concerns: 2 floors and not 4, F1 of existing language from 5 to 10, existing, supports if these changes are adopted)

Comments by Councilor Griffin

(residents approached him for this in Brockton, supports this)

Comments by Rob May, Director of Economic Planning and Development

(R5 projects built, but not to the standards, would stay as nonconforming, compromise, bringing universal design benefits to senior residents, parking, senior community, senior multifamily)

Comments by Jim Burke, Law Office of James Burke

(drafting of the ordinance with Rob May, low profit factor, incentive language for developer, developer wanted mix of multifamily and 55 plus, not going to get any interest, not a lot of 5 acres if a portion is for special permit for multifamily market rate)

Comments by Councilor Farwell

(learning about zoning, work on the Fairgrounds, support from 10 to 7 for allowable dwelling units per acre to decrease density, floors with elevators by building code anyways)

Comments by Councilor Nicastro
(3 floors)

Comments by Councilor Farwell
(10 acres with multifamily dwelling, use, special permit)

Comments by Jim Burke, Law Office of James Burke
(developer project in mind, separate area in the back, that's the concept)

Comments by Councilor Farwell
(parking from 2 to 1.5)

Comments by Rob May, Director of Economic Planning and Development
(special permit, 10 acres and not age restricted, there's no discussion that those be affordable or market rate, surrounding by R1 zone, increase in density)

Comments by Councilor Farwell
(further discussions)

Comments by Councilor Asack
(interested in that as well, postpone)

Comments by Councilor Griffin
(agrees)

Motion to report Postponed until the next Ordinance Meeting by Councilor Farwell, 2nd by Councilor Teixeira. Motion carried unanimously.

Comments by Councilor Farwell
(thanks to Attorney Verde)

Motion to adjourn by Councilor Farwell, 2nd by Councilor Teixeira. Motion carried unanimously.

Documents: Immunization Intervention Objectives Brockton from Dr. Eno Mondesir, Board of Health, Draft 27-27.6, R-Senior Residential Communities