

In City Council January 27, 2025

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening January 27, 2025 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the December 9, 2024 City Council Meeting.
2. Acceptance of the Minutes of the December 23, 2024 City Council Meeting.

APPOINTMENTS:

3. Promotion of Fire Captain Brendan R. Weeks to the rank of Deputy Fire Chief in the Brockton Fire Department.
4. Promotion of Fire Lieutenant Jonathan A. Rodrick to the rank of Fire Captain in the Brockton Fire Department.
5. Promotion of Fire Lieutenant Jonathan P. Rodenbush to the rank of Fire Captain in the Brockton Fire Department.
6. Promotion of Fire Fighter Alexandre E. Souto to the rank of Fire Lieutenant in the Brockton Fire Department.
7. Promotion of Fire Fighter Eric B. Westerlund to the rank of Fire Lieutenant in the Brockton Fire Department.
8. Promotion of Fire Fighter Joseph M. Coleman to the rank of Fire Lieutenant in the Brockton Fire Department.

HEARINGS:

9. 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. (POSTPONE FROM CITY COUNCIL MEETING JANUARY 13, 2025)
10. 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).
11. 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.
12. 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.

REPORTS:

13. Of the Ordinance Committee for its meeting of January 8, 2025.

COMMUNICATIONS:

14. From the Fire Chief recommending the promotion of Fire Captain Brendan R. Weeks to the rank of Deputy Fire Chief in the Brockton Fire Department. This promotion is due to

the retirement of Deputy Fire Chief Edward R. Williams Jr. Fire Captain Brendan R. Weeks is the number one candidate on the current Human Resources Deputy Fire Chief List.

- 15.** From the Mayor promoting Fire Captain Brendan R. Weeks to the rank of Deputy Fire Chief in the Brockton Fire Department. This promotion is due to the retirement of Deputy Fire Chief Edward R. Williams Jr. Fire Captain Brendan R. Weeks is the number one candidate on the current Human Resources Deputy Fire Chief List.
- 16.** From the Fire Chief recommending the promotion of Fire Lieutenant Jonathan A. Rodrick to the rank of Fire Captain in the Brockton Fire Department. This promotion is due to the promotion of Fire Captain Brendan R. Weeks to Deputy Fire Chief. Lieutenant Jonathan A. Rodrick is number one candidate on the current Human Resources Fire Captain List.
- 17.** From the Mayor promoting Fire Lieutenant Jonathan A. Rodrick to the rank of Fire Captain in the Brockton Fire Department. This promotion is due to the promotion of Fire Captain Brendan R. Weeks to Deputy Fire Chief. Lieutenant Jonathan A. Rodrick is number one candidate on the current Human Resources Fire Captain List.
- 18.** From the Fire Chief recommending the promotion of Fire Lieutenant Jonathan P. Rodenbush to the rank of Fire Captain in the Brockton Fire Department. This promotion is due to the unexpected passing of Fire Captain Stephen A. Monteiro. Fire Lieutenant Jonathan P. Rodenbush is the number two candidate on the current Human Resources Fire Captain List.
- 19.** From the Mayor promoting Fire Lieutenant Jonathan P. Rodenbush to the rank of Fire Captain in the Brockton Fire Department. This promotion is due to the unexpected passing of Fire Captain Stephen A. Monteiro. Fire Lieutenant Jonathan P. Rodenbush is the number two candidate on the current Human Resources Fire Captain List.
- 20.** From the Fire Chief recommending the promotion of Fire Fighter Alexandre E. Souto to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the promotion of Lieutenant Jonathan A. Rodrick to Fire Captain. Firefighter Alexander E. Souto is the number one candidate on the current Human Resources Fire Lieutenant List.
- 21.** From the Mayor promoting Fire Fighter Alexandre E. Souto to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the promotion of Lieutenant Jonathan A. Rodrick to Fire Captain. Firefighter Alexander E. Souto is the number one candidate on the current Human Resources Fire Lieutenant List.
- 22.** From the Fire Chief recommending the promotion of Fire Fighter Eric B. Westerlund to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the retirement of Lieutenant James W. DuBeau. Firefighter Eric B. Westerlund is the number two candidate on the current Human Resources Fire Lieutenant List.
- 23.** From the Mayor promoting Fire Fighter Eric B. Westerlund to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the retirement of Lieutenant James W. DuBeau. Firefighter Eric B. Westerlund is the number two candidate on the current Human Resources Fire Lieutenant List.
- 24.** From the Fire Chief recommending the promotion of Fire Fighter Joseph M. Coleman to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the promotion of Lieutenant Jonathan P. Rodenbush to Fire Capatain. Firefighter Joseph M. Coleman is the number three candidate on the current Human Resources Fire Lieutenant List.
- 25.** From the Mayor promoting Fire Fighter Joseph M. Coleman to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the promotion of Lieutenant Jonathan P. Rodenbush to Fire Captain. Firefighter Joseph M. Coleman is the number three candidate on the current Human Resources Fire Lieutenant List.

- 26.** From the Fire Chief requesting a transfer of eight hundred thousand dollars and zero cents (\$800,000.00) from Education Incentive and four hundred thousand dollars and zero cents (\$400,000.00) from Shift Differential for a total of one million two hundred thousand dollars and zero cents (\$1,200,000.00) to regular overtime account to maintain all Companies through the remainder of Fiscal Year 2025.
- 27.** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$1,200,000.00. These funds will be used to maintain staffing levels through the remainder of the fiscal year.
- 28.** 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 \$1,200,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will be used to maintain staffing levels through the remainder of the fiscal year.
- 29.** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$30,000.00. This transfer will fund the funeral and burial expenses for Capt. Stephen Monteiro and Fire Fighter Jeffrey Albanese.
- 30.** 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 \$30,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services. This transfer will fund the funeral and burial expenses for Capt. Stephen Monteiro and Fire Fighter Jeffrey Albanese.
- 31.** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending an Intermunicipal Agreement between the City of Brockton and the Town of Easton for the treatment of wastewater. This Intermunicipal Agreement will allow the Town of Easton to use the City's wastewater treatment facilities and will in turn bring in an initial \$900,000 in revenue to the City, with annual payments based on volume.
- 32.** 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 proposed approval of the Intermunicipal Agreement between the City of Brockton and the Town of Easton for the treatment of wastewater, without a detrimental impact on the continuous provision of the existing level of municipal services. This Intermunicipal Agreement will allow the Town of Easton to use the City's wastewater treatment facilities and will in turn bring in an initial \$900,000 in revenue to the City, with annual payments based on volume.
- 33.** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$6,000,000. These funds will support the Brockton Public Schools transportation costs for the remainder of the fiscal year.
- 34.** 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 \$6,000,000, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will support the Brockton Public Schools transportation costs for the remainder of the fiscal year.
- 35.** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending the approval of the Brockton Public Schools entering into a Memorandum of Understanding with the Massachusetts Department of Elementary and Secondary Education. This agreement will allow the City to receive up to \$32,000 from the Commonwealth through the Every Student Succeeds Act.

36. 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 proposed approval of the Brockton Public Schools entering into a Memorandum of Understanding with the Massachusetts Department of Elementary and Secondary Education, without a detrimental impact on the continuous provision of the existing level of municipal services. This agreement will allow the City to receive up to \$32,000 from the Commonwealth through the Every Student Succeeds Act.

UNFINISHED BUSINESS:

37. 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)
38. 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)
39. 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)
40. 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)
41. 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) (PASSED TO A THIRD READING AS AMENDED)

ORDINANCES:

42. Ordinance: Be it Ordained by the City Council of the City of Brockton as follows:

Section 27-4 – Designation of Zones shall include “R-5” as “Senior Residential Community Zone”.

Be it further ordained to amend Sec. 27-27.6 “R-5 senior residential community” as follows:

Strike section 27-27.6(c) “Definitions” and its entirety.

Strike the language “27-9, 27-25” and “and 27-27” from section 27-27.6(D)(1).

Insert the words “and townhomes” to section 27-27.6(D)(1) following the words “consisting of single-family residences”.

Strike section 27-27.6(D)(1)(e) in its entirety and insert in its place, “The proposed site must contain at least five (5) contiguous acres of land, and no more than thirty (30) acres, with no less than 50 feet of frontage on a public or private right of way or reasonable access by driveway or easement as determined by the Planning Board.”

Strike 27-27.6(D)(1)(f) in its entirety and insert in its place, “A senior residential community, approved under this section, shall be a group of individually owned units sited upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or recorded plan.”

Strike 27-27.6(E)(1) and Strike 27-27.6(E)(2) in their entirety.

Strike the third bullet in section 27-27.6(E)(3)(c) containing the language “Configuration reflecting landforms and existing vegetative patterns and handicapped accessibility from at least fifty (50) percent of the abutting dwellings”.

Strike the words “five (5)” and insert in its place “ten (10)” to section 27-27.6(F)(1) and strike the last sentence of the subsection containing the language “the method of distribution of allowable dwelling units per acre shall determine the total number of allowable dwelling units;

Strike section 27-27.6(F)(2) in its entirety and insert in its place, “Dwellings may be provided as detached single units, or attached in groups of two (2), three (3 Semi-detached structures) or four (4).”

Strike section 27-27.6(F)(3) in its entirety and insert in its place, “*Maximum building height* (including accessory buildings). Two (2) stories, with the primary bedroom and sanitary facilities located on the ground level.

Strike section 27-27.6(F)(4) in its entirety.

Strike section 27-27.6(F)(5)(a) in its entirety

Add “pickleball or” before the words “tennis courts” in Section 27-27.6(F)(5)(b)(1)(C) and insert the words “All amenities including structures must be handicap accessible to 100% of SRC dwellings.” at the end of Section 27-27.6(F)(5)(b)(2).

Add “Generally accepted Residential Universal Design standards compliant” as an additional subsection (d) to in Section 27-27.6(F)(7).

Strike Section 27-27.6(G)(1), Section 27-27.6(G)(3), Section 27-27.6(G)(4), Section 27-27.6(G)(8), Section 27-27.6(G) (10) and Section 27-27.6(G) (11) in their entirety. Further to strike the language “Design standards. All senior residential communities (SRC) shall be applied for, approved and developed in accordance with the rules and regulations of the planning board.” as it appears following Section 27-27.6(G) (11).

Strike “Thirty-Five (35)” in Section 27-27.6(G)(2) and insert in its place “Seventy (70)”.

Add the following subsection to Section 27-27.6(G) “Additional physical requirements” as follows:

Onsite Placement.

- (a) Residential and amenity buildings shall have a minimum set back of thirty (30) feet from the right of way.
- (b) *Residential and amenity buildings shall be set back twenty (20) feet from internal circulation drives.*
- (c) Building shall maintain a minimum separation of thirty (30) feet.
- (d) Residential and amenities shall have a minimum set back of twenty (20) feet from side lot lines, and thirty (30) feet from the rear lot line.

Add the following subsection to Section 27-27.6(G) “Additional physical requirements” as follows:

Internal circulation, driveways and sidewalks within the development shall be designed using the National Association of City Transportation Officials (NACTO) Urban Streets Design Guide’s Yield Street elements in mind. Internal roads shall be a maximum width of 45 feet wide that includes two 6-foot- wide concrete sidewalks, two 6-foot-wide

planting strips with shade trees and alternating protected on-street parking/flex space and an 11-foot-wide travel lane. Internal roads that do not intersect with a public way must be terminated with a cul-de-sac with a radius of not less than 30 feet. For the purposes of this development, the internal roads shall remain private ways in perpetuity, Individual units must be accessed by a driveway of not more than 12 feet in width, and a sidewalk of not less than 6 feet in width.

For parcels containing no less than 10 acres in addition to the provisions for Senior Residential housing, additional multifamily residential housing may be developed with the number of dwelling units based on fifteen unit per acre by Special Permit granted by the Planning Board provided the parcel also contains no less than five acres of land dedicated to Senior Residential housing.

Insert the words “Over 55” to the title of Section 27-27.6(H) before the words “Special requires”, insert the words “internal circulation, amenity space” between the words “Open space” and “and such other facilities” in the first sentence of Section 27-27.6(H), strike the word “may” and insert the word “shall” before the language “be required to conveyed to a corporation or trust”; strike the word “grant” and insert in its place the word “create” before the words “a conservation restriction”; strike the words “to the City of Brockton over such land pursuant to M.G.L. chapter 184, §§ 31 through 33, to ensure that such land is kept in an open or natural state, except as authorized, supra. This restriction shall be enforceable by the city through its conservation commission in any proceeding authorized by M.G.L. chapter 184, section 33.” and insert in its place the words “by deed to ensure that such land is kept in an open or natural state.”

ORDERS:

43. 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: \$1,200,000.00

FROM: FIRE – EDUCATION INCENTIVE	\$800,000.00
FIRE – SHIFT DIFFERENTIAL	\$400,000.00
TO: FIRE – OVERTIME	\$1,200,000.00

44. 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: \$30,000.00

FROM: CERTIFIED FREE CASH	\$30,000.00
TO: FIRE – PURCHASE OF SERVICE	\$30,000.00

45. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, that the City Council authorizes the Mayor to enter into an Intermunicipal Agreement between the City of Brockton and the Town of Easton for the treatment of wastewater.

46. 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: \$6,000,000

FROM: STABILIZATION FUND	\$6,000,000
TO: NON-NET SCHOOL SPENDING	\$6,000,000

47. Ordered: In accordance with General Laws of Massachusetts, Chapter 44, that the City Council authorizes the collector, treasurer or other department head, with the approval of the Mayor, to enter into contracts to identify and pursue federal government reimbursements for, or other revenues or available resources that may be generated by, programs or activities being carried out by the municipality, and to provide that payments for services under such contracts may be made from the reimbursements or revenues recovered as a result of the services performed without appropriation of such revenues.

RESOLVES:

48. Resolve: To invite the Commissioner of the Department of Public Works and the Chief Financial Officer to provide an update on regional solutions to water supply, including the Aquaria water treatment plant in Dighton, MA.

49. Resolve: To invite Ward 2 City Councilor Maria Tavares, as she is also an appointed Special Representative of the International Diplomatic Alliance (“IDA”), a Missouri nonprofit corporation, and any IDA representative she wishes, to appear before the Finance Committee of the Brockton City Council to discuss and present concrete examples of the work of IDA as a non-governmental organization focused on humanitarian activities with a mission to preserve and address worldwide basic needs including healthcare, education, social services, citizen support, food distribution, and combatting homelessness.

50. Resolve: Be it resolved by the Brockton City Council to invite Brenda Perez, Chief of Police, or her designee, to appear before the Finance Committee to discuss the Brockton Police Department’s strategy and planning for enforcement and implementation of the Ordinance Prohibiting Camping on Public Property and the Ordinance Prohibiting Loitering in Public Places.

Councilor’s Recognition

Executive Session: To meet and confer to review open meeting law complaints received January 16, 2025 and January 19, 2025 in accordance with M.G.L. c. 30A, §21(a)(1).

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.