



BROCKTON TRAFFIC COMMISSION
April 24, 2014
MINUTES OF THE MEETING

The Traffic Commission monthly meeting was scheduled for 7:00 p.m. on Thursday, April 24, 2014 at the Brockton Police Station, 7 Commercial Street, Brockton, MA 02302. Present were Captain Robert DiBari, Traffic Commissioner, Councilor Dennis Eaniri, Deputy Fire Chief Kevin Galligan and D.P.W. Commissioner Michael Thoreson. Unable to be present were Ken Galligan, Mort Schleffer, Paul Sullivan and Councilor Moises Rodrigues. Also present were Councilor Shirley Asack and a number of residents.

As there was a lack of a proper quorum, a formal meeting was not held and all matters were referred to the next meeting, which will be held on Thursday, May 22, 2014. As a courtesy to Councilor Asack and the residents present, an informal discussion of one particular issue was held and the issue will remain on the Agenda for the May meeting.

ADDISON STREET

Request from Councilor Shirley Asack on behalf of residents to have the Traffic Commission address the issue of truck parking on Addison Street and to discuss restricting parking and traveling on that street so that commercial vehicles are not allowed.

Resident Cheryl Kennedy informed the Commission that for the past 2 years a neighbor drives a tractor trailer truck and he brings it into the neighborhood and parks it either on the street or on his side lawn. The neighbors' main concern is safety as there are no improved sidewalks and mothers walk their children, people walk and run, and the kids play on their bikes in the street. In order for this man to access his property with his truck he pulls onto their street, then goes against traffic and crosses over 2 streets that intersect, causing a dangerous situation just to get the truck onto his property. Sometimes he parks the truck at the corner of Morton and Addison Streets, so that drivers coming down Morton Street cannot see and their view is obstructed. It is a difficult corner anyways with overgrowth and now it is worse when the truck is parked right up to the corner. She said that beyond the parking situation, they feel that driving the truck in and out of the neighborhood with kids playing and riding their bikes, maybe with ear buds in or looking at their phones and not paying attention, there are too many hazardous situations to have an 18-wheeler coming into a residential area. There are no commercial properties in this area; it is strictly single family residences with small lots. She said that she checked online and other communities do not allow it. Mr. Huston said that it is a 53 foot trailer with a sleeper cab.

Ms. Kennedy said that she has been a resident of that neighborhood for 30 years and she has seen a change in the last decade in that people are not as considerate of their neighbors as they used to be. She said that truck drivers then would take their truck to a freight yard and pay to park and store it there, for

their neighbors' safety, welfare and for the aesthetics of the neighborhood. Peggy McGrath said that it is also a hazard in the event fire trucks needed to come into the neighborhood; if a truck had to come down Addison Street onto Woodland, this truck would block that turn. Ms. Kennedy said that they have been dealing with this issue for 2 years and have called the Police Department numerous times and it seems there are no clear regulations to handle this type of situation. She found online certain language dealing with ordinances and they would like a ban on an 18-wheeler coming into the neighborhood. Another resident said that this man also brings a second trailer and puts it on wood on the street so that it is sinking into the tar. Councilor Eaniri asked if there was any company name on the vehicle and the residents stated that there wasn't but showed a picture of the truck and said that it has Oklahoma license plate. The plate number was given to Captain DiBari. Mr. Huston said that it has an Oklahoma plate on the trailer and a California tag on the tractor. The residents said that they do not know what is in the trailer.

Ms. Kennedy said that the streets are very old and not in good condition, and this man has caused damage to the aged roads. Another resident said that everybody on Woodland Avenue and Morton Street complains about the noise. They said there is also a sinkhole there in one area. Another resident said that there is double-tread wheel damage in the road, and it is his truck that has the double wheels.

Councilor Eaniri stated that there is nothing clear in the ordinances that would deal with this situation but he does not believe that this type of vehicle should be there. In a case similar to this in his ward, he had the Traffic Commissioner monitor the area to see when the truck was there and then take action to get the truck out of that area. Councilor Eaniri said that with the help of the City Council they may be able to craft an ordinance that would deal with the issue. One of the residents said that she would like to have something go through the City Council and have it in concrete writing so that it does not pit neighbor against neighbor, because that does not build a good community. Councilor Eaniri said that he would work with Councilor Asack to take a look at the nuisance ordinance to see what can be changed to reflect what is happening with this type of vehicle. He said that the city is more of an urban city than 25 years ago and there are different businesses than before. He stated that everyone has to keep in mind that even if there were ordinances in place, they have to be enforced and that goes back to the Police Department or whatever department is the enforcement agent. One of the residents stated that when she has called the Police Department she has gotten different stories and been told that it is up to the officer's discretion whether or not to write a ticket and she said that she has a problem with that. Captain DiBari stated that this is true but it would be the same as if you went through a red light, it would be up to the officer's discretion whether to issue a ticket or a written warning or a verbal warning. Captain DiBari said that it is already on the books that he cannot park this truck on the street after midnight. The neighbors said that this doesn't help them. Captain DiBari said that he understood but wanted them to know that right now they can only enforce the parking after midnight, but that they are going about resolving the matter the right way by requesting an ordinance change. Captain DiBari said that Officer William Healy has been to the neighborhood to check it out also. The residents also stated that these trucks carry diesel fuel and that is a safety hazard if there was ever a fire in that neighborhood. One resident stated that they should not have to be there before the Commission taking up their time and the Commission's time; that cities and towns ban trucks for the residents' health and welfare. She said they are all taxpayers and this is unacceptable.

Mr. Ernie Huston said that he went over there 6 months ago to talk to the neighbor and told him that there are other places he could park his truck and told the man that the street was being ruined and that the man swore at him and walked away. His other concern is that they do not know what is inside the trailer; it could be hazardous materials. The residents were also concerned about the truck being started at 3:00 a.m. or 4:00 a.m. Captain DiBari asked if they knew what time he comes home but the residents said that

he has an erratic schedule but generally he comes home Thursday night at 3:00 or 4:00 a.m. and then comes and goes several times over the weekend. He backs the truck up Morton Street, which is a busy street. Commissioner Thoreson asked if it is every day, but was told that he is a long-haul trucker. During the last snowstorm the truck was parked in the street for 4 days, and they called the police but he was never ticketed or towed, and the road ended up not being cleared the way it should have been because the snowplow operator had to go around the truck.

The residents stated that this man moved into the neighborhood 2 years ago and they believe that part of his truck gets parked on city property. Another resident said that from a law enforcement perspective, when he comes up the street, in order to access his side lawn he has to go in reverse and he is crossing over an intersection, which is illegal and dangerous. Another resident stated that he parks right near the pumping station and recently he was so deep in the mud that he had to be towed out more than once.

Ms. Kennedy presented a petition from the neighborhood stating that they do not want this in their neighborhood. Mr. Huston said that when the truck leaves some of the houses have had the knick knacks in their house shaking from the vibration. The residents are not requesting that delivery trucks be restricted but specifically for this size of commercial oversized truck and that this should not be complicated. The residents said that they would like the city to do something that is very clear so that everyone understands the rules. The city should show leadership and take the initiative to get things like this accomplished. It always takes neighborhood opposition to get things done and they would rather not pit neighbor against neighbor. Clear cut rules and regulations would make for better neighborhood relationships. Captain DiBari stated that this discussion was informal as there was no proper quorum, but that the issue will be sent to Subcommittee for review and then recommendations referred back to the full Traffic Commission at the next meeting. Councilor Eaniri said that if an ordinance change is needed, then he would ask Councilor Asack to take a look at the ordinance with him and then she could file something before the City Council for review. He explained the process to the residents as far as referring the issue to the Ordinance Committee and then to the Finance Committee for discussion and then changes would go back to the full City Council for three readings. He also stressed that even with ordinances on the books they still have to be enforced and that would involve manpower as well. The residents stated that former Ward 7 Councilor Chris MacMillan worked with them on this issue and did a good job and followed through and also the Police Department and Code Enforcement team came to the area as well. She stated that at one point the man left the trailer on the street without the cab and the Code Enforcement team did their due diligence and had the trailer towed away. Deputy Chief Kevin Galligan stated that he was part of the Code Enforcement team that went to that location and he knows that there is quite a bit of damage to the street and sidewalk area. The house in question is right beside the water pumping station. Captain DiBari told the residents that he will have someone from the midnight shift go there around 3:00 a.m. on a Thursday night to monitor the area. Captain DiBari asked if the man drives the tractor trailer on the weekends and the residents said that he drops the trailer part, and that for the past two weekends he has only come home with the cab and not the trailer. Councilor Asack said that safety is the biggest concern and the city will do whatever can be done until an ordinance is in place. Councilor Eaniri said that any ordinance change would be for the whole city, not just that neighborhood, and Councilor Asack said that the existing ordinance can be tweaked to cover this issue.

Respectfully submitted,
Patricia Florio
Secretary to the Traffic Commission