

In City Council September 25, 2023

Notice is hereby given that the regularly scheduled meeting of the City Council was held on Monday evening September 25, 2023 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:05 PM with ten members present. Councilor Tavares absent.

1194. Acceptance of the Minutes of the September 11, 2023 City Council meeting.

Accepted and placed on file

APPOINTMENTS:

1195. Appointment of Jack D. Colombo of 22 Hazard Street, Brockton, MA 02301 to the City of Brockton Cultural Council as a member for a three (3) year term, September 2026.

Referred to Finance

1196. Appointment of Police Officer Joseph Cummings of 14 Cassidy Place Bridgewater, MA 02324 as a Special Police Officer.

Referred to Finance

HEARINGS:

Petition of Roma & Son Autobody Repair of 40 Hartley Ave., Brockton, MA 02302 for a Motor Vehicle Repair Mechanical License and Motor Vehicle Repair Body License transfer located at 955 Montello St., Brockton, MA 02302.

Ellie Do Canto appeared in favor of the petition and was there to answer any questions.

President Nicastro commented.

Hearing held.

No one was in opposition.

Granted with stipulations by a hand vote. Councilor Tavares absent.

Petition of Manuel D. Pires, of 192 Braemoor Rd., Brockton, MA 02301, for a Garage License transfer located at 770 Main St., Brockton, MA 02302.

Manuel D. Pires appeared in favor of the petition and was there to answer any questions.

President Nicastro commented.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilor Tavares absent.

Petition of Manuel D. Pires, of 192 Braemoor Rd., Brockton, MA 02301 for a Motor Vehicle Repair Mechanical License transfer located at 770 Main St., Brockton, MA 02302.

Manuel D. Pires appeared in favor of the petition and was there to answer any questions.

**379. (HEARINGS CONT.)**

President Nicaastro commented.

Hearing held.

No one was in opposition.

Granted with stipulations by a hand vote. Councilor Tavares absent.

Petition of Bruno Silva, of 18 Exchange St. Apt. 1, Brockton, MA 02301, for a Garage License transfer located at 803 Crescent St., Brockton, MA 02302.

Bruno Silva appeared in favor of the petition and was there to answer any questions.

President Thompson commented.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilor Tavares absent.

Petition of Bruno Silva, of 18 Exchange St. Apt. 1, Brockton, MA 02301 for a Motor Vehicle Repair Mechanical License transfer located at 803 Crescent St., Brockton, MA 02302.

Bruno Silva appeared in favor of the petition and was there to answer any questions.

President Thompson, Rodrigues, Farwell, Minichiello, Teixeira, and Lally commented.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilor Tavares absent.

Petition of PPJ Real Estate LLC, Paul Williams, of 428 Bay Rd., Stoughton, MA 02072, for a Garage License transfer located at 258 Grove Street., Brockton, MA 02302.

Joseph Williams appeared in favor of the petition and was there to answer any questions.

President Thompson commented.

Hearing held.

No one was in opposition.

Granted by a hand vote. Councilor Tavares absent.

**REPORTS:**

1197.Of the Finance Committee for its meeting of September 5, 2023.

Accepted and placed on file

1198.Of the Public Safety Committee for its meeting of September 6, 2023.

Accepted and placed on file

**380. (COMMUNICATIONS CONT.)**

COMMUNICATIONS:

1200.From the Mayor appointing Jack D. Colombo of 22 Hazard Street, Brockton, MA 02301 to the City of Brockton Cultural Council as a member for a three (3) year term, ending in September 2026.

Accepted and placed on file

1201.From the Chief of Police appointing Police Officer Joseph Cummings of 14 Cassidy Place Bridgewater, MA 02324 as a Special Police Officer.

Accepted and placed on file

1202.From the Mayor appointing Police Officer Joseph Cummings of 14 Cassidy Place Bridgewater, MA 02324 as a Special Police Officer.

Accepted and placed on file

1203.From the Library Director requesting permission to pay the following invoices from FY23 out of FY24 Budget.

FROM:

|   |            |
|---|------------|
| LIBRARY - PURCHASE OF SERVICE – PUBLIC SAFTEY | \$2,086.07 |
| LIBRARY -OTHER CONTRACT SERVICES              | \$400.00   |
| LIBRARY - BUILDING/ GROUNDS REPAIR/ MAINT     | \$4,450.00 |
| LIBRARY - BOOKS/PERIODICALS                   | \$461.18   |
| LIBRARY - BOOKS/PERIODICALS                   | \$4,021.10 |

TO:

|                            |            |
|----------------------------|------------|
| BROCKTON POLICE DEPARTMENT | \$2,086.07 |
| KUUMBA PUBLISHING          | \$400.00   |
| YANKEE SPRINKLER COMPANY   | \$4,450.00 |
| PLAYAWAY                   | \$461.18   |
| INGRAM                     | \$4,021.10 |

Accepted and placed on file

1204.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council total proposed approval of prior year unpaid bills \$11,418.35. In order to pay for the attached bills, the Library Department will need to take the funds out of their FY24 budget.

FROM:

|   |            |
|---|------------|
| LIBRARY - PURCHASE OF SERVICE – PUBLIC SAFTEY | \$2,086.07 |
| LIBRARY -OTHER CONTRACT SERVICES              | \$400.00   |
| LIBRARY - BUILDING/ GROUNDS REPAIR/ MAINT     | \$4,450.00 |
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TO:

|                            |            |
|----------------------------|------------|
| BROCKTON POLICE DEPARTMENT | \$2,086.07 |
| KUUMBA PUBLISHING          | \$400.00   |
| YANKEE SPRINKLER COMPANY   | \$4,450.00 |
| PLAYAWAY                   | \$461.18   |
| INGRAM                     | \$4,021.10 |

Accepted and placed on file

**381. (COMMUNICATIONS CONT.)**

1205. 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 approval of prior year unpaid bills of \$11,418.35, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for the attached bills, the Library Department will need to take the funds out of their FY24 budget.

FROM:

|   |            |
|---|------------|
| LIBRARY - PURCHASE OF SERVICE – PUBLIC SAFTEY | \$2,086.07 |
| LIBRARY -OTHER CONTRACT SERVICES              | \$400.00   |
| LIBRARY - BUILDING/ GROUND REPAIR/ MAINT      | \$4,450.00 |
| LIBRARY - BOOKS/PERIODICALS                   | \$461.18   |
| LIBRARY - BOOKS/PERIODICALS                   | \$4,021.10 |

TO:

|                            |            |
|----------------------------|------------|
| BROCKTON POLICE DEPARTMENT | \$2,086.07 |
| KUUMBA PUBLISHING          | \$400.00   |
| YANKEE SPRINKLER COMPANY   | \$4,450.00 |
| PLAYAWAY                   | \$461.18   |
| INGRAM                     | \$4,021.10 |

Accepted and placed on file

1206. From the Superintendent of Cemeteries respectfully requesting City Council approval in the amount of \$74.80 to be paid from FY24 Electricity. In order to pay for the attached bill, the Cemetery Department will need to take the funds out of our FY24 budget. In order to cover the attached bill.

Accepted and placed on file

1207. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council respectfully approve the amount of \$74.80 to be paid from FY24 Electricity. In order to pay for the attached bill, the Cemetery Department will need to take the funds out of our FY24 budget. In order to cover the attached bill.

Accepted and placed on file

1208. 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 approval of prior year unpaid bills \$74.80 from Cemetery Electricity FY24 to Constellation. without a detrimental impact on the continuous provision of the existing level of municipal services. In order to cover the attached bill, the Cemetery Department will have to take the funds from their FY24 budget.

Accepted and placed on file

1209. 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 \$1,496,630 from the U.S Department of Transportation-Strengthening Mobility and Revolutionizing Transportation (SMART) Grant to the City of Brockton. This grant will be used to install a traffic management system that will also assess air quality, road temperatures and pedestrian safety in Brockton. The period of performance is 9/01/23-03/01/25.

**382. (COMMUNICATIONS CONT.)**

FROM: U.S DEPARTMENT OF TRANSPORTATION- STRENGTHENING  
MOBILITY AND REVOLUTIONIZING TRANSPORTATION (SMART) GRANT  
\$1,496,630

TO: THE CITY OF BROCKTON \$1,496,630

Accepted and placed on file

1210.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 \$1,496,630 from the U.S Department of Transportation - Office of the Assistant Secretary for Research and Technology to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services. This grant will be used to install a traffic management system that will also assess air quality, road temperatures and pedestrian safety in Brockton. The period of performance is 9/01/23-03/01/25. This grant award is part of our overall increased effort to obtain grants and focus on the city's infrastructure needs.

FROM: U.S DEPARTMENT OF TRANSPORTATION- STRENGTHENING  
MOBILITY AND REVOLUTIONIZING TRANSPORTATION (SMART) GRANT  
\$1,496,630

TO: THE CITY OF BROCKTON \$1,496,630

Accepted and placed on file

1211.From the Commissioner of Buildings requesting approval from City Council to authorize the acceptance of the Draft ADA Transition plan and undergo a 30-day public comment period.

Accepted and placed on file

1212.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of the Draft ADA Transition plan and undergo a 30-day public comment period.

Accepted and placed on file

1213.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 of the Draft ADA Transition plan and undergo a 30-day public comment period, without detrimental impact on the continuous provision of the existing level of municipal services. The adoption of this plan is the next step in complying with federal requirements for assessing and addressing the city's needs to be more compliant with the Americans With Disabilities Act (ADA) and opens up additional grant opportunities.

Accepted and placed on file

**UNFINISHED BUSINESS:**

Councilor Farwell motioned to take items # 26-29 collectively and was properly seconded. The motion carried by a hand vote.

1148.Appointment of George Depina of 176 Bourne Street, Brockton, MA 02302 to the position of Chief of Inspections for the City of Brockton for a five (5) year term, ending July 2028. (FAVORABLE)

### 383. (UNFINISHED BUSINESS CONT.)

1151.Appointment of Taylor P. Harris of 38 Cathy Lane Brockton, MA 02301 to the Brockton Housing Authority as a Commissioner for a five (5) year term ending August 2028. (FAVORABLE)

1144.Reappointment of Kenneth Galligan of 25 Messina Drive Brockton, MA 02301 to the Traffic Commission as a Commissioner for a three (3) year term, ending July 2026. (FAVORABLE)

1147.Reappointment of Ulisses M. Varela of 81 Kennelworth Avenue, Brockton, MA 02301 to the Parks & Recreation Commission as a Commissioner for a five (5) year term, ending July 2028. (FAVORABLE)

Items # 26-29 Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor Tavares absent. Councilor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councilor Teixeira stepped out.

1136.Ordered: Moved that the City Council vote to authorize the Mayor to petition the General Court for a special act in the form set forth on the document entitled "An Act Relative To The Police Cadet Program In The City Of Brockton", which amends the state Civil Service rules that govern police department hiring by establishing a new preference for Brockton Police Cadets; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court; and provided further that the Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

#### AN ACT RELATIVE TO THE POLICE CADET PROGRAM IN THE CITY OF BROCKTON.

SECTION 1. Notwithstanding the provisions of chapter thirty-one of the General Laws, any person who has completed not less than two years of service as a police cadet in the police department of the city of Brockton under the provisions of section twenty-one A of chapter one hundred and forty-seven of the General Laws may, subject to a program established by the Mayor of the city and approval by the personnel administrator of the state division of personnel administration and the Massachusetts Police Training Committee, be appointed to fill a vacancy in a position in the lowest grade in the police force of said city without certification from an eligible list prepared under the provisions of chapter thirty-one of the General Laws; provided, however, that such person either is on a police entrance eligible list prepared under said chapter or passes a qualifying examination to be given by said personnel administrator. Such program shall include provisions for recruitment of applicants for appointment as police cadets in said city and for appointment from an eligible list prepared after a competitive examination administered under the supervision of the appointing authority of the city of Brockton.

SECTION 2. If any federal or state, administrative or court order requires the listing of candidates on separate groups, each group to be listed according to the law of the commonwealth, then this act shall be subject to such listing.

SECTION 3. Not more than thirty-three and one-third per cent of the total number of appointments to the regular police force of the city of Brockton in any calendar year shall be made under the provisions of this act. The appointing authority of the city of

**384. (UNFINISHED BUSINESS CONT.)**

Brockton shall report in writing to the personnel administrator in said division of personnel administration any appointment made under the provisions of this act.

SECTION 4. The provisions of section sixty-one of chapter thirty-one of the General Laws shall apply to appointments made under this act. A person appointed to the regular police force of the city of Brockton under the provisions of this act shall, after satisfactory completion of the probationary period, be deemed to be permanently appointed to said police force and subject to the provisions of chapter thirty-one of the General Laws.

SECTION 5. This act shall take effect upon its passage. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Teixeira not present. Councilor Tavares absent.

1179.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the amount of \$2,500.00

|                                     |            |
|-------------------------------------|------------|
| FROM: NORTH EASTON SAVINGS BANK -   | \$1,000.00 |
| EASTERN BANK-                       | \$1,500.00 |
| TO: THE BROCKTON POLICE DEPARTMENT- | \$2,500.00 |

The donation will be used for the First Responders Community Jamboree.  
(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Teixeira not present. Councilor Tavares absent.

1178.Ordered: That the City Council authorizes the acceptance and expenditure of a donation in the form of sixty-eight cases of water totaling approximately \$1,404.00.

From: Christopher Carney, C. Carney Environmental  
To: Fire Department (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Teixeira not present. Councilor Tavares absent.

Councilor Teixeira stepped back in.

1180.Ordered: That the City of Brockton hereby accepts a Recoverable Grant in the amount of One Hundred Twenty-Five Thousand (\$125,000) Dollars through MassDevelopment’s Site Readiness Grant Funds to be used to improve site readiness on property located in the vicinity of the Good Samaritan Medical Center, 824 Oak Street, Brockton MA (the “Site”), for the potential development of a new Life Science Center.

It is further Ordered that, if any City-owned portion of the Site is sold, conveyed, gifted, demised, ground leased, or otherwise transferred, or refinanced, and as a result of said transaction, the City receives funds that exceed the aggregate amount necessary for repayment of existing monetary liens, mortgage loans, and other debt on the project and all of the costs incurred by them in the acquisition, development, ownership, and sale of the Site or of the portion of the Site, then the City shall reimburse Mass Development the full amount of the net proceeds up to the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment. The Mayor is authorized to execute any and all documents necessary in connection with said Recoverable Grant, including the expenditure thereof. (FAVORABLE)

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

1177.Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City and CMK Development Partners, for the property located at 157 Centre St. (FAVORABLE)

### 385. (UNFINISHED BUSINESS CONT.)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councilor Tavares absent. Councilor Minichiello motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councilor Teixeira stepped out.

1185.Ordered: In accordance with General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the Tax Increment Exemption Agreement (TIE) between the City of Brockton and Ringside Properties LLC, for the property located at 40 Petronelli Way. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councilor Teixeira not present. Councilor Tavares absent. Councilor Minichiello motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councilor Teixeira stepped back in.

1181.Resolve: To invite Mr. Matt Stanton, chair of the Mayor’s Brockton Beautification Committee, to appear before the Finance Committee to discuss the Committee’s work, including an upcoming Fall Cleanup Challenge, and other related issues. (FAVORABLE)

Adopted by a hand vote. Councilor Tavares absent.

Petition to place a Non-Binding referendum question on the November 7, 2023 City Election Ballot. (UNFAVORABLE)

Failed by a roll call vote taken by “yeas” and “nays”; ten members present and one voting in the affirmative. Councilors Asack, D’Agostino, Farwell, Lally, Minichiello, Nicastro, Rodrigues, Teixeira, and Thompson in the negative.

#### ORDINANCE:

1213.Ordinance: An Ordinance relative to regulatory scheme for use and regulations governing the practice of body art and body art establishments in the City of Brockton. A copy of the proposed ordinance (16 pages) is attached with this agenda.

Referred to Ordinance

#### ORDERS:

1214.Ordered: That the City Council dedicate the City owned land more commonly known as 0 Petronelli Way, Brockton, Massachusetts, being identified as Parcel 109-057 and being the same premises identified in Plymouth County Registry of Deeds Book 41854, Page 253, containing approximately 4,157 square feet, more or less, and Parcel 109-055 and being the same premises identified in Plymouth County Registry of Deeds Book 54222, Page 204, containing approximately 3,472 square feet, more or less, to be dedicated as a public park under the protections of Article 97 of the Amendments to the Massachusetts Constitution.

Referred to Finance



**386. (ORDERS CONT.)**

1215. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$11,418.35 for the prior year unpaid bills.

FROM:

|   |            |
|---|------------|
| LIBRARY - PURCHASE OF SERVICE – PUBLIC SAFTEY | \$2,086.07 |
| LIBRARY -OTHER CONTRACT SERVICES              | \$400.00   |
| LIBRARY - BUILDING/ GROUND'S REPAIR/ MAINT    | \$4,450.00 |
| LIBRARY - BOOKS/PERIODICALS                   | \$461.18   |
| LIBRARY - BOOKS/PERIODICALS                   | \$4,021.10 |

TO:

|                            |            |
|----------------------------|------------|
| BROCKTON POLICE DEPARTMENT | \$2,086.07 |
| KUUMBA PUBLISHING          | \$400.00   |
| YANKEE SPRINKLER COMPANY   | \$4,450.00 |
| PLAYAWAY                   | \$461.18   |
| INGRAM                     | \$4,021.10 |

Referred to Finance

1216. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$74.80 from Cemetery-Electricity to Constellation. In order to cover attached bill.

Referred to Finance

1217. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$1,496,630.

From: U.S Department of Transportation – Strengthening Mobility and Revolutionizing Transportation (SMART) Grant

To: The City of Brockton

Referred to Finance

1218. Ordered: That the City Council accept the Draft ADA Transition Plan and undergo a 30-day public comment period. Comment period to start after the adoption of this order.

Referred to Finance

**LATE FILES**

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

**Communications:**

1219. From the Mayor In accordance with the General Laws of Massachusetts, Chapter 44, recommending the total appropriation of \$458,409.82 as follows:

|   |              |
|---|--------------|
| FROM: UNAPPROPRIATED ESTIMATED RECEIPTS | \$438,409.82 |
|---|--------------|

AND

|                                |          |
|--------------------------------|----------|
| FROM: BOARD OF HEALTH-OVERTIME | \$20,000 |
|--------------------------------|----------|

|  |              |
|--|--------------|
| TO: PUBLIC PROPERTY- PERSONAL SERVICES OTHER THEN OVERTIME | \$438,409.82 |
|--|--------------|

|                          |          |
|--------------------------|----------|
| PUBLIC PROPERTY-OVERTIME | \$20,000 |
|--------------------------|----------|

**387. (LATE FILES CONT.)**

Accepted and placed on file

1220.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 adequate to support the total proposed appropriation of \$458,409.82 as follows, without detrimental impact on the continuous provision of the existing level of municipal services.

|   |              |
|---|--------------|
| FROM: UNAPPROPRIATED ESTIMATED RECEIPTS                       | \$438,409.82 |
| AND   |              |
| FROM: BOARD OF HEALTH-OVERTIME                                | \$20,000     |
| TO: PUBLIC PROPERTY- PERSONAL SERVICES OTHER<br>THEN OVERTIME | \$438,409.82 |
| PUBLIC PROPERTY-OVERTIME                                      | \$20,000     |

Accepted and placed on file

**ORDER:**

1221.Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows:  
APPROPRIATION OF: \$458,409.82

|   |              |
|---|--------------|
| FROM: UNAPPROPRIATED ESTIMATED RECEIPTS                       | \$438,409.82 |
| AND   |              |
| FROM: BOARD OF HEALTH-OVERTIME                                | \$20,000     |
| TO: PUBLIC PROPERTY- PERSONAL SERVICES OTHER<br>THEN OVERTIME | \$438,409.82 |
| PUBLIC PROPERTY-OVERTIME                                      | \$20,000     |

Referred to Finance

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

**ORDINANCE:**

1222.Ordinance: Be it Ordained by the City Council of the City of Brockton to adopt a new section to Chapter 12, Section VI "Pedestrians" of the Revised Ordinances of the City of Brockton as follows:

**12-154.1 Purpose**

### **388. (LATE FILES CONT.)**

Every pedestrian shall have the right to use the public ways in the City of Brockton except where pedestrian travel is expressly or specifically prohibited by law, regulation, signage, road closure, or other safety or emergency factors.

Notwithstanding the right of pedestrians to use public ways within the City of Brockton, the City of Brockton has experienced an increase in public safety issues relating to pedestrian use of and entry into the public roadways identified herein, for which a significant public safety need has arisen requiring implementation of this median safety and pedestrian regulation ordinance.

#### **12-154.2 Roads Subject to the Provision of this Ordinance**

This ordinance shall apply to the following roadways within the City of Brockton:

Main St  
N Main St  
Warren Ave  
N Warren Ave  
Montello St  
N Montello St  
Belmont St  
Pleasant St  
Centre St  
Crescent St  
Oak St  
Pearl St  
N Pearl St  
Reynold's Memorial Hwy  
E Ashland St  
Spring St  
W Chestnut St  
School St

#### **12-154.3 Exemptions**

12-154.3.1 Nothing in this ordinance shall prohibit law enforcement officials and public safety officials from enforcement of statutory, regulatory and local regulations and requirements pertaining to use of public ways by pedestrians, travelers and motor vehicle operators within the City of Brockton.

12-154.3.2 These regulations shall not apply to municipal, state, federal or other public-service corporation individuals or their agents, servants and employees while in the performance of their public duties, including duties involving public safety, construction, maintenance, repair or cleaning work.

12-154.3.3 These regulations shall not apply to road closures for special events as deemed necessary by municipal, state, federal or other public-service corporation individuals or their agents, servants and employees.

12-154.3.4 These regulations do not apply to pedestrians entering into a roadway for purposes of acting in emergency circumstances.

#### **12-154.4 Definitions**

crosswalk: the specially paved and marked path for pedestrian crossing on a roadway

median: a section or reserved area separating opposing lanes of traffic on a roadway  
traffic between lanes on a roadway

### **389. (LATE FILES CONT.)**

center traffic island/safety island: An area provided for safety of pedestrians from vehicular

sidewalk: a paved walkway along the side of a roadway

shoulder: the area or strip of land immediately adjacent to a traffic lane of a roadway which does not contain a sidewalk

roadway: shall refer to the roadways identified in Section 12-154.2

#### **12-154.5 Regulations**

12-154.5.1 It shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever a sidewalk, median, crosswalk, center traffic island, or safety island is available for pedestrian use.

12-154.5.2 It shall be unlawful for any pedestrian to leave an available sidewalk, median, crosswalk, center traffic island, or safety island and enter the path of any motor vehicle on a roadway.

12-154.5.3 Where sidewalks, medians, crosswalks, center traffic islands, or safety islands are unavailable, a pedestrian shall use an unfinished shoulder of a roadway and avoid traveling or entering into the roadway.

12-154.5.4 A pedestrian shall not enter a public way into the pathway of motor vehicles traveling on and along the roadway or approach within five (5) feet of a motor vehicle or vehicles using a roadway.

#### **12-154.6 Enforcement**

12-154.6.1 These median safety and pedestrian regulations shall be enforced by the City of Brockton Police Department.

12-154.6.2 Any individual who violates the provisions of this ordinance shall be cited and fined as follows: a fine not exceeding fifty dollars (\$50.00) for a first offense, one hundred dollars (\$100.00) for a second offense, and three hundred dollars (\$300.00) for a third and each subsequent offense thereafter, with each separate instance considered a distinct violation subjecting the violator to citations and fines.

Referred to Ordinance

#### **Councilor's Recognition**

Councilor Asack wanted to announce that the talented Artist of Brockton High School have an exhibit at the Fuller Craft Museum. She hopes everyone checks it out and its free of charge and is going on until November 19.

Councilor D'Agostino reminded everyone there is an Accounts Meeting tomorrow in Council Chambers at 6PM.

Meeting adjourned at 8:05 PM

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.