

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening March 11, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the February 26, 2024 City Council meeting.

**APPOINTMENTS:**

2. Appointment of Ms. Chrislane Bonny, of 320 Prospect Street, Brockton MA, 02301, to serve on the Elections Commission for a four (4) year term, ending February 2028.

**REPORTS:**

3. Of the Finance Committee for its meeting of February 20, 2024.
4. Of the Finance Committee for its meeting of March 4, 2024.

**COMMUNICATIONS:**

5. From the Mayor notifying the City Council that Mr. Paul Studenski, of 48 Carlisle Ave, Brockton, MA, 02302, has resigned from the License Commission, effective February 27, 2024.
6. From the Mayor notifying the City Council that Ms. Laura Biechler, of 37 Fern Avenue, Brockton, MA. 02301, has resigned from the Conservation Commission, effective March 22, 2024.
7. From the Mayor appointing Ms. Chrislane Bonny, of 320 Prospect Street, Brockton MA, 02301, to serve on the elections Commission for a four (4) year term, ending February 2028. Ms. Bonny currently serves on the Elections Commission as a temporary member, and seeks to be reinstated as a permanent member.
8. From the Superintendent of Parks requesting the acceptance and expenditure of the state appropriation received through Department of Elementary and Secondary Education in the amount of \$50,000. These improvements of the Brockton Baseball Complex will include field and dugout upgrades. There is no required match for this appropriation.
9. 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 \$50,000 from the Department of Elementary and Secondary Education to the Park and Recreation Department.
10. 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 \$50,000 from the Department of Elementary and Secondary Education to the Parks and Recreation Department, without detrimental impact on the continuous provision of the existing level of municipal services.
11. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the increase of the Refuse fees from \$70 per quarter to \$100 per quarter. The increase in in the quarterly collection fee will allow for a positive impact on the retained earnings of the enterprise fund, and will assist in the prevention of a financial deficit.

12. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that it is my professional opinion, after an evaluation of all pertinent financial information reasonably available, that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the increase of the Refuse fees from \$70 per quarter to \$100 per quarter, without a detrimental impact on the continuous provision of the existing level of municipal services. The increase in fees will ensure that the Refuse Enterprise remains in good financial standing as well as positively impacting the retained earnings of the enterprise fund. Fees have not been increased since 2003.
13. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the adoption of ch. 60 §3F relative to voluntary donation(s) to the City's veterans' fund.
14. 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 following the adoption of ch. 60 §3F relative to voluntary donation(s) to the City's veterans' fund, without a detrimental impact on the continuous provision of the existing level of municipal services.

**UNFINISHED BUSINESS:**

15. Re-appointment of Ms. Carole Delorey of 19 North Bassett Road, Brockton, MA 02301, to the Council on Aging as a member for a three (3) year term, ending January 2027.  
(FAVORABLE)
16. Re-appointment of Mr. Clayton Reichenberg of 115 Darren Drive, Brockton, MA 02301, to the Council on Aging as a member for a three (3) year term, ending January 2027.  
(FAVORABLE)
17. Appointment of Anne Callahan, of 22 Circle Drive, Brockton, MA 02301, to serve on the Beautification Committee for a one (1) year term ending January 2025. (FAVORABLE)
18. 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: \$750,000  
FROM: FIRE DEPARTMENT – EDUCATION INCENTIVE \$500,000  
FIRE DEPARTMENT – HOLIDAY PREMIUM \$150,000  
FIRE DEPARTMENT- VACATION BUYBACK \$100,000  
TO: FIRE DEPARTMENT- REGULAR OVERTIME \$750,000  
  
In order to maintain all companies through the remainder of Fiscal Year 2024.  
(FAVORABLE)
19. ORDERED: In accordance with the General Laws of Massachusetts, Chapter 44, recommending  
that the City Council approve the expenditure of \$21,106.00 from Human Resources- Unemployment Insurance.  
In order to pay for an FY23 Unemployment Invoice, the Human Resources Department will need to take the funds out of their FY24 budget.  
  
FROM: HUMAN RESOURCES- UNEMPLOYMENT INSURANCE \$21,106.00  
  
TO: THE COMMONWEALTH OF MASSACHUSETTS \$21,106.00  
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE  
(FAVORABLE)
20. ORDERED: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows:  
  
appropriation of \$745,842.88

FROM: Executive Office of Public Safety and Security \$745,842.88  
TO: City of Brockton \$745,842.88  
FY 2024 Senator Charles E. Shannon Community Safety Initiative Grant

These funds will provide wrap-around services and gang prevention for Brockton Youth through services such as camperships, youth employment and the Brockton Police Department's Junior Cadet and Youth Academy programs.  
There is a 25% match of in-kind services. (FAVORABLE)

21. ORDERED: That pursuant to M.G.L. c. 40, § 14 and the City of Brockton's Ordinance 2-157, the City of Brockton hereby accepts the Lease Agreement entered into with Brockton Commons Associates II, LLC for approximately 5,122 square feet of certain real property located at 55 VFW Parkway, Brockton, MA 02571. Said lease agreement shall run for a three-year term beginning November 1, 2023 and ending October 31, 2026 with ten consecutive one-year options to extend. The Mayor is authorized to execute any and all documents necessary in connection with said Lease Agreement. (FAVORABLE)
22. Resolve: To invite Mr. Thomas Thibeault, executive director, and Atty Thomas Plouffe, Division Director of Housing Administration, of Brockton Housing Authority, to appear before the Finance Committee of the Brockton City Council to discuss the rehabilitation of the Campello High Rise buildings, located on South Main Street, including without limitation, project design, costs, financing, and such other related issues as appropriate. (FAVORABLE)
23. Resolve: WHEREAS, In 2023, the city created an Inspectional Services Department (ISD) to bring greater attention to, and enforcement of, local and state code requirements;

NOW, THEREFORE, BE IT RESOLVED:

That Assistant Building Commissioner William Forte and Code Enforcement Director George DePina be invited to a meeting of the council to provide a report and update on the progress and success of the program, as well as any recommendations for improvements in city code enforcement. (FAVORABLE)

24. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$76,181.00.

The funds will be used for the purchase of departmental equipment.

|   |          |
|---|----------|
| FROM: UNITED STATES DEPARTMENT OF JUSTICE | \$76,181 |
| TO: THE BROCKTON POLICE DEPARTMENT        | \$76,181 |

The funds will be used for the purchase of department equipment.  
(FAVORABLE AS AMENDED)

25. 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: \$2,500

|  |         |
|--|---------|
| FROM: CITY COUNCIL- PART TIME SALARIES       | \$2,500 |
| TO: CITY COUNCIL- PERSONAL SERVICES OVERTIME | \$2,500 |

In order to cover unanticipated expenses for the remainder of the Fiscal Year.  
(FAVORABLE)

26. 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: \$5,200

|   |         |
|---|---------|
| FROM: CITY CLERK- TEMP SEASONAL             | \$1,200 |
| CITY CLERK- OUT OF GRADE                    | \$4,000 |
| TO: CITY CLERK – PERSONAL SERVICES OVERTIME | \$5,200 |

In order to cover unanticipated expenses for the remainder of the Fiscal Year.  
(FAVORABLE)

27. 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: \$ 450,000

|  |           |
|--|-----------|
| FROM: STORMWATER CERTIFIED RETAINED EARNINGS | \$450,000 |
| TO: STORMWATER- PERSONAL SERVICE NON-OT      | \$226,251 |
| STORMWATER- PURCHASE OF SERVICE              | \$223,434 |
| STORMWATER- GOODS AND SUPPLIES               | \$315     |

In order to cover unanticipated expenses for the remainder of the Fiscal Year.  
(FAVORABLE)

28. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$30,447.62.

|  |             |
|--|-------------|
| FROM: COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF<br>FIRE SERVICES | \$30,447.62 |
| TO: THE FIRE DEPARTMENT  | \$30,447.62 |

This is a non-matching grant with no cost to the city.

The funds will be used for the purchase of four sets of gear for the newest recruits and partially cover the cost of a secondary set of gear for the sixteen recruits hired last year.  
(FAVORABLE AS AMENDED)

29. Resolve: WHEREAS, The city council has responsibility for approving annual appropriations for the operation of city departments as submitted by the mayor, and,

WHEREAS, The appropriations for the Brockton Public Schools are the largest amounts to be reviewed, and,

WHEREAS, For the current Fiscal Year 2024, the following amounts were approved: Net School Spending \$219,868,010; Non-Net School Spending \$11,245,147, or more than \$230 million, and,

WHEREAS, It is critically important the city provides sufficient funding for classroom teachers, educational programs, and related services for our students at all grade levels.

NOW, THEREFORE, BE IT RESOLVED:

The mayor and chief financial officer be invited to a meeting of the council to discuss the feasibility of an independent, objective review of the entire administrative structure of the Brockton Public Schools. Provided further, if funding is approved for this study, the data generated would provide the city council with valuable information when annual budget reviews for school appropriations are conducted in June, 2024. (FAVORABLE)

30. RESOLVE: Be it resolved, to have City Solicitor Megan Bridges or her designee appear before the Finance Committee of the Brockton City Council to give an update on the status of the City of Brockton's audit/investigation of the Brockton School Department's

overspending of their FY23 budget and any information concerning any other fiscal years that may include pertinent information. (FAVORABLE)

**ORDINANCES:**

31. Ordinance: Be it Ordained by the City Council of the City of Brockton to adopt a new Ordinance of the City of Brockton as follows:

1. Any Board or Commission that requires an independent outside consultant review for any project submitted by an applicant in which the payment of the fee for those consulting services are paid for by the applicant, the Board or Commission must solicit qualified consultants and maintain a list of those consultants who shall provide evidence of their qualifications and fee schedules.
2. In any project that requires a consultant review, the Board or Commission shall provide a copy of the application or make it available online to no less than three approved consultants requesting a scope of services for the particular project, anticipated timing of completion, and requiring a fee schedule be submitted to the Board or Commission within ten (10) business days.
3. The Board or Commission shall provide the proposed scope of services and proposed fee schedule to the Applicant who may in its sole discretion select one of the consultants to perform the required review services.
4. The Board or Commission shall direct that all independent reviewers be required to consult with the Applicant and the Applicant's consultant(s) during the performance of their review in order to streamline and expedite the review process and to make it more cost effective.

32. Ordinance: Be it Ordained by the City Council of the City of Brockton that the Revised Ordinances of the City of Brockton - Article IV – Division 2 “City Auditor” be amended to insert the following subdivision where appropriate:

Section 2-271 Assistant City Auditor for School Finance

- (a) There shall be a position of Assistant Auditor for School Finance. The position of assistant auditor for school finance shall be appointed by the mayor and confirmed by the city council for a term of three (3) years.
- (b) Section 2-110 of the Revised Ordinances shall not apply to this position. However, where equal qualifications and experience exist as determined by the mayor, preference for appointment shall be given to a resident of the city.
- (c) Minimum qualifications for the position shall require (1) A Bachelor's degree in Accounting, Business Administration, Economics, Finance, Information Systems, Political Science, or Public Administration from an accredited college or university; (2) A minimum of five (5) years of demonstrated experience in the field of municipal auditing, or a combination of private and public auditing experience acceptable to the appointing authority; and (3) Thorough knowledge of governmental/municipal fund accounting theory, principles and practices including Generally Accepted Accounting Principals (GAAP), Uniform Municipal Accounting system (UMAS) of the Commonwealth of Massachusetts, Governmental Accounting and Financial Reporting Standards, Governmental Accounting Standards Board Pronouncements (GASB). Thorough knowledge of auditing theory and practices including Generally Accepted Auditing Standards (GAAS).

Section 2-272 Primary Duties and Responsibilities - Assistant City Auditor for School Finance

- (a) The position of assistant auditor for school finance shall be under the direction and supervision of the City Auditor.
- (b) The position of assistant auditor for school finance shall supervise, conduct and coordinate one or more audit assignments concurrently relative to school finance.
- (c) The position of assistant auditor for school finance shall review records and documentation for accuracy and inclusion of sufficient information from the school department.
- (d) The position of assistant auditor for school finance shall review audit reports to ensure proper documentation and support for conclusions, present and discuss overall audit conclusions, approvals and recommendations with the City Auditor or finance department personnel as needed, and shall ensure all applicable financial activities from the school department are performed in compliance with professional auditing standards.

The position of assistant auditor for school finance shall perform such other duties as may be assigned by the City Auditor

33. Ordinance: Be it Ordained by the City Council of the City of Brockton that the Revised Ordinances of the City of Brockton - Article IV – Division 4 “Chief Financial Officer” be amended to insert the following subdivision where appropriate:

Section 2-300.001 Assistant Chief Financial Officer for School Finance

- (d) There shall be a position of Assistant Chief Financial Officer for School Finance. The position of assistant chief financial officer for school finance shall be appointed by the mayor and confirmed by the city council for a term of three (3) years.
- (e) Section 2-110 of the Revised Ordinances shall not apply to this position. However, where equal qualifications and experience exist as determined by the mayor, preference for appointment shall be given to a resident of the city.
- (f) Minimum qualifications for the position shall require (1) Bachelor’s Degree with a major in Finance, Public Administration, Business Administration, Accounting, or related field. Master’s Degree preferred; (2) A minimum of five (5) years of experience with a thorough knowledge and experience of internal control procedures, bookkeeping and accounting procedures and systems; (3) Thorough knowledge of the operations of municipal government including school finance; (4) Extensive expertise in computer hardware and software applications pertaining to municipal finance, in particular Excel and MUNIS; (5) Working knowledge of generally accepted practices related to treasury management including debt, cash, payroll and employee benefit processing, procurement, and collection practices; (6) Thorough knowledge of all state and local laws and regulations relating to municipal and school finance; (7) Demonstrated knowledge of personal computers, particularly word processing, database management and spreadsheet applications; and (8) Knowledge of legal control over municipal finance in the Commonwealth.

Section 2-272 Primary Duties and Responsibilities - Assistant Chief Financial Officer for School Finance

- (e) The position of assistant chief financial officer for school finance shall be under the direction and supervision of the Chief Financial Officer.

- (f) The assistant chief financial officer for school finance shall interact as a member of the senior management team of the city to actively assist the chief financial officer and School Superintendent in the research, development, and implementation of policies and procedures affecting the school department budget and procurement activities.
- (g) The assistant chief financial officer for school finance shall undertake all necessary actions to ensure the accuracy and accounting of school department revenue, budgets and procurement.
- (h) The assistant chief financial officer for school finance shall be responsible for continuous financial audit and control systems to monitor the performance of the school department, its flow of funds, the adherence to the budget, the expenditures, the income, the cost of services and other budgetary items.
- (i) The assistant chief financial officer for school finance shall be responsible for reviewing and updating financial policies and procedures that create a more efficient and accurate working environment.
- (j) The assistant chief financial officer for school finance shall duly prepare and present to the Chief Financial Officer, Superintendent, and School Committee financial statements and reports as required by all pertinent Federal and State laws and regulations as well as local ordinances. This includes reporting on revolving funds and grants received.
- (k) The assistant chief financial officer for school finance shall alert the Chief Financial Officer and School Superintendent regarding any irregularity, lack of compliance, lack of adherence and problems whether actual or potential concerning the financial systems, the financial operations, the financing plans, the accounting, the audits, the budgets, and any other matter which could or does have a financial implication.
- (l) The assistant chief financial officer for school finance shall analyze all provisions of proposed or existing collective bargaining agreements and prepares reports on the financial implications of such agreements.

34. Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan  
 Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended by inserting “Assistant Auditor for School Finance” to the categories of pay plan positions with the initial use of “F-4(SD)” to designate the position and by inserting “Assistant Chief Financial Officer for School Finance/Procurement” with the initial use of “F-1 (S)” to designate the position. Be it further amended that the pay plan reflects the following for compensation:

|                 |   |                  |                  |                  |                  |
|-----------------|---|------------------|------------------|------------------|------------------|
| <i>F-4 (SD)</i> | <i>Assistant Auditor for School Finance</i>                             | <i>\$106,917</i> | <i>\$110,125</i> | <i>\$113,428</i> | <i>\$116,831</i> |
| <i>F-1 (S)</i>  | <i>Assistant Chief Financial Officer for School Finance/Procurement</i> | <i>\$137,465</i> | <i>\$141,558</i> | <i>\$145,805</i> | <i>\$150,179</i> |

**ORDERS:**

- 35. Ordered: That the following petition be approved and submitted to the Great and General Court for approval under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

**AN ACT RELATIVE TO THE ELECTION OF THE MAYOR, CITY COUNCIL AND SCHOOL COMMITTEE IN THE CITY OF BROCKTON.**

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

SECTION 1. Every mayor, city councilor and school committee member who is elected to represent an individual ward, or at-large, as the case may be, shall have been an inhabitant of a place within the ward, or for the positions of mayor or councilor-at-large shall have been an inhabitant of a place within the city of Brockton, for which he is chosen for election for at least one year immediately preceding his election, and shall cease to represent such ward or city for the positions of mayor or councilor-at-large when he shall cease to be an inhabitant thereof.

SECTION 2- This act shall take effect upon its passage.

36. Ordered: WHEREAS, Chapter 324 of the Acts of 1990 was specifically enacted by the Legislature relative to the finances of the City of Brockton; and

WHEREAS, Chapter 324 of the Acts of 1990 provides in part “The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its authority to request such, at any time it receives formal or informal notice of: (i) an expenditure which is or may be in excess of an appropriation; (ii) a condition where an allotment is or may be exceeded;”.

THEREFORE, BE IT ORDERED:

(A) The city council affirms that provisions of Chapter 324 of the Acts of 1990 apply to the city and its departments, including the school department.

(B) Pursuant to Section 5 (d) of the Act, the chief financial officer be invited to a meeting of the council in March, 2024, to provide a detailed report on the current Fiscal Year 2024 expenditures and remaining balances in accounts for all city departments.

(C) Pursuant to Section 7 of the Act, all city departments shall immediately comply with the provisions requiring periodic reports on the allotments provided to departments for their operation as enumerated in the following language from the Act:

***“...the amounts to be expended by such department or unit for such purposes during each of the five following allotment periods: July first through September thirtieth, October first through December thirty-first, January first through the last day of February, March first through April thirtieth, and May first through June thirtieth.”***

(D) Notwithstanding the provisions of section “C” above, the chief financial officer shall provide a monthly report of allotments provided for the operation of the public schools and the remaining balances in all accounts, including funds received through grants.

(E) Reports generated pursuant to Section 7 of the Act shall be filed with the City Clerk for dissemination to the members of the city council.

(F) The provisions of Section 7 relative to the joint responsibility of the city auditor and the chief financial officer shall be followed, as contained in the following provision of the Act:

***“Whenever the chief financial officer or the city auditor determines that any department, board, commission, agency or other unit of city government,***



*including the school department, will exhaust or has exhausted its time period allotment and any amounts unexpended in previous periods before the end of such time period, he shall give notice in writing to such effect to the department head or officer in charge thereof, the mayor, the city solicitor, the chief financial officer or the city auditor as appropriate, and to the city clerk who shall forthwith transmit the same to the city council and finance control board, if such board remains in existence at the time. Upon such a determination and notice thereof, the chief financial officer shall provide the foregoing officials additional reports on at least a monthly basis indicating the status of each of such accounts.”*

(G) This Order shall remain in full force and effect until amended or rescinded by vote of the city council.

37. Ordered: That the City Council votes to adopt and accept the provisions of M.G.L. ch. 40 §32A relative to publication of ordinances. Adoption of M.G.L. ch. 40 §32A will allow for publication of ordinances by the city council in a municipal bulletin or printed pamphlet, except for zoning ordinances or amendment thereto, which will require a summary published at least two times in a newspaper of general circulation in the City.
38. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000

FROM: THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

\$50,000

TO: THE PARKS AND RECREATION DEPARTMENT

\$50,000

39. Ordered: That the City Council approves the increase of the Refuse fees from \$70 per quarter to \$100 per quarter, in order to prevent financial deficit for the Refuse Enterprise, as well as positively impact retained earnings for the enterprise fund.
40. Ordered: That the City Council votes to adopt and accept the provisions of M.G.L. ch. 60 §3F relative to voluntary donation(s) to the City's veterans' funds. Adoption of M.G.L. ch. 60 §3F will allow for the City to designate a place on its municipal property tax bills or motor vehicle excise bills or mail with such bills a separate form whereby taxpayers of the City may voluntarily check off, donate and pledge an amount of money above the amount due on their tax/motor vehicle excise bill to contribute to the City's veterans' assistance funds. The veterans' assistance funds shall be under the supervision of the City's Veterans' Service Department.

**RESOLVES:**

41. Resolve: WHEREAS, The recruitment of professional, competent candidates for appointment to the police department is of critical importance for the public safety of the city;

NOW, THEREFORE, BE IT RESOLVED:

Police Chief Brenda Perez and other appropriate staff be invited to a meeting of the City Council to discuss issues relating to the recruitment and retention of police candidates.

42. Resolve: WHEREAS, The traffic pattern for Warren Avenue between Spring Street and Belmont Street will eventually be modified as part of the new Public Safety Campus at Warren Avenue and West Elm Streets.

NOW, THEREFORE, BE IT RESOLVED:

DPW Commissioner Patrick Hill be invited to a meeting of the council to discuss the details and work necessary to accomplish the project objectives.

### **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.