

In City Council October 15<sup>th</sup>, 2024

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Tuesday evening October 15<sup>th</sup>, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the September 9<sup>th</sup>, 2024 City Council Meeting.
2. Acceptance of the Minutes of the September 23<sup>rd</sup>, 2024 City Council Meeting.

**APPOINTMENTS:**

3. Promotion of Firefighter Brian D. Nickerson to the rank of Fire Lieutenant in the Brockton Fire Department.
4. Promotion of the following Brockton Police Officers:  
Rank of Sergeant  
Officer Christopher Kerr  
Officer Raymond Parrett  
  
Rank of Lieutenant  
Sergeant Stanley David
5. Appointment of Mr. Robert “Bob” Beauchesne, of 59 Camden Ave, Brockton, MA, 02301, to the Brockton Council on Aging as an alternate member for a three (3) year term, ending October 2027.
6. Appointment of Mr. Robert “Bob” Beauchesne, of 59 Camden Ave, Brockton, MA, 02301, to the Brockton Beautification Committee for a three (3) year term, ending October 2027.

**HEARINGS:**

7. Petition of WL Auto Collision Inc./ Wesley Lima of 40 Sea Street, Apt. 3, Weymouth, MA, 02191, for a Motor Vehicle Repair License located at 967 Montello Street, Units C-D and E, Brockton, MA 02301.
8. Petition of WL Auto Collision Inc./ Wesley Lima of 40 Sea Street, Apt. 3, Weymouth, MA, 02191, for a Motor Vehicle Repair Body License located at 967 Montello Street, Units C-D and E, Brockton, MA 02301.
9. Petition of Colbea Enterprise LLC of 695 George Washington Highway, Lincoln, R.I. 02865, for an Underground Storage License Amendment located at 253 East Ashland Street, Brockton, MA 02302.
10. Petition of Massachusetts Electric Company d/b/a National Grid to install two JO Poles on Goddard Road. Remove three JO Poles on Goddard Road. Relocate one JO Pole on Goddard. Poles 4,5 and 6 on Goddard Road will be removed. New Poles 4 and 5 will be installed on the other side of the road. Pole 3 will be relocated 18 feet North of its current location.

**REPORTS:**

11. Of the Finance Committee for its meeting of October 7<sup>th</sup>, 2024.

**COMMUNICATIONS:**

12. From Chester Anderson requesting a residency exemption for his position as Electrical Inspector for the City of Brockton.
13. From the Mayor requesting a waiver of the City of Brockton residency requirement under Section 2-110 of the City Ordinance for Electrical Inspector Chester Anderson.
14. From Fire Chief recommending the promotion of Firefighter Brian D. Nickerson to the rank of Fire Lieutenant in the Brockton Fire Department. This promotion is due to the retirement of Fire Lieutenant Kevin P. Sullivan. Firefighter Brian D. Nickerson is the number one candidate on the current Human Resources Fire Lieutenant List.
15. From the Mayor promoting Firefighter Brian D. Nickerson to the rank of Fire Lieutenant in the Brockton Fire Department.
16. From the Chief of Police requesting the following Officers be promoted as they are the top-ranked candidates on the attached promotional list:
  - Rank of Sergeant
  - Officer Christopher Kerr
  - Officer Raymond Parrett
  
  - Rank of Lieutenant
  - Sergeant Stanley David
17. From the Mayor promoting the following Brockton Police Officers:
  - Rank of Sergeant
  - Officer Christopher Kerr
  - Officer Raymond Parrett
  
  - Rank of Lieutenant
  - Sergeant Stanley David
18. From the Mayor appointing Mr. Robert “Bob” Beauchesne, of 59 Camden Ave, Brockton, MA, 02301, to the Brockton Council on Aging as an alternate member for a three (3) year term, ending October 2027.
19. From the Mayor appointing Mr. Robert “Bob” Beauchesne, of 59 Camden Ave, Brockton, MA, 02301, to the Brockton Beautification Committee for a three (3) year term, ending October 2027.
20. From the Executive Director of Brockton Parking Authority requesting your approval to transfer up to \$130,000 from BPA retained earning to a BPA capital project fund. This transfer is necessary in order to repair the piston underneath the elevator at the Adams Garage.
21. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$130,000
 

FROM: PARKING AUTHORITY – RETAINED EARNINGS	\$130,000
TO: PARKING AUTHORITY – CAPITAL PROJECT FUND	\$130,000

These funds will be placed into a newly created capital fund that will be used to repair the piston underneath the elevator at the Adams Garage.
22. 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 \$130,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services.

FROM: PARKING AUTHORITY – RETAINED EARNINGS  
\$130,000

TO: PARKING AUTHORITY – CAPITAL PROJECT FUND  
\$130,000

These funds will be placed into a newly created capital fund that will be used to repair the piston underneath the elevator at the Adams Garage.

23. From the Chief of Police requesting authorization to expend grant monies in the amount of \$150,000 related to the Department of Justice, Office of Justice Programs grant award under the Bureau of Justice Assistance FY 24 The Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities funding opportunity.
24. From the BPD Grant Writer requesting that the attached grant award documents be processed so that the City of Brockton can expend \$150,000.00 from the BJA FY24 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities funding opportunity award #15PBJA-24-GG-04033-MAPX.
25. 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 \$150,000.00 from the Office of Justice Programs Bureau of Justice Assistance Grant to the Brockton Police Department.

FROM: OFFICE OF JUSTICE PROGRAMS \$150,000.00

TO: POLICE DEPARTMENT \$150,000.00

These funds will be used to continue the Project Lifesaver program with the Brockton Police Department. There is no match required.

26. 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 \$150,000.00 from the Office of Justice Programs Bureau of Justice Assistance Grant to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services.

FROM: OFFICE OF JUSTICE PROGRAMS \$150,000.00

TO: POLICE DEPARTMENT \$150,000.00

These funds will be used to continue the Project Lifesaver program with the Brockton Police Department. There is no match required.

27. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of prior year unpaid bills of \$145,574.66.

In order to pay for invoices from FY22 and FY23

FROM: HUMAN RESOURCE – BENEFITS \$145,574.66

TO: BOSTON MUTUAL LIFE INSURANCE \$145,574.66

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 approval of prior year unpaid bills of \$145,574.66, without a detrimental impact on the continuous provision of the existing level of municipal services.

In order to pay for invoices from FY22 and FY23.

FROM: HUMAN RESOURCE – BENEFITS	\$145,574.66
TO: BOSTON MUTUAL LIFE INSURANCE	\$145,574.66

**UNFINISHED BUSINESS:**

29. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **BELL ROCK AVENUE**, extending from the end of the 1970 layout easterly a distance of 120.00 feet to station 3+95.18 and from Granite Street westerly a distance of 240.37 feet to station 6+95.55, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way of said City of Brockton, said easement passing by or over lands of those persons shown on “EXHIBIT A”, attached hereto and parties unknown. Said layout of said street, being 42.00 feet in width, is shown more particularly on a plan entitled “Layout and Acceptance Plan of Bell Rock Avenue”, dated May 17, 2024, drawn by J.K. Holmgren Engineering, LLC, 1024 Pearl Street, Brockton, MA. 02301, to be recorded herewith and made a part of this taking. The land taken is more fully described as follows: All the land within the limits of a private way known as **Bell Rock Avenue**, supposed to belong to parties unknown, being a strip of land 42.00 feet in width, extending from the end of the 1970 layout easterly, a distance of 120.00 feet and from Granite Street westerly, a distance of 240.37 feet, as shown on the herein described plan, to which reference is hereby made for a more particular description. And we have considered and estimated the damages sustained by all persons who have not waived damages in their several estates as follows: **NO AWARDS.** (FAVORABLE)

30. Appointment of Mr. Allan Parker, of Bassett Road, Brockton, MA 02301, to serve on the Elections Commission for a four (4) year term, ending September 2028. (FAVORABLE)

31. Appointment of Mr. Iolando Spinola, of 23 Noyes Avenue, 02301, as the City of Brockton’s delegate to the Old Colony Planning Council for a one (1) year term, ending in September 2025. (FAVORABLE)

32. Appointment of Mr. Michael Avilla, of 813 Court Street, Brockton, MA 02302, to the Parks and Recreation Commission for a five (5) year term, ending September 2029.

33. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$50,000.00.

FROM: MASSACHUSETTS CLEAN WATER TRUST	\$50,000
TO: DPW - WATER (FAVORABLE)	\$50,000

34. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$119,370.00.

FROM: MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH	\$119,370.00
TO: POLICE DEPARTMENT (FAVORABLE)	\$119,370.00

35. Resolve: Be it resolved by the Brockton City Council to invite Troy Clarkson, Chief Financial Officer, to appear before the Finance Committee to discuss and provide an update on the current status of the FY25 budget and setting of the tax rate.  
(FAVORABLE)

36. Resolve: WHEREAS, The city is evaluating options for the development of the Fairgrounds Property composed of 66 acres of land bordering neighborhoods and roadways, and,

WHEREAS, The City Council will eventually consider and approve zoning changes which are appropriate, given the residential and commercial areas currently existing in this location;

NOW, THEREFORE, BE IT RESOLVED:

Mr. Rob May, Director of Planning and Economic Development, be invited to a meeting of the council to provide an overview of issues and considerations for zoning changes and successful development of the Fairgrounds Property. (FAVORABLE)

#### **ORDINANCES:**

37. Ordinance: Be it ordained by the City Council of the City of Brockton to replace Sec. 12-28 "Towing" in its entirety and insert in its place the following revised ordinance where appropriate as follows:

Sec. 12-28. – Towing

The Chief of Police ("Chief") shall establish a list of Towing Companies ("Company or Companies") that are currently and in good standing licensed by the Commonwealth of Massachusetts, Department of Telecommunications and Energy – Transportation Division ("DTC") formerly the Department of Public Utilities ("DPU") that have a place of business in the City of Brockton ("City") and have been engaged in the business of towing for not less than five (5) years or if the Company has been engaged in the business of towing for less than five (5) years, temporary approval may be granted in emergency situations by the Chief but the Company must thereafter request approval from the City Council to remain on the List. Temporary approval may not exceed 30 days.

Any Company that satisfies the above criteria may apply in writing to the Chief requesting placement on the tow list (List). All applications and required documentation are due to the Department by December 1, placement on the List shall occur on January 1. Once the List has been established, it shall remain active for three (3) years.

To be eligible to appear on the List, and to remain on the List, the Company shall furnish all documents requested by the Chief. Any Company that fails to provide said documents shall be removed from the List. The Chief at her/his sole discretion, reserves the right to change or establish further written rules and regulations relative to the towing of all vehicles, items, or the like in the City, but nothing in said rules and regulations may amend or alter the provisions of this City Ordinance.

Each Company selected shall pay to the City the sum of ONE THOUSAND DOLLARS (\$1,000.00) for the three (3) year contract, due at the signing of the List contract, to help defray the costs of administering the rules and regulations as established by the Chief.

Up to ten (10) Companies shall appear on the tow list. The Chief shall not accept any applications unless or until the number of Companies fall below the limit of ten (10). The List shall be comprised of not less than three (3) Categories. Applicants may apply for more than one Category. See Brockton Police Towing Contract for a list of all necessary equipment for each Category.

Category I: Towing/Recovery/Service - Vehicles or combinations < 10,000 GVWR/GCWR. Examples: Passenger Automobiles, Light Trucks/Vans, Trailers, Motorcycles, Mopeds or Motor Scooters.

Category II: Towing/Recovery/Service/HAZMAT - Vehicles or Combinations > 10,000 GVWR/GCWR. Examples: Commercial Trucks, Truck Tractors, Tractor/Trailer Combinations, Trailers, Machinery, Campers/Motor Homes/Recreational Vehicles,

Buses, and vehicles that on-scene Brockton Police Personnel determine require the use of a rotator to recover.

Category III: Electric Vehicles. Examples: Any vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an external source. An EV includes both a vehicle that can only be powered by an electric motor that draws electricity from a battery (all-electric vehicle) and a vehicle that can be powered by an electric motor that draws electricity from a battery and by an internal combustion engine (plug-in hybrid electric vehicle).

The Chief reserves the right at her/his sole discretion, to add or change Categories based on the needs of the City, changes in Massachusetts General Laws or recommendations from any State Agency that sets the rules and standards for towing and storage.

The List shall be in the possession of the Brockton Police Department (“Department”) and a copy shall be on file with the City Law Department. When a vehicle or any item or the like needs to be towed at the request of a Police Officer, the Department shall call in rotation the Companies on the List.

To appear on the list described above, the persons shall agree in writing to indemnify and hold harmless the city from any claims or causes of action for any injuries or damages of any kind or nature caused by the towing of motor vehicles pursuant to this section.

38. Ordinance: AN ORDINANCE REPLACING CHAPTER 11, ARTICLE III – DEALERS IN SECONDHAND PRECIOUS METALS OR GEMS

Be it ordained by the City Council of the City of Brockton as follows:

That Chapter 11, Article III “Dealers in Secondhand Precious Metals or Gems” be replaced in its entirety and the following ordinance be inserted in its place:

ARTICLE III – Secondhand/Junk Dealers Precious Metals or Gems

Sec. 11-43 Definitions

*Acceptable Identification.* Shall mean either: (A) A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or (B) Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

*Police Chief.* The Chief of Police of the City of Brockton or her/his designee.

*Regulated Property.* The following used property:

- A. Precious metals, including, but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.
- B. Precious gems, including, but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.
- C. Watches and jewelry containing precious metals or precious gems, including, but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.
- D. Sterling silver flatware, including, but not limited to, knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.
- E. Any electronic audio, video or photographic and optical equipment along with computer or computer equipment or recordings in any form.
- F. Any power tools or equipment.
- G. Musical instruments.
- H. Sporting equipment.
- I. Automobiles, boats, planes, motorcycles in whole or taken in parts, or any other type machinery.
- J. Collectibles, including objects of art, coins, currency and antique objects, but not including those items identified in Sec. 11-50(H).

*Secondhand Collector.* Shall have the same meaning as the term "junk collector" in MGL c. 140, § 56.

*Secondhand Dealer.* Shall have the same meaning as the term "junk dealer" and keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles in MGL c. 140, § 54.

Sec. 11-44 Issuance, Renewal and Revocation of Licenses.

- A. Secondhand collectors and secondhand dealers must obtain a license to conduct said activities.
- B. The Licensing Authority of the City of Brockton may after notice and a public hearing deny an original or renewal application for a secondhand dealer or secondhand collector license or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:
  1. The applicant, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has owned or operated a secondhand dealer or secondhand collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date, has had a secondhand dealer or secondhand collector license revoked for a reason that would be grounds for a denial or revocation pursuant this chapter.
  2. The secondhand dealer or secondhand collector business has been found to constitute a public nuisance.
  3. The licensee applicant, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has been convicted of a felony or any crime involving a false statement or within 15 years prior to the application date, the applicant has:
    - a) Knowingly made a false statement in the application;
    - b) Knowingly omitted information requested to be disclosed in the application; or
    - c) Completed the application with reckless disregard for the truth or accuracy of the statements made therein.
  4. A lawful inspection of the secondhand dealer or secondhand collector business premises by the Police Chief or her/his designee has been unjustifiably refused by a person who, in part or whole, manages or operates the business.
  5. The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has more than five violations of these regulations, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date.
  6. The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted, such as, but not limited to: receiving stolen property, any form of breaking and entering, larcenies from a person, or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or her/his designee.
  7. Such other grounds as the Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the City of Brockton.

Sec. 11-45 Inspection of property and records.

- A. Whenever necessary to make an inspection to enforce the provisions of this chapter, or when the Police Chief or her/his designee has reasonable grounds to believe more likely than not that a specific item of regulated property held by a secondhand dealer or secondhand collector is associated with criminal conduct, the Police Chief or her/his designee may enter the premises of the secondhand dealer or secondhand collector at any reasonable time, provided that the premises are occupied at the time of entry and the Police Chief or her/his designee presents proper official identification at or near the time of entry. If entry is refused, the Police Chief or her/his designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.
- B. Authority to inspect secondhand dealer or secondhand collector premises under this regulation is in addition to and not in limitation of the authority the City or the Police Chief or any police officer would otherwise have to enter the business premises.
- C. Once allowed to enter the premises of the secondhand dealer or secondhand collector, the Police Chief or her/his designee may inspect property kept there. The Police Chief or her/his designee may also inspect the business records associated with regulated property and perform any duty imposed upon the City or the Police Chief by this regulation.

Sec. 11-46 Recordkeeping.

- A. The Police Chief or her/his designee shall design a purchase report form and make copies available to all secondhand dealers or secondhand collectors. Secondhand dealers or secondhand collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of regulated property.
- B. Whenever a secondhand dealer or secondhand collector purchases regulated property for business purposes, the secondhand dealer or secondhand collector shall obtain acceptable identification from the seller along with the seller's current residence address. The secondhand dealers or secondhand collectors shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in legible English. The seller shall sign his or her name on the filled-out form.
- C. A digital photograph will be taken of each item purchased as defined under "regulated property. The photograph may be stored electronically, but is subject to the same recordkeeping requirements as listed in Subsection (A) above. Copies of the photographs will be made available to the Chief of Police in a timely manner, and are subject to the same rights of inspection as listed in Sec. 11-50.
- D. The licensee shall cause to be delivered to the Brockton Police Department, on a weekly basis, a copy of all transactions recorded in the ledger on the form provided.
- E. If, during the preceding week such secondhand dealer or secondhand collector has taken no articles in, he/she shall make out and deliver to the Brockton Police Department a report of such fact.

Sec. 11-47 Posting of Licenses and Notices.

- A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.
- B. Notice requirements:
  - 1. A secondhand dealer shall post the following notice no smaller than 8 1/2 inches by 11 inches with lettering no smaller than 1/4 of an inch in height outside each point of entry



intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business. Notice shall read, "The sale or attempted sale of property to a secondhand dealer without consent of the property's Owner is punishable by a civil penalty not to exceed \$300 per item. Don't sell property without consent of the property's owner. You will be held strictly liable for a violation of this law."

2. If a significant number of the patrons of the regular secondhand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

Sec. 11-48 Purchases by Secondhand Dealers or Secondhand Collectors.

- A. A secondhand dealer or secondhand collector shall not make any cash purchase in an amount that exceeds \$50.
- B. A secondhand dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealership license.
- C. A secondhand dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- D. A secondhand dealer or secondhand collector may not purchase any item from any person under the age of 18.

Sec. 11-49 Unauthorized sale of Property.

- A. No secondhand dealer or secondhand collector may purchase or sell any property of any type without the consent of the owner.
- B. No purchase will be made from anyone under the age of 18.

Sec. 11-50 Holding Periods.

- A. A copy of every purchase report form filled out as required by this chapter shall be kept on the premises of the secondhand dealer or secondhand collector business during normal business hours for at least three years from the date of purchase. The report form shall be subject to inspection by the Police Chief or her/his designee.
- B. All regulated property in the categories of precious metals or precious gems, defined in in this ordinance, purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form shall be held by said secondhand dealer or secondhand collector for at least 21 days from the date of purchase.
- C. All other regulated property purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form shall be held by said secondhand dealer or secondhand collector for at least 21 days from the date of purchase.
- D. The secondhand dealer or secondhand collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period, the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief or her/his designee.
- E. The Police Chief or her/his designee may give written notice to a junk dealer or junk collector holding regulated property that the Police Chief or her/his designee has reasonable grounds to believe more likely than not a specific item of regulated property is associated with criminal conduct. The secondhand dealer or secondhand collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under this ordinance until released by the Police Chief.

- F. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.
- G. A secondhand dealer or secondhand collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief or her/his designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or her/his designee shall provide the secondhand dealer or secondhand collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the secondhand dealer.
- H. Secondhand dealers, retailing or wholesaling used property limited to the following, are exempt from Subsection (B) above:
  - 1. Used clothing, furniture, costume jewelry, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
  - 2. Used clothing, furniture, costume jewelry, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a registered charity or by donations; or
  - 3. Used books, papers, or magazines.

Sec. 11-51 Testing of Weighing and Measuring Devices.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the City of Brockton Weights and Measures Division prior to being placed in service. The purchaser shall put the current market price at the weight at which they are buying.

The licensee must present with his/her application for a license, a certificate from the sealer of weights and measures, that all weighing and measuring devices have been properly sealed. The applicant must notify the police department of the name of the firm(s) to whom he/she sells precious metals and if there are any changes the police department shall be so notified.

Sec. 11-52 Hours of Operation.

The hours of operation of a person licensed pursuant to the provisions of this article shall be from the time of 9:00 a.m. to 9:00 p.m., except that the premises shall be closed on Sunday.

Sec. 11-53 Violations and Penalties.

- A. Violation of any provision of this chapter may be prosecuted, as a criminal matter or as an administrative procedure or by the method provided in MGL c. 40, § 21D. Each violation shall be considered separately.
- B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The Licensing Authority may suspend, revoke or modify any license issued by it whenever it has reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in MGL c. 40, § 21D, shall be subject to a fine of \$250.

Sec. 11-54 Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

**ORDERS:**

39. Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Election will be held on Tuesday, November 5, 2024 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority Community Room, Hawley St
Ward One	Precinct B	West Junior High School Building, West Street
Ward One	Precinct C	Hancock School, Pearl Street
Ward One	Precinct D	Hancock School, Pearl Street
Ward Two	Precinct A	Barrett Russell School, 45 Oakdale St
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Brockton Public Library, Main Branch, 304 Main St
Ward Two	Precinct D	War Memorial Building, 156 West Elm Street
Ward Three	Precinct A	South Junior High School Building, Keith Avenue
Ward Three	Precinct B	South Junior High School Building, Keith Avenue
Ward Three	Precinct C	John F. Kennedy School Building, Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue
Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street
Ward Four	Precinct C	Davis Elementary School, 380 Plain Street
Ward Four	Precinct D	Campello High Rise Apartments, 1380 Main Street
Ward Five	Precinct A	East Side Library, 54 Kingman Street
Ward Five	Precinct B	East Junior High School Building, Centre Street
Ward Five	Precinct C	Downey School, 55 Electric Avenue
Ward Five	Precinct D	Caffrey Towers, 755 Crescent Street
Ward Six	Precinct A	Brookfield School, 135 Jon Drive
Ward Six	Precinct B	Ashfield School Gymnasium, 225 Coe Road
Ward Six	Precinct C	Brookfield School, 135 Jon Drive
Ward Six	Precinct D	Brookfield School, 135 Jon Drive
Ward Seven	Precinct A	North Junior High School Building, Oak Street
Ward Seven	Precinct B	Belair Street High Rise, 105 Belair Street
Ward Seven	Precinct C	Sullivan Towers, 140 Colonel Bell Drive
Ward Seven	Precinct D	Raymond School, 125 Oak Street

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M.

Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named office, viz: Electors of President and Vice President, United States Senator in Congress, United States Representative in Congress, Councillor Second District, Senator in General Court Second Plymouth & Norfolk District, Representative in General Court 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plymouth District, Clerk of Courts Plymouth County, Register of Deeds Plymouth District, County Commissioner Plymouth County, Southeastern Regional Vocational Technical School Committee, and the following questions:

#### **QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

##### **SUMMARY**

This proposed law would specify that the State auditor has the authority to audit the legislature.

**A YES VOTE** would specify that the State auditor has the authority to audit the legislature.

**A NO VOTE** would make no change in the law relative to the State Auditor's authority.

#### **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

##### **SUMMARY**

This proposed law would eliminate the requirement that a student pass the Massachusetts Comprehensive Assessment System (MCAS) tests (or other statewide or district-wide assessments) in mathematics, science and technology, and English in order to receive a high school diploma. Instead, in order for a student to receive a high school diploma, the proposed law would require the student to complete coursework certified by the student's district as demonstrating mastery of the competencies contained in the state academic standards in mathematics, science and technology, and English, as well as any additional areas determined by the Board of Elementary and Secondary Education.

A **YES VOTE** would eliminate the requirement that students pass the Massachusetts Comprehensive Assessment System (MCAS) in order to graduate high school but still require students to complete coursework that meets state standards.

A **NO VOTE** would make no change in the law relative to the requirement that a student pass the MCAS in order to graduate high school.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

#### **SUMMARY**

The proposed law would provide Transportation Network Drivers (“Drivers”) with the right to form unions (“Driver Organizations”) to collectively bargain with Transportation Network Companies (“Companies”)-which are companies that use a digital network to connect riders to drivers for pre-arranged transportation-to create negotiated recommendations concerning wages, benefits and terms and conditions of work. Drivers would not be required to engage in any union activities. Companies would be allowed to form multi-Company associations to represent them when negotiating with Driver Organizations. The state would supervise the labor activities permitted by the proposed law and would have responsibility for approving or disapproving the negotiated recommendations. The proposed law would define certain activities by a Company or a Driver Organization to be unfair work practices. The proposed law would establish a hearing process for the state Employment Relations Board (“Board”) to follow when a Company or Driver Organization is charged with an unfair work practice. The proposed law would permit the Board to take action, including awarding compensation to adversely affected Drivers, if it found that an unfair work practice had been committed. The proposed law would provide for an appeal of a Board decision to the state Appeals Court. This proposed law also would establish a procedure for determining which Drivers are Active Drivers, meaning that they completed more than the median number of rides in the previous six months. The proposed law would establish procedures for the Board to determine that a Driver Organization has signed authorizations from at least five percent of Active Drivers, entitling the Driver Organization to a list of Active Drivers; to designate a Driver Organization as the exclusive bargaining representative for all Drivers based on signed authorizations from at least twenty-five percent of Active Drivers; to resolve disputes over exclusive bargaining status, including through elections; and to decertify a Driver Organization from exclusive bargaining status. A Driver Organization that has been designated the exclusive bargaining representative would have the exclusive right to represent the Drivers and to receive voluntary membership dues deductions. Once the Board determined that a Driver Organization was the exclusive bargaining representative for all Drivers, the Companies would be required to bargain with that Driver Organization concerning wages, benefits and terms and conditions of work. Once the Driver Organization and Companies reached agreement on wages, benefits, and the terms and conditions of work, that agreement would be voted upon by all Drivers who has completed at least 100 trips the previous quarter. If approved by a majority of votes cast, the recommendations would be submitted to the state Secretary of Labor for approval and if approved, would be effective for three years. The proposed law would establish procedures for the mediation and arbitration if the Driver Organization and Companies failed to reach agreement within a certain period of time. An arbitrator would consider factors set forth in the proposed law, including whether the wages of Drivers would be enough so that Drivers would not need to rely upon any public benefits. The proposed law also sets out procedures for the Secretary of Labor’s review and approval of recommendations negotiated by a Driver Organization and the Companies and for judicial review of the Secretary’s decision. The proposed law states that neither its provisions, an agreement nor a determination by the Secretary would be able to lessen labor standards established by other laws. If there were any conflict between the proposed law and existing Massachusetts labor relations law, the proposed law would prevail. The Board would make rules and regulations as appropriate to

effectuate the proposed law. The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would provide transportation network drivers the option to form unions to collectively bargain with transportation network companies regarding wages, benefits, and terms and conditions of work

**A NO VOTE** would make no change in the law relative to the ability of transportation network drivers to form unions.

#### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

#### **SUMMARY**

This proposed law would allow persons aged 21 and older to grow, possess, and use certain natural psychedelic substances in certain circumstances. The psychedelic substances allowed would be two substances found in mushrooms (psilocybin and psilocyn) and three substances found in plants (dimethyltryptamine, mescaline, and ibogaine). These substances could be purchased at an approved location for use under the supervision of a licensed facilitator. This proposed law would otherwise prohibit any retail sale of natural psychedelic substances. This proposed law would also provide for the regulation and taxation of these psychedelic substances. This proposed law would license and regulate facilities offering supervised use of these psychedelic substances and provide for the taxation of proceeds from those facilities' sales of psychedelic substances. It would also allow persons aged 21 and older to grow these psychedelic substances in a 12-foot by 12-foot area at their home and use these psychedelic substances at their home. This proposed law would authorize persons aged 21 or older to possess up to one gram of psilocybin, one gram of psilocyn, one gram of dimethyltryptamine, 18 grams of mescaline, and 30 grams of ibogaine ("personal use amount"), in addition to whatever they might grow at their home, and to give away up to the personal use amount to a person aged 21 or over. This proposed law would create a Natural Psychedelic Substances Commission of five members appointed by the Governor, Attorney General, and Treasurer which would administer the law governing the use and distribution of these psychedelic substances. The Commission would adopt regulations governing licensing qualifications, security, recordkeeping, education and training, health and safety requirements, testing, and age verification. This proposed law would also create a Natural Psychedelic Substances Advisory Board of 20 members appointed by the Governor, Attorney General, and Treasurer which would study and make recommendations to the Commission on the regulation and taxation of these psychedelic substances. This proposed law would allow cities and towns to reasonably restrict the time, place, and manner of the operation of licensed facilities offering psychedelic substances, but cities and towns could not ban those facilities or their provision of these substances. The proceeds of sales of psychedelic substances at licensed facilities would be subject to the state sales tax and an additional excise tax of 15 percent. In addition, a city or town could impose a separate tax of up to two percent. Revenue received from the additional state excise tax, license application fees, and civil penalties for violations of this proposed law would be deposited in a Natural Psychedelic Substances Regulation Fund and would be used, subject to appropriation, for administration of this proposed law. Using the psychedelic substances as permitted by this proposed law could not be a basis to deny a person medical care or public assistance, impose discipline by a professional licensing board, or enter adverse orders in child custody cases absent clear and convincing evidence that the activities created an unreasonable danger to the safety of a minor child. This proposed law would not affect existing laws regarding the operation of motor vehicles while under the influence, or the ability of employers to enforce workplace policies restricting the consumption of these psychedelic substances by employees. This proposed law would allow property owners to prohibit the use, display, growing, processing, or sale of these psychedelic substances on their premises. State and local governments could continue to restrict the possession and use of these psychedelic

substances in public buildings or at schools. This proposed law would take effect on December 15, 2024.

**A YES VOTE** would allow persons over age 21 to use certain natural psychedelic substances under licensed supervision and to grow and possess limited quantities of those substances in their home and would create a commission to regulate those substances.

**A NO VOTE** would make no change in the law regarding natural psychedelic substances.

### **QUESTION 5: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

#### **SUMMARY**

The proposed law would gradually increase the minimum hourly wage an employer must pay a tipped worker, over the course of five years, on the following schedule:

- To 64% of the state minimum wage on January 1, 2025;
- To 73% of the state minimum wage on January 1, 2026;
- To 82% of the state minimum wage on January 1, 2027;
- To 91% of the state minimum wage on January 1, 2028; and
- To 100% of the state minimum wage on January 1, 2029

The proposed law would require employers to continue to pay tipped workers the difference between the state minimum wage and the total amount a tipped worker receives in hourly wages plus tips through the end of 2028. The proposed law would also permit employers to calculate this difference over the entire weekly or bi-weekly payroll period. The requirement to pay this difference would cease when the required hourly wage for tipped workers would become 100% of the state minimum wage on January 1, 2029.

Under the proposed law, if an employer pays its workers an hourly wage that is at least the state minimum wage, the employer would be permitted to administer a “tip pool” that combines all the tips given by customers to tipped workers and distributes them among all the workers, including non-tipped workers.

**A YES VOTE** would increase the minimum hourly wage an employer must pay a tipped worker to the full state minimum wage implemented over five years, at which point employers could pool all tips and distribute them to all non-management workers.

**A NO VOTE** would make no change in the law governing tip pooling or the minimum wage for tipped workers.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

40. Ordered: Requesting a waiver of the City of Brockton’s residency requirement under Section 2-110 of the City Ordinances for the Electrical Inspector Chester Anderson.

41. 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: \$130,000

FROM: PARKING AUTHORITY – RETAINED EARNINGS	\$130,000
TO: PARKING AUTHORITY – CAPITAL PROJECT FUND	\$130,000

42. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$150,000.00.

FROM: OFFICE OF JUSTICE PROGRAMS \$150,000.00

TO: POLICE DEPARTMENT \$150,000.00

43. Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$145,574.66.

FROM: HUMAN RESOURCE – BENEFITS \$145,574.66

TO: BOSTON MUTUAL LIFE INSURANCE \$145,574.66

**RESOLVES:**

44. Resolve: Be it resolved by the Brockton City Council to invite Megan Bridges, City Solicitor, to appear before the Finance Committee to discuss and schedule an Executive Session as permitted by MGL Chapter 30A, Section 21 to discuss strategy with respect to litigation (McNulty v. City of Brockton, et al).

45. Resolve: Be it resolved, that the Brockton City Council condemns recent remarks targeting the Haitian immigrant community in Springfield, Ohio made by members of Congress, certain political campaigns and other public figures. Haitian immigrants have long faced harmful stereotypes from false accusations of spreading disease to xenophobic portrayals in the media. These damaging tropes help perpetuate discrimination and violence against an already marginalized group.

**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.