

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Tuesday evening November 12, 2024 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA.

1. Acceptance of the Minutes of the October 28, 2024 City Council Meeting.

**APPOINTMENTS:**

2. Appointment of Ms. Margaret “Marge” Shepard, of 29 Hancock Street, Brockton, MA 02301, to the Brockton Council on Aging as an alternate for a three (3) year term, ending in November 2027.

**HEARINGS:**

3. Petition of L&B Auto Collision LLC/Alexander Gomes of 48 Jordan Street, Brockton, MA 02302, for a Motor Vehicle Repair Mechanical License Transfer located at 515 N. Main Street, Brockton, MA 02301.
4. Petition of L&B Auto Collision LLC/Alexander Gomes of 48 Jordan Street, Brockton, MA 02302, for a Motor Vehicle Repair Body License Transfer located at 515 N. Main Street, Brockton, MA 02301.
5. Petition of Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. to install two JO Poles on W Elm Street. New Pole 9-50 will be installed on W Elm St. along with a Stub Pole 9-84 across the street.

**COMMUNICATIONS:**

6. From the Mayor appointing Ms. Margaret “Marge” Shepard, of 29 Hancock Street, Brockton, MA 02301, to the Brockton Council on Aging as an alternate for a three (3) year term, ending in November 2027.
7. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the creation of the Immunization Revolving Fund, provided that no more than \$250,000 may be expended during Fiscal Year 2025. The creation of this fund will capture reimbursements from the administration of vaccines, replenishing spent funds on vaccination efforts.
8. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed authorization of the Immunization Revolving Fund, provided that no more than \$250,000 may be expended during Fiscal Year 2025, without a detrimental impact on the continuous provision of the existing level of municipal services. The creation of this fund will capture reimbursements from the administration of vaccines, replenishing spent funds on vaccination efforts.
9. 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 bill a of \$174.87. In order to pay for an invoice from FY24.
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 approval of a prior year unpaid bill of \$174.87, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to pay for an invoice from FY24.

11. 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 Executive Office of Administration and Finance to the City of Brockton. These funds are part of the FY25 Community Compact Best Practice Grant Program.
12. 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 Executive Office of Administration and Finance to the City of Brockton, without detrimental impact on the continuous provision of the existing level of municipal services. These funds are part of the FY25 Community Compact Best Practice Grant Program.
13. From the Fire Chief requesting that the Brockton Fire Department accept and expend the total of twenty thousand six hundred fifty-five dollars and zero cents (\$20,655.00). This will cover the cost of forty-five (45) stealth FF self-rescue device kit with bag and lanyard from Northeast Rescue System.
14. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, I hereby recommend that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$20,655.00 from the Lieutenant Joseph P DiBernardo Foundation to the Brockton Fire Department. These funds will cover the cost of forty-five (45) stealth FF self-rescue device kit with bag and lanyard from Northeast Rescue System.
15. 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 \$20,655.00 from the Lieutenant Joseph P DiBernardo Foundation to the Brockton Fire Department, without detrimental impact on the continuous provision of the existing level of municipal services. These funds will cover the cost of forty-five (45) stealth FF self-rescue device kit with bag and lanyard from Northeast Rescue System.
16. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of the following funding sources for the FY25 Budget in the amount of \$9,550,000. In order to balance the FY25 Budget.
17. 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 the following funding sources for the FY25 Budget in the amount of \$9,550,000, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to balance the FY25 Budget.
18. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of the revocation of the general fund subsidy to the Parks and Recreation department in the FY25 Budget in the amount of \$400,000.00.
19. 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 revocation of the general fund subsidy to the Parks and Recreation department in the FY25 Budget in the amount of \$400,000.00, without a detrimental impact on the continuous provision of the existing level of municipal services.
20. From the Chief of Police requesting to accept and expend the attached donation from North Easton savings Bank (AvidXchange Check # 7208452186) in the amount of \$1,000.00 made payable to the Brockton Police Department. North Easton Savings Bank

was generous in providing this donation to ensure that the First Responder Community Jamboree on August 17, 2024 was a success.

21. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of a donation in the amount of \$1,000.00 from North Easton Savings Bank to the Brockton Police Department. These funds were used for the First Responder Community Jamboree.
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 acceptance and expenditure of a donation in the amount of \$1,000.00 from North Easton Savings Bank to the Brockton Police Department, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds were used for the First Responder Community Jamboree.
23. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, I hereby recommend that the City Council authorize the approval of the use of the stabilization fund as a funding source for the FY25 Budget in the amount of \$1,000,000. In order to balance the FY25 Budget.
24. 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 the use of the stabilization fund as a funding source for the FY25 Budget in the amount of \$1,000,000, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to balance the FY25 Budget.
25. From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the approval of the use of retained earnings in the amount of \$3,117,635. In order to balance the FY25 Budget.
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 approval of the use of retained earnings in the amount of \$3,117,635, without a detrimental impact on the continuous provision of the existing level of municipal services. In order to balance the FY25 Budget.
27. From the Police Chief requesting for authorization to expend grant monies related to the FY25 Municipal Road Safety Program of \$60,000.00 from the National Highway Traffic Safety Administration.
28. From the BPD Grant Writer requesting to expend funds authorized under the FY25 Municipal Road Safety Program in the amount of \$60,000.00. These funds will be used to fund overtime shifts during five traffic enforcement and six pedestrian and bike safety enforcement campaigns.
29. 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 \$60,000.00 from the Executive Office of Public Safety and Security to the Brockton Police Department. These funds will be used to fund overtime shifts during five traffic enforcement and six pedestrian and bike safety enforcement campaigns. There is no match required.
30. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of the grant award in the amount of \$60,000.00 from the Executive Office of Public Safety and Security to the Brockton Police Department, without detrimental impact on the continuous provision of the existing level of municipal services. These funds will be used to fund overtime shifts

during five traffic enforcement and six pedestrian and bike safety enforcement campaigns. There is no match required.

**UNFINISHED BUSINESS:**

31. Ordinance: An Ordinance Prohibiting Camping on Public Property to create an ordinance to prohibit camping on public property and to provide for removal of campsites on public property. (FAVORABLE) (PASSED TO A THIRD READING BY A HANDVOTE)

32. Ordinance: AN ORDINANCE PROHIBITING LOITERING IN PUBLIC PLACES

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

**§ 1 Definitions.**

The following words, as used in this section, shall, unless the context otherwise requires, have the following meanings:

*Loiter:* Remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

*Public Place:* Any area within the City of Brockton that is City, state or federally owned or controlled and accessible to the general public, including, but not limited to, buildings, streets, sidewalks, bridges, alleys, driveways and parking lots.

**§ 2 Prohibited conduct.**

- A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to hinder or prevent persons passing or attempting or desiring to pass thereon.
- B. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do the same.
- C. No person shall congregate, stand, loaf, loiter or remain in any parking garage, whether publicly or privately owned, so as to interfere with the property of others or with any person's ability to use the services afforded by the garage, unless present there with the intent to park or use any other services afforded by the garage.
- D. No person shall stand, loaf, loiter or remain in, or in the immediate vicinity of, or frequent a public transportation terminal, whether publicly or privately owned, unless present there with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.
- E. No person shall congregate, stand, loaf or loiter in or in front of any school, community college, or community center with the purpose of annoying or interfering with the students or employees thereof or so as to hinder, obstruct, prevent or disrupt the normal functions carried on therein or thereat, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so. It shall be unlawful for any person to loiter or remain in or about the area of a school not having any reason or relationship, involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.

- F. No person shall loiter or remain in a vacant unoccupied building or on any portion of vacant land upon which such vacant building is located, unless with the permission of an authorized agent of said property.

**§ 3 Violations and penalties.**

- A. No person shall be arrested for a violation of this chapter unless the arresting officer, or by direct demand, first affords such person an opportunity to cease or explain such conduct.
- B. No person shall be convicted of a violation of this chapter if it appears at trial that the explanation tendered was true and disclosed a lawful purpose.
- C. Any person who violates the provisions of this chapter shall be punished by a fine of \$50. Each day on which the violation exists shall be deemed to be a separate offense. (FAVORABLE AS AMENDED) (PASSED TO A THIRD READING AS AMENDED BY A HANDVOTE)

**ORDINANCES:**

**33. Ordinance: An Ordinance Creating a Revolving Fund pursuant to Massachusetts General Law, Chapter 44, Section 53E ½**

Be it ordained by the City Council of the City of Brockton pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, that the following language be adopted as a City of Brockton Ordinance:

*The Inspection Revolving Fund shall be created. All fines collected that were a result of any Notice and/or Citation issued by any employee and/or agent of the Brockton Building Department. Programs or activities for which the Inspection Revolving Fund may be expended shall be consistent with purposes for ensuring that buildings within the City of Brockton are in compliance with all State Codes and City Ordinances. Expenditures from the Inspection Revolving Fund shall be made on the authority and direction of the Brockton Building Department Building Commissioner, provided that no more than two hundred and fifty thousand dollars (\$250,000) may be so expended without further appropriation from the Inspection Revolving Fund during the FY25. The Building Commissioner shall comply with the reporting requirements of M.G.L., Ch 44. Section 53E ½.*

**34. Ordinance: An Ordinance Creating a Revolving Fund pursuant to Massachusetts General Law, Chapter 44, Section 53E ½**

Be it ordained by the City Council of the City of Brockton pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, that the following language be adopted as a City of Brockton Ordinance:

*The Immunization Revolving Fund shall be created. Programs or activities for which the Immunization Revolving Fund may be used include the immunization of the citizens of Brockton and students of Brockton Public Schools. Reimbursements for the administration of the vaccines shall be credited to Immunization Revolving Fund. Expenditures from the Immunization Revolving Fund shall be made on the authority and direction of the Chief Financial Officer, provided that no more than \$250,000 may be expended from the Immunization Revolving Fund during fiscal year 2025. The Brockton*



To: BROCKTON POLICE DEPARTMENT

42. Ordered: That the City Council authorize the use of the stabilization fund to balance the FY25 Budget as follows:

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| STABILIZATION FUND | \$1,000,000 |
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43. Ordered: That the City Council authorize the use of retained earnings to balance the FY25 Budget as follows:

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| DPW WATER ENTERPRISE | \$2,606,668.00 |
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| PARKS AND RECREATION ENTERPRISE | \$510,967.00 |
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44. Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$60,000.00.

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| FROM: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY | \$60,000.00 |
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| TO: BROCKTON POLICE DEPARTMENT | \$60,000.00 |
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**RESOLVE:**

45. Resolved: To invite Brockton Fire Chief, Brian Nardelli, and anyone he may wish to be accompanied by, to appear at a Finance Committee to discuss the whole blood truck put on the road earlier this year with grant funding by the Town on Canton, how it is being used, how it has benefitted the City of Brockton, and other important related information.

**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.