

A regular meeting of the City Council was held in the George Romm Little Theatre at the Brockton High School, 470 Forest Ave., due to the elevator not working. Councillor Eaniri presiding. The meeting was called to order at 7:08pm with ten members present. Councillor Monahan absent

Councillor Sullivan asks for a moment silence for Peter Paz, that passed away. He was a good person. He passed at the age of 51. He was close friends with former Councillor, Chris MacMillan.

In City Council, September 24, 2018

467 Acceptance of the minutes of the September 10, 2018 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

Councillor Sullivan motioned to take collectively numbers **468-473** and was properly seconded. The motion carried by a hand vote.

468 Promotion of William G. Carpenter to the rank of Sergeant in the Brockton Police Department.

469 Promotion of Arthur McNulty to the rank of Lieutenant in the Brockton Police Department.

470 Promotion of Kenneth Ellis to the rank of Sergeant in the Brockton Police Department.

471 Promotion of Edward Cruickshank to the rank of Sergeant in the Brockton Police Department.

472 Promotion of Christopher McDermott to the rank of Sergeant in the Brockton Police Department.

473 Promotion of Robert Diliddo to the rank of Sergeant in the Brockton Police Department.

Councillor Sullivan motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Monahan being absent. Councillor Sullivan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

474 Reappointment of Jason Mosley as a Special Police Officer of the City of Brockton for a one year term ending September 2019.

Referred to Finance.

475 Reappointment of Kevin A. Smith as a Special Police Officer of the City of Brockton for a one year term ending September 2019.

Referred to Finance.

476 Reappointment of Daniel J. Vaughn as a Special Police Officer of the City of Brockton for a one year term ending September 2019.

Referred to Finance.

APPOINTMENTS (cont'd)

- 477** Reappointment of Julie Myshrall as a Special Police Officer of the City of Brockton for a one year term ending September 2019.
- Referred to Finance.
- 478** Reappointment of Janet Frizzell-Hancock as a Special Police Officer of the City of Brockton for a one year term ending September 2019.
- Referred to Finance.
- 479** Appointment of Julie Castor of 55 Oak Street, Hyde Park, MA to the position of part time Assessor for the City of Brockton.
- Referred to Finance.

HEARINGS

Petition of Dynamic Collision for a Transfer of Motor Vehicle Repair Body License located at 1114 Montello St., Brockton, MA.

Michael Pomerleau who is the owner of the business appeared in favor. He stated that the license is a transfer from one location to another. He also stated everything has been through all inspections with the City and the Fire Department, meeting all the requirements that is needed for the City.

Councillor Nicastro stated that the stipulations of his Motor Vehicle Repair license will be merged to his body license having both with the same stipulations. She also stated that Mr. Pomerleau also had requested if his Saturday hours can be extended till 7pm closing time. She stated she has allowed that change and it will be added to his license.

Mr. Lynch owner of garage appeared in favor stating he is a good tenant and would appreciate if the council would grant Mr. Pomerleau his license.

Councillor Farwell motioned to grant license and was properly seconded by Councillor Nicastro.

Hearing held.

Granted as stipulated, by a hand vote.

Petition of Christopher Sausman for a license to Solicit and Canvass on behalf of Direct Energy, an alternative energy provider.

Christopher Sausman appeared in favor.

Councillor Sullivan what is the plan? Would it be door to door? What would be the hours?

Mr. Sausman answered they will be going door to door and would start at 1pm until 7pm.

Councillor Sullivan motioned to put stipulation on hours being 1pm-7pm that they can knock on residents doors also states they need to have badges visual.

Councillor Derenoncourt asked how long he planned to knock on residents doors as far as time frame.

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HEARINGS (cont'd)

Mr. Sausman answered there really is no time frame just trying to get as many people to sign up and doesn't know how long it will take to get through the City of Brockton.

Councillor Derenoncourt asked if he has done this before.

Mr. Sausman answered not in Brockton but in other towns and cities.

Hearing held.

Granted as stipulated by a hand vote.

Petition of Jacob Bertelson for a license to Solicit and Canvass on behalf of Direct Energy an alternative energy provider.

Mr. Jacob Bertelson appeared in favor.

Councillor Derenoncourt questioned what the usual timeframe is in a city.

The petitioner stated that it depended on the city or town and the permits that are needed and how long they are allowed to do so.

Councillor Derenoncourt asked how long he has been doing it for.

Mr. Sausman answered he has done it for three years, but just moved from New Jersey to Massachusetts. In their office there are 25 employees. They all go to different towns and cities. They have been to Hyde Park, Framingham, Waltham and Milton just to name a few.

Councillor Sullivan asked if they would be working solo or in groups?

Mr. Sausman states it could be both at times.

Councillor Sullivan asked for the gentlemen to follow the stipulation on the hours making sure they do not knock on residents doors passed 7pm and to always have badges visible.

Hearing held.

Granted as stipulated, by a hand vote.

Petition of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to install stub pole 3-84 on Spring Avenue 40ft. northeast of existing pole 3 in order to remove two guy wires off a tree per the City of Brockton.

Mr. Sam Young appeared in favor addressed his profession as a Brockton Engineer and explained that they will be gutting any old dead trees and placing a pole.

Emily Lacouture appeared in opposition stated that she lives 40 feet from where they want to place the pole. She wanted to know where they are placing the pole because she does not want it on her front lawn.

Mr. Young stated they will not put the pole on her lawn and if they needed will ask for permission to do so they won't just place it without her permission.

Ms. Lacouture stated she is all set with the explanation. She was just making sure it would not be on her lawn.

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HEARINGS (cont'd)

Hearing held.

Granted by a hand vote.

Petition of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to install stub Pole 39-84 on Court Street 40ft. north of existing Pole 39 in order to support leaning Pole 39. A guy wire was previously removed from the tree in front of house #366.

Mr. Sam Young appeared in favor and explained were they will be placing the pole.

Mr. Enrique Fernandes appeared in opposition. He is a business owner on Court St. He explained that they had done a previous job on pole 39 on Court St. and whatever was being done the outcome was a stub from the pole which was down a year ago they haven't even corrected what they did last time. He doesn't understand how they are moving on to the next project without removing what was left unfinished.

Councillor President Eaniri asked Mr. Young if he could get that checked out.

Mr. Sam Young stated he is not familiar with the sight there is a different engineer who is handing it but he was told there were no issues.

Councillor Eaniri questioned if there should be a motion to postpone.

Councillor Sullivan motioned to grant with the condition to remove pole 39 prior to starting on this new project.

Councillor Asack clarifying he is not a Brockton engineer but an engineer for National Grid in the Brockton area.

Mr. Sam Young stated he was sorry but yes that was correct he is an engineer for National grid, not the City of Brockton.

Hearing held.

Granted as stipulated, by a hand vote.

REPORTS

480 Of the Ordinance Committee for its meeting of September 6, 2018.

Accepted and placed on file.

481 Of the Public Safety Committee for its meeting of September 17, 2018.

Accepted and placed on file.

482 Of the Finance Committee for its meeting of September 17, 2018.

Accepted and placed on file.

COMMUNICATIONS

- 483** From the Chief of the Fire Department requesting that the City Council authorize the acceptance and expenditure of grant funds in the amount of \$671,897 from Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) to City of Brockton Fire Department FEMA/DHS Grant Fund. (the intended use of these funds is to fund the purchase of ninety (90) Self Contained Breathing Apparatus (SCBA), eighty seven (87) face pieces, a breathing air compressor and a cylinder fill station for the Brockton Fire Department. This will replace their entire inventory of breathing apparatus and update their filling capabilities). There is a 10% match from the City which is required in the amount of \$67,189.00. An appropriation from Unappropriated Estimated Receipts of FY19 of the General Fund- \$67,189.00 to Fire Department FEMA/DHS Grant Match-\$67,189.00 is requested.

Accepted and placed on file.

- 484** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of grant funds in the amount of \$671,897 from Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) to City of Brockton Fire Department FEMA/DHS Grant Fund. (the intended use of these funds is to fund the purchase of ninety (90) Self Contained Breathing Apparatus (SCBA), eighty seven (87) face pieces, a breathing air compressor and a cylinder fill station for the Brockton Fire Department. This will replace their entire inventory of breathing apparatus and update their filling capabilities). There is a 10% match from the City which is required in the amount of \$67,189.00. An appropriation from Unappropriated Estimated Receipts of FY19 of the General Fund- \$67,189.00 to Fire Department FEMA/DHS Grant Match-\$67,189.00 is requested.

Accepted and placed on file.

- 485** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying both the proposed appropriation in the amount of \$671,897 from Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) to City of Brockton Fire Department FEMA/DHS Grant Fund and the appropriation of \$67,189.00 from Unappropriated Estimated Receipts of FY19 of the General Fund to Fire Department FEMA/DHS Grant Match.

Accepted and placed on file.

- 486** From the Chairman of the Board of Assessors requesting in accordance with Section 2-131 of the Revised Ordinances, the authority to offer a hiring rate at top step for the position of Part-Time Member Board of Assessors, for Julie Castor.

Accepted and placed on file.

- 487** From the Mayor appointing Julie Castor as a member of the Board of Assessors, subject to the approval of the City Council. Furthermore, also hereby requesting that the City Council approve the request of John O'Donnell that he be granted the authority to hire Ms. Castor at the top salary step for the position.

Accepted and placed on file.

- 488** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the hiring of Julie Castor at the top step as a part-time member of the Board of Assessors.

Accepted and placed on file.

COMMUNICATIONS (cont'd)

- 489** From the CFO requesting in accordance with Section 2-131 of the Revised Ordinances, the authority to offer a hiring rate at top step for the position of Budget Director, for Karen Preval, and in order to do this, hereby requests an appropriation of \$10,000.00 from Unappropriated FY19 Receipts of the General Fund-\$10,000.00 to Finance Department Personal Services-\$10,000.00 (the position does not require council approval, but the salary decision does).

Accepted and placed on file.

- 490** From the Mayor in accordance with M.G.L., recommending an appropriation of \$10,000.00 from Unappropriated FY19 Receipts of the General Fund-\$10,000.00 to Finance Department Personal Services-\$10,000.00 (in order to provide sufficient funding to hire a new Budget Director at the top step salary. Furthermore, as recommended by the Chief Financial Officer, hereby requests, in accordance with Section 2-131 of the Revised Ordinances of the City, that the City Council approve that the hiring salary for Karen Preval be at the top step of the Ordinance for the Budget Director of \$95,467.00.

Accepted and placed on file.

- 491** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the proposed appropriation of \$10,000.00 from Unappropriated FY19 Receipts of the General Fund-\$10,000.00 to Finance Department Personal Services-\$10,000.00.

Accepted and placed on file.

- 492** From the Chief Procurement Officer supporting the sale of former Whitman and Howard Schools. Both buildings have remained vacant for many years and no longer of any use to the City. If the disposal of the properties is approved by the City Council, my department in conjunction with the office of planning and Economic Development will begin the process of selling by way of RFP (Request for proposals.)

Accepted and placed on file.

- 493** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the sale of Whitman School.

Accepted and placed on file.

- 494** From the Executive Director of Brockton Redevelopment Authority notifying the progress report of the Petronelli Way Municipal Garage.

Accepted and placed on file.

- 495** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize a loan for \$5 Million as suggested by the City's Bond Counsel, Richard Manley of Locke Lord LLP. The borrowing is to provide funding for additional costs for Petronelli Way Municipal Garage Project, as detailed in the letter to him dated September 7, 2018 from Robert Jenkins, Executive Director of the Brockton Redevelopment Authority.

Accepted and placed on file.

COMMUNICATIONS (cont'd)

- 496** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying that in his professional opinion the City of Brockton may not be adequate to support the proposed loan order and appropriation for \$5 Million, for added financing of costs related to the Petronelli Way Municipal Parking Garage project.

Accepted and placed on file.

UNFINISHED BUSINESS

Councillor Sullivan motioned to take items **457-463** collectively.

- 457** Promotion of Brenda Perez to the rank of Sergeant in the Brockton Police Department. (FAVORABLE)
- 458** Promotion of Victor Perez to the rank of Sergeant in the Brockton Police Department. (FAVORABLE)
- 459** Promotion of Frank Vardaro to the rank of Lieutenant in the Brockton Police Department. (FAVORABLE)
- 460** Promotion of Kevin Jones to the rank of Lieutenant in the Brockton Police Department. (FAVORABLE)
- 461** Promotion of Christopher LaFrance to the rank of Captain in the Brockton Police Department. (FAVORABLE)
- 462** Promotion of William Hallisey to the rank of Captain in the Brockton Police Department. (FAVORABLE)
- 463** Promotion of William G. Carpenter to the rank of Temporary Sergeant in the Brockton Police Department. (FAVORABLE)

Councillor Rodrigues stated he was confused with items **468** and **463** seeing that they both are for the same person and one is Temporary Sergeant and the other is for Sergeant. His question was how that happened and what happens to first one for Temporary Sergeant? Does it stay in limbo?

Council President Eaniri answered, at the time of the Temporary Sergeant promotion, the Sergeant position was not open. Once a sergeant position was opened he was able to take that promotion which once voted the Temporary Sergeant does stay in limbo.

Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Monahan absent.

- 369** Ordered: That the City Council hereby declare, that the vacant land on Thatcher Street in Brockton, MA identified as Assessor’s Parcel 132-015 Plot 21 containing 36,175 sq. ft. +/- described in a plan dated March 8, 2018 entitled Plan of Land prepared by J.K. Holmgren Engineering, Inc., Registered Professional Engineers and Land Surveyors, and more fully identified in Exhibit A is surplus property and available for disposition and that the Mayor and/or Treasurer be authorized to execute any and all documents necessary to sell the property for nominal consideration to Donald A. Galante, Jr. as he is the Trustee of the Regal Trust, a Massachusetts Nominee Trust dated May 11, 2000 and recorded at Book 18512 Page 1 of the Plymouth County Registry of Deeds. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

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

Petition of Sign Design of 170 Liberty St., Brockton, MA for a sign permit located at Merian Brothers, 137 Main St., Brockton, MA. (FAVORABLE)

Granted by a hand vote.

Councillor Nicastro stepped down.

Petition of SMART DEVICE SOLUTION, LLC., Kyle Barbaro, for a Second Hand Articles License located at 200 Westgate Drive. (FAVORABLE)

Granted by a hand vote.

ORDERS

- 497** Ordered: In Compliance with the provisions of the Election Laws, notice is hereby given that the State Election will be held on Tuesday, November 6, 2018 at the designated polling places.

Referred to Finance.

- 498** Ordered: That the moratoriums for the issuance of sewer connection permits in Ward 6 are terminated.

Councillor Lally stated that moratorium expired a long time ago and it is just placing us in a position to be sued it's something that has to be done.

Councillor Lally motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Confirmed by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councillors Monahan and Nicastro absent.

Councillor Nicastro stepped back in.

- 499** Ordered: In accordance with Section 2-131 of the Revised Ordinances, that the City Council authorize the Chairman of the Board of Assessors to offer a hiring rate at the top step for the position of Part-Time Member Board of Assessors, for Julie Castor.

Referred to Finance.

- 500** Ordered that the City Council hereby declare the Whitman School at 25 Manomet Avenue (Map 059, Parcel 046), as shown on the attached plan, surplus and available for disposition and sale to the most advantageous proposer after soliciting requests for proposals. And further, that the Mayor be and hereby is authorized to execute any and all documents necessary to dispose of said property.

Councillor Sullivan states there is a scrivener's error, because it's not Manomet Avenue, but actually is Manomet Street.

Referred to Real Estate.

- 501** Ordered that the City Council hereby declare the Howard School at 849 North Main Street (Map 103, Parcel 090), as shown on the attached plan, surplus and

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ORDERS (cont'd)

available for disposition and sale to the most advantageous proposer after soliciting requests for proposals. And further, that the Mayor be and hereby is authorized to execute any and all documents necessary to dispose of said property.

Referred to Real Estate.

502 Ordered: That the sum of \$5,000,000 is appropriated to pay additional costs of developing a parking garage, and for making street and traffic improvements within the development district approved by the City and being undertaken in conjunction with Trinity Financial, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 40Q (the District Improvement Financing statute), M.G.L. c. 44 and/or any other enabling authority, and to issue bonds or notes of the City therefor; that such bonds or notes shall be general obligations of the City, although such bonds or notes shall be payable in the first instance from property tax revenue expected to be derived from new development within the development district. The amount authorized to be borrowed pursuant to this order shall be expended in addition to all amounts previously appropriated by the City for this project, as well as all other amounts received by the City from The Commonwealth of Massachusetts and from Trinity Financial to pay costs of the project.

Ordered: Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

Councillor Farwell states item **502** that was just read, is in companion with the resolve item **505** that Councillor Sullivan and himself filed.

Councillor Sullivan motioned for items **502 and 505** go to the 2nd meeting of Finance in October and was properly seconded. The motion carried by a hand vote.

Referred to second Finance Committee meeting in October..

503 Appropriation of \$10,000.00
From: Unappropriated FY19 Receipts of the General Fund-\$10,000.00
To: Finance Department Personal Services-\$10,000.00

Referred to Finance.

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ORDERS (cont'd)

- 504** Appropriation: of \$671,897
From: Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS)
To: City of Brockton Fire Department FEMA/DHS Grant Fund
and an Appropriation of \$67,189.00
From: Unappropriated Estimated Receipts of FY19 of the General Fund
To: Fire Department FEMA/DHS Grant Match.

Referred to Finance.

- 505** Resolved: That Chief Financial Officer John Condon and Director of Planning and Economic Development Rob May appear before a committee of the City Council to review the parking garage project, the reasons for the deficit, and strategies to ensure adequate funding for the construction of this facility.

Referred to Finance.

Councillor Sullivan motioned for item **505** to go to the 2nd finance meeting in October and was properly seconded.

Granting of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to install stub pole 3-84 on Spring Avenue 40ft. northeast of existing pole 3 in order to remove two guy wires off a tree per the City of Brockton.

Granted by a hand vote.

Granting of Massachusetts Electric Company and Verizon New England, Inc. requesting permission to install stub Pole 39-84 on Court Street 40ft. north of existing Pole 39 in order to support leaning Pole 39. A guy wire was previously removed from the tree in front of house #366.

Councillor Sullivan motioned to grant with the condition that the City Clerk receives proof of pole 39 being removed before any other work is done and was properly seconded. The motion carried by a hand vote.

Granted by a hand vote, with condition.

LATE FILE

Councillor Farwell motioned to take late file and was properly seconded. The motion carried by a hand vote.

- 506** Ordered: That the current moratorium relating to marijuana retail sales, cultivation, distribution or other related activities, enacted by the City Council pursuant to Section 27 - 24.3 of the Revised Ordinances of the City of Brockton, shall not apply to those medical marijuana dispensaries, medical marijuana treatment centers, medical marijuana manufacturers, or medical marijuana retail dispensaries currently located within the city and which are licensed or provisionally approved, or have provisional or final registration, and/or are grandfathered under 935 CMR 500.

Referred to Finance

Councillor Sullivan took a moment of personal privilege to announce an Ordinance meeting on Thursday, October 18, 2018 at 6pm. The ordinances that are dealing with zoning and Licensing will be heard. He also mentions Saturday was the 100th anniversary of the Brockton firefighter's local #144 the Ceremony was held in Brockton at the Union Hall. He states that he attended and expressed it was a wonderful event and was very special.

Councillor Asack takes a moment of personal privilege to announce September 28-30 will be the Lebanese Festival at 34 N. Main Street, Brockton. She states she will be attending with some of her colleagues to enjoy the great food. Everyone is welcome to attend.

Councillor Beauregard announces that Ward 7 will have a Downtown Brockton Festival on the intersection of Main St. and Frederick Douglass Ave. from 10am-5pm there will be music, food, art, and merchants selling things. There is also an event on boxing at the Brockton Library from 2pm-8pm at the main Library and all events are free to attend. , A Ward 5 meeting will be held October 3, 2018 from 7pm-8pm at the Main Library.

Councillor Nicastro takes a moment of personal privilege to announce the 3rd meeting of Ward 4 will be on Wednesday September 26, 2018 at 6:30pm -8pm. There will be one speaker and light refreshments. Everyone is welcome to come.

Council President Eaniri takes a moment of personal privilege to announce on Monday, October 1st 2018 at 7pm there will be a Finance meeting. He also wanted to announce that he will be going for hip surgery and will be absent for some time. While away for surgery, Councillor Sullivan will be filling in for him as Council President.

Councillor Dereononcourt wished Councillor Eaniri good luck with his surgery and hopes to see him back soon.

Adjourned 7:51pm

All items on agenda are available in their entirety for review in the City Clerk's Office for all interested parties.

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.