

146.

A regular meeting of the City Council was held at the Arnone School, 135 Belmont St., auditorium, due to the elevator not working. Council President Eaniri presiding. The meeting was called to order at 7:05pm with eleven members present.

A moment of silence was called by President Eaniri for veterans and the people in California.

Councillor Sullivan recognizes Councillor Rodrigues for his services. He is the only councillor who has served in the military.

In City Council, November 13, 2018

552 Acceptance of the minutes of the October 22, 2018 City Council meeting.

Accepted and placed on file.

553 Election of City Clerk- Clerk to the Council

Councillor Cruise motioned for nominations to be opened and was properly seconded by Councillor Sullivan. The motion carried by a hand vote. Councillor Cruise nominated Anthony J. Zeoli as City Clerk, Clerk to the Council and was properly seconded by Councillor Sullivan. The motion carried by a roll call vote eleven members present and all voting for Anthony J. Zeoli. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

President Eaniri thanked Councillor Sullivan for covering the 6 weeks he was out and said everything ran smoothly in his absence.

REPORTS

554 Of the Ordinance Committee for its meeting of October 18, 2018.

Accepted and placed on file.

555 Of the Real Estate Committee for its meeting of October 23, 2018.

Accepted and placed on file.

556 Of the Finance Committee for meeting of November 5, 2018

Accepted and placed on file.

Councillor Eaniri made comments regarding the Finance Committee minutes and he will talk to the City Auditor regarding the length, as it is supposed to be a synopsis.

Councillor Nicastro stated to take into consideration it was the person's first night taking the minutes of that meeting.

Councillor Sullivan referenced Mark Gildea had stated in the past that minutes should be accurate and precise and a summary. It was the person's first night and that could be what happened.

Councillor Eaniri stated that the following minutes of Finance Committee were shorter.

557 From the Chief of Police requesting the City Council authorize to expend grant monies in the amount of \$680,516.00 from U.S Department Of Justice Office Of

REPORTS (Cont'd)

Justice Program-FY18 Strategies For Policing Innovations Grant to City of Brockton Police Department-FY18 Strategies for Policing Innovations Grant.

Accepted and placed on file.

- 558** 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 \$680,516 from U.S Department Of Justice Office Of Justice Programs-FY18 Strategies for Policing Innovations Grant to City Of Brockton Police Department-FY18 Strategies For Policing Innovations Grant Fund. These grant funds will support a two-pronged approach to combat opioid addiction and firearms violence. Officers will perform street outreach in areas of the city data shows to be hardest hit by opioids while in the areas data shows to have the highest concentration of firearms violence, officers will perform targets enforcement and target hardening. This is a multi-year award, with four annual budgets of \$243,920, \$211,832, \$207,782 and \$17,432 applying respectively, beginning in 2018. There is no match required.

Accepted and placed on file.

- 559** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation in the amount of \$680,516 from U.S Department Of Justice Office Of Justice Programs-FY18 Strategies For Policing Innovation Grant to City Of Brockton Police Department-FY18 Strategies For Policing Innovation Grant Fund.

Accepted and placed on file.

- 560** From the Director of Planning requesting the City Council authorize the proposed HDIP Tax Increment Exemption Agreement for the market rate housing development proposed for 47 West Elm Street. The local exemption is the one of two incentives for the development of market rate housing in Gateway Cities. The second incentive is State Tax credits awarded by DHCD

Accepted and placed on file.

- 561** From the Mayor in accordance with M.G.L., recommending that the City Council Authorize the approval of the proposed Tax Increment Exemption Agreement between the City and South Shore Property Management, LLC of 15 Torrey St., Unit 3 of Brockton MA, relative to the Market rate housing project proposed for 47 West Elm Street. The local exemption is the one of two incentives for the development of market rate housing in Gateway Cities. The second incentive is State tax credits awarded by DHCD. The Agreement is pursuant to the provisions of M.G.L., Chapter 40V, 760 CMR 66 (HD TIE) and M.G.L., Ch 59. The project anticipates 44 residential units, all of which would be market rate rental units. The base 2019 assessed value for the project is \$141,100. The estimated completion value, in 2021, is \$4,000,000. The property tax exemption percentage on that increment of added value is 71% which continues for 15 years.

Accepted and placed on file.

- 562** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed Tax Increment Exemption Agreement between the City and 47 West Elm Street. **It provides a significant redevelopment benefit in Downtown Brockton. The base level of \$4,547 in taxation is preserved. A significant annual increase of \$16,000 in property taxes will be achieved even during the 15 year tax exemption. After 15 years, more than \$79,000 in annual property taxation is anticipated.**

Accepted and placed on file.

UNFINISHED BUSINESS

- 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. (FAVORABLE) (IN CITY COUNCIL OCTOBER 22, 2018, PASSED TO A THIRD READING, BY HAND VOTE).

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

- 500** Ordered that the City Council hereby declare the Whitman School at 25 Manomet Street (Map 059, Parcel 046), as 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. (FAVORABLE)

Councillor Monahan motioned to amend and was properly seconded. The motion carried by a hand vote. Amendment: That the aforementioned property is made available as surplus subject to the historic restoration of the exterior facade and as much of the existing structure remains as possible.

Councillor Sullivan motioned to add wording to the amendment and was properly seconded. The motion carried by a hand vote. Amendment: And this shall be deemed as a condition precedent to said declaration of surplus, disposition and sale.

Adopted, as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present with ten voting in the affirmative. Councillor Beauregard voting in the negative.

- 501** Ordered that the City Council hereby declare the Howard School at 849 North Main Street (Map 103, Parcel 090), surplus and available for disposition and sale to the most advantageous proposer after soliciting requests for proposals. And

UNFINISHED BUSINESS (cont'd)

further, that the Mayor be and hereby is authorized to execute any and all documents necessary to dispose of said property. (FAVORABLE, AS AMENDED)

Councillor Asack recognizes members of the Montello Business Association that are present who are concerned about the Howard School property. They are aware it's not a hearing so they can't speak on it but she wanted to acknowledge them in the audience.

Councillor Sullivan states Councillor Asack may want to consider the wording he amended to the last order # **500** as a part of her amendment as well.

Councillor Asack motioned to amend by adding the following wording and was properly seconded. The motion carried by a hand vote.

Amendments: 1. The aforementioned property is to be made available as surplus subject to the historic restoration of the exterior façade and as much of the remaining structure as possible. 2. And this shall be deemed as a condition precedent to said declaration of surplus, disposition and sale.

Councillor Farwell makes points and concerns regarding the property. He believes the council should know what is going to happen with the property and what the value of the property is. Councillor Farwell also mentions the real estate minutes have no details of what took place or who appeared to speak in the meeting and should include that information. He feels they should look more into the plans of the property and find out more information, being that the property is so big and they don't want to be in the same situation. Where the property is deemed surplus then later find out needs to be torn down. He questioned how they even answer as Council regarding property they don't know anything about. He is not voting yes, but respects everyone's vote.

Councillor Monahan states there are no hidden agendas. Voting on this tonight is only starting the process and that everything still has to go through certain boards and committees with the ideas for the property for approvals before anything is done. Councillors and residents of Brockton are able to state any concerns or any objections during those times and believes they shouldn't send back to a committee, but vote on it tonight because it's been on hold for some time and no one even knows if there will be a bid.

Councillor Rodrigues states he passes the property everyday and it isn't appealing and has no benefit to the city as it stands. He believes they should start the process and it should not to be sold to a nonprofit organization due to the fact it does not bring revenue to the city. There is still a process that has to take place before anything is done to the property. He states the Real Estate minutes have been done the same for years. As far as attendance of the Real Estate Committee, the invites all showed up for the meeting. He mentions how none of his colleagues except Councillor Beauregard had any objections to the #**500** and it's exactly the same thing as this order. He would be more worried regarding the Whitman School property than the Howard School property due to the location. He states this property has to be put out there to see what can happen with the property. It has been sitting for some time. If there was an issue, then they should have attended the Real Estate meeting and expressed their concerns. He states as chair of Real Estate if it gets sent back to Real Estate, it will die.

Councillor Nicastro states she understands it may be the last chance to sell the property so it's understandable to vote. The Whitman and Howard are not the same, due to location and size. Her Concerns are with having the best bidder but not being a part of the process and also that if a nonprofit offers a good bid and the city accepts, she would want to do it under the condition that the nonprofit

UNFINISHED BUSINESS (cont'd)

signs an agreement with the understanding they will pay tax to the City. She wonders if it is worth motioning to amend attaching a RFP to go forward, because she doesn't want it to get lost. She comments on Real Estate minutes not official enough, but that can be fixed.

Councillor Cruise with respect to colleague Councillor Rodrigues, believes there is a confusion. The property is not a tax title. People are confusing this with an auction, where the highest bidder takes the property; it will go to the most advantageous bidder in the city and what the residents agree to. The city is not forced to take the highest bid. He hopes a nonprofit does not get the property because it's not beneficial to city.

Councillor Lally stated as ward councilors they are there to look at the bid and if the ward councilor feels whatever is proposed is not good, they don't have to be accepted. This is to see the ideas of bidders for the property that is it. We have nonprofits and he believes tax will be too high for the nonprofit to accept and it would be better to have another type of business to benefit the city.

Councillor Sullivan states Councillor Farwell had valid points. He states this is the start of the process that has been done since he started. As Council he states their duty is to make a decision to dispose of property. They want to make sure there are no negative impacts on residents and business already there. Also to keep in mind the mayor can only generate the pilot program with the buyer. Council has no authority. He believes the Ward Councillors will fight for the rest of the city and residents, but the process needs to begin. He would like updates by ward councilors on property. As tax payers, anyone can go to the meetings for the process and if concerns are felt it can be said and residents can oppose.

Councillor Asack states the people who had concerns and called her wanted to let them know they were heard and she addressed their concerns. She will be at the table when making decisions and will make sure to fight for what's best. Business always has a process that goes through committees and councillors sit on the boards and committees so everyone at some point will have input through the process. They are open meetings to this process and they go through zoning and traffic so people need to be a part of the process and speak up with their concerns.

Councillor Farwell states he never motioned to send back so he doesn't understand why the comments about moving forward. He states he stated the reason he is voting no and that there needs to be more information. He doesn't want another open meeting law complaint for having the type of minutes that they have had in Real Estate, so the minutes need to meet the requirements of the law. He states that info from one ward councillor should be shared to another.

Adopted, as amended, by a roll call vote taken by "yeas" and "nays"; eleven members present with eight voting in the affirmative. Councillors Beauregard, Monahan and Derenoncourt voting in the negative.

Councillor Sullivan with respect to Councillor Farwell, through the council president, requested to have the Assessors estimated value of the property and as well Mr. Martin Brophy can revise the minutes of Real Estate.

524 Appointment of Mario Lopes Alves, 23 Smith Ave., Brockton, MA as a Constable in the City of Brockton for a term of three (3) years.(FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

151
UNFINISHED BUSINESS (cont'd)

Councillor Cruise motioned to take items **525-527** collectively and was properly seconded.

525 Appointment of Lohan S. O. Moreira, 11 Bellevue Ave., Apt. #1W, Brockton, MA as a Constable in the City of Brockton for a term of three (3) years.(FAVORABLE)

526 Appointment of Debroah Hodges-Pabon of 21 Field St., Brockton, MA to the Brockton Cultural Council for a 6 year term.(FAVORABLE)

527 Reappointment of James C. Doucette, 260 Torrey St., Brockton, MA as a Constable in the City of Brockton for a term of three (3) years.(FAVORABLE)

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

544 Ordered: That the City Council authorizes the acceptance and expenditure of additional grant funds in the amount of \$50,000
From: Massachusetts Department of Public Health-Legislative Earmark Funding Grant
To: City of Brockton Police Department-Legislative Earmark Funding Grant Fund (FAVORABLE)

Adopted as amended by a roll call vote taken by “yeas” and “nays”;eleven members present and all voting in the affirmative.

548 Ordered: That the City Council authorizes the acceptance and expenditure of additional grant funds in the amount of \$39,350.50
From: US Department of Justice –FY2018 Bulletproof Vest Program Grant
To: The City of Brockton Police Department-FY2018 Bulletproof Vest Program Grant Fund. (FAVORABLE)

Adopted as amended by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

546 Appropriation of \$24,507.10
From: Unappropriated Estimated Receipts of the General Fund FY19
To: Fema Reimbursement \$18,315.32
FY17 State 911 Grant \$4,785.02
FY18 911 Training \$774.30
School Roof Repairs \$632.46
(FAVORABLE)

Adopted as amended by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

547 Total Appropriation of \$700,000
From: Unappropriated Estimated Receipts of the General Fund FY19
To: Stabilization Fund
(FAVORABLE)

Adopted as amended by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

UNFINISHED BUSINESS (cont'd)

- 549** Resolve: to invite Larry Rowley the head of the department of public works and a representative from traffic to discuss with the city council the situation with snow removal, parking on streets and other concerns that arise during the winter months.(FAVORABLE)

Adopted as amended by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 550** Resolve: to invite Larry Rowley the head of the department of public works for the city to inform the city council and the public with an update on the new street lights.(FAVORABLE)

Adopted as amended by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

ORDERS

- 565** An Ordinance Amending Chapter II of the Revised Ordinances
Be it hereby ordered that An Ordinance Amending Chapter II of the Revised Ordinances dated February 12, 2018, be amended by inserting “(g)” at the beginning of the text, whereby the entirety of said An Ordinance Amending Chapter II of the Revised Ordinances shall be a continuation of Article XIII, Section 11-211 and shall be inserted into said Section 11-211 as subsection “(g)” to continue after subsection “(f)”.

Referred to Ordinance

- 566** An Ordinance Amending Chapter II of the revised Ordinances dated February 12, 2018. To revise second entitled ‘Amendment’, to delete the reference in the first line to “Section “11-211” and to insert in its place Section “11-214.”

Referred to Ordinance

- 564** Ordered that the City Council Accepts and approves the Tax Increment Exemption Agreement between the City and South Shore Property Management, LLC of Torrey Street, Unit 3 of Brockton, MA relative to the Market rate housing project proposed for 47 West Elm Street.

Referred to Finance

- 563** Appropriation of the total grant in the amount of \$680,516.00
From: U.S Department Of Justice Office of Justice Programs-FY18 Strategies for Policing Innovations Grant
To: City Of Brockton Police Department-FY18 Strategies for Policing Innovations Grant Fund. This is a multi-year award, with four annual budgets of \$243,920, \$211,832, \$207,782 and \$17,432 applying respectively, beginning in 2018.

Referred to Finance

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.

The Council President announced that next Monday November 19, 2018 at 7pm the Finance Committee will meet at the Arnone School Auditorium. For the City Council meetings be on the lookout for change of location and dates due to holidays. The next City Council meeting will be November 27, 2018 at the Arnone as well as December 3, 2018 then it will go back to the Brockton High Little theater some time in January 2019.

Councillor Sullivan announces an Ordinance meeting on November 20, 2018 at 6:30PM in the Cafeteria of the Arnone School. The two items will be on marijuana.

Councillor Asack wishes Ward 4 Councillor Susan Nicastro a belated birthday that was last week.

Councillor Beauregard touches on the discussion about the two properties, the Whitman and Howard Schools. She expresses her concerns and why she voted no.

Council President Eaniri mentions to all the Councillors to be aware of all the auctions that are taking place on properties that have not been up and running for some time now. He states he's going to look more into it but suggest everyone does the same and wants to request a list of those properties.

Adjourned 8:16pm