

167.

A regular meeting of the City Council was held on Thursday December 27, 2018 at the Arnone School, 135 Belmont St., auditorium, due to the elevator not working. Councillor Eaniri presiding. The meeting was called to order at 7:05 pm with eleven members present.

In City Council, December 27, 2018

Councillor Derenoncourt takes a moment of silence unfortunately on Christmas there was a house fire and 2 people died. Our thoughts are with their family.

606 Acceptance of the minutes of the December 10, 2018 City Council meeting.

Accepted and placed on file

APPOINTMENTS

Councillor Sullivan motioned to move under suspension of the rules and was properly seconded on items 607-608. The motion carried by a hand vote.

607 Promotion of Firefighter James B. Campbell to the rank of Fire Lieutenant in the Brockton Fire Department.

608 Promotion of Fire Lieutenant Eric J. Nardelli to the rank of Fire Captain in the Brockton Fire Department.

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative on items **607** and **608**.

A two minute recess was called.

Back in session.

Councillor Sullivan motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed on items **607-608** by a hand vote.

609 Of Tanya Tillman of 1092 North Main, Brockton, to the Elections Commission for a term of 4 years.

Referred to Finance.

610 Of Jane Parker of 46 Linnea Ave, Brockton, to the Elections Commission for a term of 4 years.

Referred to Finance.

611 Of Eugene S. Marrow of 128 Healey Terrace, Brockton, as an alternate to the Brockton License Commission for a term of 3 years.

Referred to Finance.

612 Of Donald Dobbins, 21 Hemlock St., Brockton, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance.

HEARINGS

Petition of Wal-Mart Real Estate Business Trust, in connection with a proposed Cumberland Farms, Inc. retail gas station, c/o Smolak & Vaughn, LLP , East Mill, 21 High Street, Ste. 301, N. Andover, MA 01845 for an underground storage/flammable storage license located at 700 Oak St., Brockton, MA.

168.
HEARINGS (cont'd)

Attorney John Smolak appeared in favor. He explained it is very similar to other locations.

Councillor Asack stated she has been at zoning meeting. Cumberland Farms made changes for residents. She thanked the atty. Hearing closed. No one was in opposition. Councillor Asack motioned to grant license and was properly seconded. Granted by a hand vote.

Councillor Sullivan stated that we received the certificate of insurance from last location. They ask for this one also.

Attorney Smolak stated that the staff is wonderful.

Councillor Nicastro motioned to take items 9- 10 collectively and was properly seconded

Petition of Daniel Gill, Jr. of 531 Summer St., E. Bridgewater, MA for a Garage License located at 12 Riverside Avenue, Brockton, MA.

Petition of L & L Auto Repair, Armando Mendes, of 17 Myrtle Ave., Braintree, MA for a Motor Vehicle Repair Body License located at 12 Riverside Avenue, Brockton, MA.

The reason Councillor Nicastro is taking collectively is that she prefers to postpone to next council meeting. She also wants to refer to Public Safety.

Councillor Sullivan stated that she can't postpone and refer to Public Safety.

Councillor Nicastro motioned to postpone until next council meeting, then she will motion for it to go to Public Safety. The motion carried by a hand vote.

REPORTS

613 Of the Public Safety Committee for its meeting of December 17, 2018

Accepted and placed on file.

614 Of the Finance Committee for its meeting of December 17, 2018

Accepted and placed on file.

COMMUNICATIONS

615 From the Chief of the Fire Department requesting a transfer from the Other Contract Services Account for forty thousand dollars (\$40,000.00) to the Overtime Account. This money was budgeted for Active Shooter Response Training and Equipment. The money was paid from regular overtime account to cover Active Shooter Response Training Drills in November. (The money has been budgeted in line item #4 in the Budget FY2019 book).

Accepted and placed on file.

616 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total transfer of \$40,000 from Fire Dept-Purchase of Services to Fire Dept-Overtime (in order to pay for Active Shooter Response Training and Equipment that happened in November).

Accepted and placed on file.

169.
COMMUNICATIONS (cont'd)

- 617** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$40,000.

Accepted and placed on file.

- 618** From the City Auditor certifying that the balance of the Stabilization Fund as of December 12, 2018 is \$4,726,629.99.

Accepted and placed on file.

- 619** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total appropriation of \$165,000 from Stabilization Fund \$165,000 to Law Department/Property Purchase for the acquisition of the 34 Cottage Street property. (It is intended that this property will be for the benefit of the Council on Aging).

Accepted and placed on file.

- 620** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed appropriation of \$165,000 from Stabilization Fund to Law Department/Property Purchase.

Accepted and placed on file.

- 621** From the Mayor stating that it is recommended by the study by The Collins Center of UMass Boston, in order to establish a salary structure for the new position of Assistant Human Resources Director which is commensurate with the responsibilities and duties of the title, Employment Specialist, hereby recommending and as requested by Director of Human Resources Sandra Knight, that the Revised Ordinances of the City, Section 2-127-Pay Plan, be amended by adding to compensation Grade DA/P-2. This classification carries eight steps, ranging from \$63,887 to \$95,467. It currently contains the titles of Assistant Auditor, Assistant Treasurer/Collector, and Budget Director.

Accepted and placed on file.

- 622** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed addition of the title Assistant Director Human Resources Employment Specialist to the City's pay classification plan, comp & grade DA/P-2, as contained in Section 2-127 of the City Ordinances.

Accepted and placed on file.

- 623** From the Mayor stating that in order to establish a salary structure for the new position of Assistant Human Resources Director which is commensurate with the responsibilities and duties of the title, hereby recommends that the Revised Ordinances of the City, Section 2-127-Pay Plan, be amended by adding Assistant Human Resources Director to DA/P1 same classification as Financial Analyst and Assistant City Clerk.

Accepted and placed on file.

- 624** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed ordinance amendment by adding Assistant Human Resources Director to DA/P1.

Accepted and placed on file.

170.
COMMUNICATIONS (cont'd)

- 625** From the Emergency Management Director requesting authorization to accept and expend the FY18-19 Hazardous Materials Emergency Preparedness (HMEP) Grant in the amount of \$1,750.00 (This funding will be used to purchase office equipment and supplies to assist with emergency planning). No match required.

Accepted and placed on file.

- 626** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$1,750.00 from Massachusetts Emergency Management Agency to City of Brockton-Emergency Management Agency-FY18-19 Hazardous Materials Emergency Preparedness (HMEP) Grant Fund. This funding will be used to purchase office equipment and supplies to assist with emergency planning. No match required.

Accepted and placed on file.

- 627** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of \$1,750.00 from Massachusetts Emergency Management Agency to City of Brockton-Emergency Management Agency-FY18-19 Hazardous Materials Emergency Preparedness (HMEP) Grant Fund.

Accepted and placed on file.

- 628** From the Emergency Management Director requesting authorization to accept and expend the FY18 Emergency Management Planning Grant (EMPG) in the amount of \$20,460. This funding will be used to purchase a new 2019 Ford F250 or equivalent. (Match of \$19,536.50 required).

Accepted and placed on file.

- 629** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$20,460 from Massachusetts Emergency Management Agency to City of Brockton-Emergency Management Agency-FY18 Emergency Management Planning Grant (EMPG) Fund. This funding will be used to purchase a new 2019 Ford F250 or equivalent. (There is a match required in the amount of \$19,536.50).
From: Stabilization Fund \$19,536.50
To: Emergency Management-FY18 Planning Grant (EMPG) Fund.

Accepted and placed on file.

- 630** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of \$20,460 from Massachusetts Emergency Management Agency to City of Brockton-Emergency Management Agency-FY18 Emergency Management Planning Grant (EMPG) Fund and the appropriation of \$19,536.50 from Stabilization Fund to Emergency Management FY18 Planning Grant (EMPG) Fund.

Accepted and placed on file.

- 631** From the Superintendent of Parks requesting authorization to accept and expend and appropriation of \$75,000 from the Commonwealth of Massachusetts for improvements to Lyndon C. Nelson Playground.

Accepted and placed on file.

171.
COMMUNICATIONS (cont'd)

- 632** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$75,000 from the Commonwealth of Massachusetts – Department of Conservation and Recreation to City of Brockton-Parks Department. (In order to improve the Lyndon C. Nelson Playground.

Accepted and placed on file.

- 633** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of \$75,000 from the Commonwealth of Massachusetts –Department of Conservation and Recreation to City of Brockton-Parks Department.

Accepted and placed on file.

- 634** From the DPW Commissioner requesting that the City Council accept monies awarded in the amount of \$52,000 from Massachusetts Environmental protection (MassDep)- Sustainable Materials Recovery Program Municipal Grant to Department of Public Works-Sustainable Materials Recovery Program Municipal Grant Program. This grant will be used to defray the cost of purchasing 96 gallon wheeled containers for the new curbside single stream recycling program.

Accepted and placed on file.

- 635** 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 \$52,000 from Massachusetts Environmental protection (MassDep) - Sustainable Materials Recovery Program Municipal Grant to Department of Public Works-Sustainable Materials Recovery Program Municipal Grant Program. This grant will be used to defray the cost of purchasing 96 gallon wheeled containers for the new curbside single stream recycling program. No match required

Accepted and placed on file.

- 636** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of \$52,000 from Massachusetts Environmental protection (MassDep)- Sustainable Materials Recovery Program Municipal Grant to Department of Public Works-Sustainable Materials Recovery Program Municipal Grant Program.

Accepted and placed on file.

- 637** From the Chief of Police requesting that the City Council authorization to expend initial grant monies in the amount of \$3,360.02 from Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division-FY19 Traffic Enforcement And Equipment Grant Program to City of Brockton Police Department – FY19 Traffic Enforcement and Equipment Grant Program Fund.

Accepted and placed on file.

- 638** 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 \$3,360.02 from Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division-FY19 Traffic Enforcement And Equipment Grant Program to City of Brockton Police Department –FY19 Traffic Enforcement and Equipment Grant Program Fund. These grant funds will be used to pay police overtime to conduct traffic shifts during the Winter Impaired Driving Focus Campaign, specifically for shifts required during the national Drive Sober or Get Pulled Over (DSOGPO) Mobilization running from Dec.13-31, 2018 if there is not 8 hours of overtime traffic

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COMMUNICATIONS (cont'd)

patrol during the DSOGPO mobilization, the grant program's equipment for FY19 will be forfeited. No match required

Accepted and placed on file.

- 639** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of \$3,360.02 from Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division-FY19 Traffic Enforcement And Equipment Grant Program to City of Brockton Police Department –FY19 Traffic Enforcement and Equipment Grant Program Fund.

Accepted and placed on file.

- 640** From the Assistant City Auditor certifying that the balance of the Ambulance Receipts Reserved for Appropriation as of December 18, 2018 is \$297,335.93.

Accepted and placed on file.

- 641** From the Fire Chief requesting that the City Council Authorize a Transfer in the amount of \$131,900.00 from Ambulance Receipts to Fire Dept-Purchase of Services. In order to purchase EMS coats, a vehicle for Fire Department Signal Division, to replace the aging dispatch computers in Fire Alarm, mobile computers, Two way radios, portable radios, to maintain connection to Comcast between Fire Alarm and EMS stations and to improve portable radio programming upgrades.

Accepted and placed on file.

- 642** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the Total transfer of \$131,900 from Ambulance Receipts to Fire Dept-Purchase of Services. In order to purchase EMS coats, a vehicle for Fire Department Signal Division, to replace the aging dispatch computers in Fire Alarm, mobile computers, Two way radios, portable radios, to maintain connection to Comcast between Fire Alarm and EMS stations and to improve portable radio programming upgrades.

Accepted and placed on file.

- 643** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed transfer of \$131,900 from Ambulance Receipts to Fire Dept-Purchase of Services.

Accepted and placed on file.

- 644** From the Police Chief requesting that the City Council authorize to accept the donation of eighteen cars seats valued at \$3,497.40 from Executive Office of Public Safety And Security (EOPSS/OGR/HSD) FFY2019 Child Passenger Safety (CPS) Equipment Grant to City of Brockton Police Department-FFY2019 Child Passenger Safety (CPS) Equipment Grant Fund.

Accepted and placed on file.

- 645** 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 form of 18 car seats from Executive Office of Public Safety and Security(EOPSS/OGR/HSD) FFY2019 Child Passenger Safety (CPS) Equipment Grant to City of Brockton Police

173.
COMMUNICATIONS (cont'd)

Department-FFY2019 Child Passenger Safety (CPS) Equipment Grant Fund. These grant funds will be used to purchase car seats valued up to the amount of \$3,497.40. There will be no money exchange between the EOPSS and the City of Brockton Police Dept. No match required

Accepted and placed on file.

- 646** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total grant in the form of 18 car seats from Executive Office of Public Safety And Security (EOPSS/OGR/HSD) FFY2019 Child Passenger Safety (CPS) Equipment Grant to City of Brockton Police Department-FFY2019 Child Passenger Safety (CPS) Equipment Grant Fund.

Accepted and placed on file.

- 647** From the Superintendent of Parks requesting that the City Council authorize the acceptance and expenditure of an appropriation in the amount of \$150,000 from Commonwealth of Massachusetts –Department of Conservation and recreation to City of Brockton-Parks Department . In order to improve the Harold D. Bent Playground.

Accepted and placed on file.

- 648** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$150,000 from Commonwealth of Massachusetts –Department of Conservation and recreation to City of Brockton-Parks Department .In order to improve the Harold D. Bent Playground.

Accepted and placed on file.

- 649** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$150,000 from Commonwealth of Massachusetts –Department of Conservation and recreation to City of Brockton-Parks Department.

Accepted and placed on file.

- 650** From the Superintendent of Parks requesting that the City Council authorize the appropriation in the amount of \$75,000 from Commonwealth of Massachusetts-Department of Conservation and Recreation to City of Brockton-Parks Department. In order to improve the Danny Goodwin playground.

Accepted and placed on file.

- 651** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation in the amount of \$75,000 from Commonwealth of Massachusetts-Department of Conservation and Recreation to City of Brockton-Parks Department. In order to improve the Danny Goodwin playground.

Accepted and placed on file.

- 652** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$75,000 from Commonwealth of Massachusetts-Department of Conservation and Recreation to City of Brockton- Parks Department.

Accepted and placed on file.

174.

UNFINISHED BUSINESS

- 370** An Ordinance to Establish Licensing and Regulation for Adult Use Marijuana Establishments. (FAVORABLE, AS AMENDED) (in City Council, December 10, 2018, PASSED TO A THIRD READING, AS AMENDED)

Ordained 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. Councillor Cruise motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Petition of Eddie Awon, DBA A1 Restorations, for a Motor Vehicle Mechanical Repair License located at 287 North Montello St Unit #1. (FAVORABLE)

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

Councillor Farwell motioned to take items **53** and **54** collectively and was properly seconded. The motion carried by a hand vote.

Petition of Eddie Awon, DBA A3 Motorworks, for a Motor Vehicle Mechanical Repair License located at 287 North Montello St Unit #3. (UNFAVORABLE)

Petition of Eddie Awon, DBA A4 Automotive, for a Motor Vehicle Mechanical Repair License located at 287 North Montello St Unit #4. (UNFAVORABLE)

Councillor Farwell spoke as the chairman of Public Safety. Eddie Awon filed before September 1, so he is eligible to apply. We already have 3 licenses at that location. From info received from Mr. Awon, instead of modification of license, he would like to control all of the businesses. At Public Safety Committee meeting the vote was 2 to 2 tie vote. He believes it is saturating that area with MVR Licenses. He doesn't see where the public is served. He will not vote in favor.

Failed granting by a roll call vote taken by “yeas” and “nays”; eleven members present with three voting in the affirmative. Councillors Beauregard, Cruise, Eaniri, Farwell, Monahan, Nicastro, Rodrigues and Sullivan voting in the negative. Councillor Farwell motioned to for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 601** Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$98,465 From: the Community IT Grant. The City of Brockton in conjunction with the Brockton Public Schools District intends on expanding the capacity of the Public Safety Network, which is a dedicated Fiber network to deliver all things related to Public Safety. (FAVORABLE)

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

- 582** Resolve to invite the Mass Development TDI Fellow to inform the City Council as the results of the summer beer garden project known as Prova and any future plans for other such activity. (FAVORABLE)

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

ORDERS

- 653** An Ordinance Amending Section 2-127-Pay Plan of the Revised Ordinances of the City of Brockton. Be it Ordained as follows:, Section 2-127-Pay Plan is hereby amended by adding to compensation Grade DA/P-2.

Referred to Ordinance

175.
ORDERS (cont'd)

- 654** An Ordinance Amending Section 2-127-Pay Plan of the Revised Ordinances of the City of Brockton. Be it ordained that the Revised Ordinances of the City, Section 2-127-Pay Plan, be amended by adding Assistant Human Resources Director to DA/P1.

Referred to Ordinance

- 655** Total transfer of \$40,000
From: Fire Dept-Purchase of Services
To: Fire Dept-Overtime

Referred to Finance

- 656** Total appropriation of \$165,000
From: Stabilization Fund \$165,000
To: Law Department/Property Purchase

Referred to Finance

- 657** Appropriation of the total grant funds in the amount of \$1,750.00
From: Massachusetts Emergency Management Agency
To: City of Brockton-Emergency Management Agency-FY18-19 Hazardous Materials Emergency Preparedness (HMEP) Grant Fund.

Referred to Finance

- 658** Appropriation of the total grant funds in the amount of \$20,460
From: Massachusetts Emergency Management Agency
To: City of Brockton-Emergency Management Agency-FY18 Emergency Management Planning Grant (EMPG) Fund.
(There is a match required in the amount of \$19,536.50).
From: Stabilization Fund \$19,536.50
To: Emergency Management-FY18 Planning Grant (EMPG) Fund.

Referred to Finance

- 659** Appropriation of the total grant in the amount of \$52,000
From: Massachusetts Environmental protection (MassDep) - Sustainable Materials Recovery Program Municipal Grant
To: Department of Public Works-Sustainable Materials Recovery Program Municipal Grant Program.

Referred to Finance

- 660** Appropriation of the total grant in the amount of \$3,360.02
From: Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division-FY19 Traffic Enforcement and Equipment Grant Program
To: City of Brockton Police Department -FY19 Traffic Enforcement and Equipment Grant Program Fund.

Referred to Finance

- 661** Appropriation of the total grant in the amount of \$3,497.40 in the form of 18 car seats
From: Executive Office of Public Safety and Security (EOPSS/OGR/HSD)
FFY2019 Child Passenger Safety (CPS) Equipment Grant
To: City of Brockton Police Department-FFY2019 Child Passenger Safety (CPS) Equipment Grant Fund.

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ORDERS (cont'd)

Referred to Finance

- 662** Appropriation of \$75,000
From: the Commonwealth of Massachusetts –Department of Conservation and Recreation
To: City of Brockton-Parks Department.

Referred to Finance

- 663** Appropriation in the amount of \$150,000
From: Commonwealth of Massachusetts –Department of Conservation and recreation
To: City of Brockton-Parks Department.

Referred to Finance

- 664** Appropriation in the amount of \$75,000
From: Commonwealth of Massachusetts-Department of Conservation and Recreation
To: City of Brockton-Parks Department.

Referred to Finance

- 665** Transfer in the amount of \$131,900
From: Ambulance Receipts
To: Fire Dept-Purchase of Services

Referred to Finance

LATE FILES

Councillor Sullivan motioned to accept the report of the Ordinance Committee and an Ordinance from that meeting under suspension of the rules and was properly seconded. The motion carried by a hand vote.

Report: of the Ordinance Committee for its meeting of December 18, 2018.

Accepted and placed on file.

Unfinished Business:

- 210** An Ordinance Amending Chapter 27 of the Revised Ordinance of the City of Brockton concerning the regulations and taxation of Marijuana be it ordained by the City Council of the City of Brockton. Article III. General Regulations and Permitted Modifications, is hereby amended by adding the following Section 27-24.4 Adult use of marijuana. (FAVORABLE/PLANNING) (FAVORABLE, AS AMENDED/ORDINANCE COMMITTEE)

Referred to Planning

Councillor Eaniri stated that there will be a Finance Committee meeting on January 7, 2019 at 7pm.

Councillor Eaniri stated that the elevator should be fixed sometime in January or February of 2019. The City Council is booked here through January.

Councillor Sullivan stated that this is the last council meeting with Councillor Eaniri as president. He thanked Councillor Eaniri for his leadership.

177.

Councillor Eaniri will conduct Finance Committee meeting. He stated that this has been a challenging year. He asks that they come together collectively as a group.

Councillor Farwell takes a moment of personal privilege to state that Councillor Sullivan has worked hard this year with the marijuana ordinances. Councillor Farwell presented Councillor Sullivan a Cheech and Chong coffee mug in good humor.

Adjourned 7:52pm

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.

CAUCUS...

CAUCUS...

CAUCUS...

CAUCUS...