

A regular meeting of the City Council was held on Monday February 25, 2019 at the Arnone School, 135 Belmont St., auditorium, due to the elevator not working. Councillor Rodrigues presiding. The meeting was called to order at 7:02pm with eleven members present.

In City Council, February 25, 2019

Council President Rodrigues states the City website is being revamped and updated according to the Mayor.

He also states that next week there will be no Finance Committee meeting, due to auditorium being unavailable for that week

110 Acceptance of the minutes of the February 11, 2019 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

Councillor Eaniri motioned to take items **111-113** collectively.

Councillor Sullivan, on the motion, stated that there was no resume for Manuel Centeio.

Councillor Nicastro stated there was and she received it.

Councillor Rodrigues stated that he knows him very well and he would be a good candidate due to having experience and it would be ideal for them to have him on Parking Authority.

Councillor Sullivan then states he will be fine with it seeing the Council President knows of him and him having the background.

111 In accordance with the Revised Ordinances of the City of Brockton Chapter 2 Section 2-186 the Mayor has reappointed Aileen C. Bartlett to the position of Assistant City Solicitor –full time for a three year term, effective February 8, 2019.

112 Of Manuel Centeio of 29 Kenneth Ave, Brockton, MA to the Brockton Parking Authority for a five year term.

113 Of John Condon of 45 Woodland Drive, Bridgewater, Ma., to the Brockton Retirement Board for a term of 3 years.

Councillor Eaniri 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”; eleven members present and all voting in the affirmative. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

REPORTS

114 Of the Public Safety Committee for its meeting of February 13, 2019.

Accepted and placed on file

115 Of the Finance Committee for its meeting of February 19, 2019.

Accepted and placed on file.

33.
COMMUNICATIONS

- 116** From the Mayor submitting a letter from John Merian of the Brockton Parking Authority Board submitting his resignation from the Brockton Parking Authority Board.

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. (IN CITY COUNCIL, FEBRUARY 11, 2019, PASSED TO A THIRD READING, AS AMENDED). *Note: Recommendation by the Planning Board as follows:

6. Operational Requirements, Restrictions and Conditions

b. Odor Control and Ventilation iii

The exhaust system to control odor shall be designed by a licensed professional air quality/environmental engineer recognized by the Commonwealth.

Councillor Beauregard motioned amend to review buffer zone subsection and 6f2 of feet and distance and to have a look at the issue on the buffer of 750 ft. and was properly seconded.

Councillor Sullivan stated they vetted for months the 750 ft for buffer. Philip Nessralla stated at the time they are not allowed to say not more than 500 as set by the State. He himself and Councillor Farwell went for 750ft., but it failed.

Councillor Cruise stated they spent some time on it and he himself read the state regulations on the buffer and that there is no question about it. They can't expand beyond the 500 ft. and can only reduce from the 500 ft. If it was to go to 750 ft it would kill downtown which means they would have to go back to the drawing board with it. It wouldn't make that much difference but it's not allowed to go beyond the 500 ft. by state regulations. He also states he voted for how it came out of Ordinance.

Councillor Farwell states a lot of time and effort went in to this at Ordinance. Dighton set a buffer zone greater than 750 ft. and needed it to be submitted to the state and get approval by Attorney General. It didn't get approved and feels it's time to move forward.

The motion failed by a hand vote with eleven members present with three voting in the affirmative. Councillors Asack, Cruise Derenoncourt, Eaniri, Farwell, Lally, Monahan and Rodrigues voting in the negative.

Councillor Sullivan motioned to amend by accepting Planning Board recommendations and was properly seconded. The motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

Recommendation by the Planning Board as follows:

6. Operational Requirements, Restrictions and Conditions

b. Odor Control and Ventilation iii

The exhaust system to control odor shall be designed by a licensed professional air quality/environmental engineer recognized by the Commonwealth.

Ordained as amended by roll call vote taken by "yeas" and "nays": eleven members present and all voting in the affirmative.

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

34.

UNFINISHED BUSINESS (Cont'd)

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

Councillor Nicasro motioned to postpone to the next City Council meeting March 11, 2019 and was properly seconded.

Councillor Asack asked why seeing it was already sent Public Safety.

Councillor Nicasro stated there was some loose ends when it was heard in Public Safety and the Chair, Councillor Eaniri, stated it has to be taken care of before passing.

The motion carried by a hand vote.

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. (FAVORABLE)

The Clerk to the Council stated that the Motor Vehicle Repair Body License cannot go forward without a Garage License.

Councillor Nicasro motioned to postponed until next City Council meeting March 11, 2019. The motion carried by a hand vote.

Petition of George Brewster of 25 Main St., Weymouth, MA 02188, dba Brewster Ambulance Service for a Transfer of Garage License located at 1531 Main St., Brockton. (FAVORABLE)

Granted by a hand vote

Petition of George Brewster of 25 Main St., Weymouth, MA 02188, dba Brewster Ambulance Service for a Transfer of Garage License located at 225 N. Montello St., Brockton. (FAVORABLE)

Granted by a hand vote

- 75** Appointment of Jeffrey Charnell of 685 Oak Street, Unit 12, Brockton, MA from Alternate to Member of the Brockton license Commission for a three year term.(FAVORABLE)

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

- 89** Re-appointment of Eugene S. Marrow of 128 Healey Terrace, Brockton, MA to the Brockton Redevelopment Authority for a five year term.(FAVORABLE)

Confirmed by a roll call vote taken by “yeas’ and “nays”; eleven members present and ten voting in the affirmative. Councillor Beauregard voting in the negative.

Councillor Eaniri motioned to dismiss the reading of number **68** seeing it’s been read several times and was properly seconded. Reading was waived.

- 68** Ordered: That the sum of \$7,800,000 is appropriated to pay costs of making improvements to the City's Wastewater Treatment Facilities, including the payment of all planning and engineering costs, and all other costs incidental and related thereto, 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. 44 and/or M.G.L. c. 29C, or pursuant to 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 unless the Treasurer with the approval of the Mayor

35.

UNFINISHED BUSINESS (Cont'd)

determines that they should be issued as limited obligations and may be secured by local system revenues as defined in M.G.L. c. 29C, §1; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the ("Trust") established pursuant to M.G.L. c. 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("DEP") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with DEP, to expend all funds available for the project and to take any other action necessary to carry out the project. FURTHER 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 like amount. FURTHER ORDERED: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under M.G.L. c. 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. Each order must be published at least 10 days prior to final passage and requires at least a two-thirds vote of all members of the Council. For each order, a certificate from you as the Chief Financial Officer is required by Section 5 of Chapter 324 of Acts of 1990 and should be filled prior to adoption of the loan order. If you do not give the required certification or if you are unable to make the certification without expressing qualifications or contingencies, the loan order may only be passed by the City Council if the absence of such certification or qualified or contingent nature of such certification is expressly noted in such order. If any funds are to be advanced for these purposes and reimbursed from bond proceeds, please note the requirements of M.G.L. c. 44ss 20A and the guidelines issued by the Director of the Bureau of Accounts. (FAVORABLE)

Passed to third reading by a hand vote

- 99** Total appropriation in the amount of \$215,000
\$200,000 From: DPW-Purchase of Services
\$15,000 From: DPW-Goods & Supplies
To: DPW-Overtime (FAVORABLE)

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

- 101** Resolve: to invite Rob May, Director of Planning, to inform the city council as to what is transpiring with the Ganley Building since we were told over a year ago that we would be seeing a demolition and new structure in place. Businesses located in the same city block have expressed serious concerns.(FAVORABLE)

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

Councillor Farwell motioned to take numbers **102-105** collectively and was properly seconded. The motion carried by a hand vote. Councillors Beauregard and Nicaastro voting negative for it to be read collectively.

- 102** Resolve: to invite Rob May, Director of Planning, to inform the city council as to what is transpiring with the Historic Commission since the Ordinance Committee of 2018 had

36.

UNFINISHED BUSINESS (Cont'd)

voted to create such an entity to protect our historic locations throughout the city. I wish to bring this before council since the primary advocate for our city's history Carl Landerholm is no longer with us and I believe we should continue his work.(FAVORABLE)

104 Resolve: to invite Dan Evans, current chair of the Brockton 21st Century Corporation to inform the city council as to what is transpiring with this organization since the departure of the executive director late in 2018. (FAVORABLE)

105 Resolve: to invite the new Chief Financial Officer to come before a committee of this council to enlighten us on any changes that may be made in the operation of the CFO's Office. (FAVORABLE)

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

108 Ordered: 1. The City Solicitor or his designee shall appear before a committee of the City Council to provide all relevant information on the city's criteria and process for review and approval of Host Community Agreements. 2. Copies of all Host Community Agreements approved by the mayor prior to the date of this Order be provided to the City Clerk for distribution to the City Council.3. For Host Community Agreements approved by the mayor or any other proper person or entity after the date of this Order, a copy of the agreement(s) shall be forwarded to the City Clerk within seven (7) days of approval. All agreements shall be made available for inspection in the Office of the City Clerk by any person, with proper notice at least twenty-four (24) hours in advance of such inspection. (FAVORABLE)

Councillor Farwell asked if the City Clerk received the community host agreements.

City Clerk states yes

Councillor Farwell asked if they can receive them by email.

City Clerk responds yes.

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

69 Ordered: in order to fund the agreement between the City and the Brockton City Employees Union regarding a compensation and position reclassification study, hereby recommends that the City Council authorize the appropriation of \$73,000 from the Stabilization Fund To various departments (as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Employees Union).(FAVORABLE)

Councillor Eaniri staed that there are 2 amendments needed, one is for item **#69** and the other is for an order for \$42,000 that is not on the agenda.

Two minute recess was called.

Back in session.

Councillor Eaniri motioned to amend the \$73,000 order, funds that were left out of the order. It should state: \$121.00 to Economic Development and was properly seconded. The motion carried by a hand vote.

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

37.

Councillor Lally asked for a moment of personal privilege to announce the Lithuanian Heritage day on March 9, 2019 at St. Michael Parish in Avon. Mass will start at 4pm and dinner will start at 5-5:15pm. Tickets are \$15 dollars each and can be purchased by reaching out to John.

Councillor Nicastro states she received a disturbing call from a Ward 4 constituent. Their car was broken into. Their Generator and snow blower were stolen. She states when police were called the police stated that it has been happening a lot even in sheds. She states to the people to be cautious and lock their cars and sheds.

Councillor Sullivan states a reminder, there will be a Ordinance Wednesday at 6pm at the Arnone school in the auditorium.

Council President wanted to mention since Councillor Derenoncourt missed it that there will not be a Finance Committee meeting next week due to the Arnone School not being available to use. He also mentions there may be an issue with having the March 11, 2019 City council meeting at the Arnone and if not back at City Hall by that date then it will have to be at the War Memorial hoping that elevators at the city hall should be ready by Friday.

Adjourned at 7:37pm

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.