

A regular meeting of the City Council was held in the Council Chambers with Councillor Sullivan presiding. The meeting was called to order at 8:05pm with eleven members being present.

In City Council, January 12, 2015

Council President Sullivan wishes everyone a Happy New Year

Nominations for Council President for the year 2015

Council President Sullivan opens nominations for Council President for the year 2015.

Councillor Studenski nominates Councillor Eaniri and was properly seconded by Councillor Councillor Cruise. Councillor Cruise motioned to close nominations and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting the affirmative. Councillor Stewart absent.

Council President Sullivan gives gavel to President Eaniri.

Councillor Stewart stepped in at 8:07pm

Councillor Dennis Eaniri is the Council President for the year 2015.

Councillor Eaniri thanks Council President Sullivan for the job he did as President for the year 2014.

Councillor Stewart wants to go on record as voting for Councillor Eaniri as Council President.

Councillor Sullivan thanked his colleagues and everyone that voted for him. He stated it was a pleasure and an honor to be president. He stated that Councillor Eaniri would be a great president, as he was president in 2007 and continues to work for the people.

Councillor Eaniri thanks the council and looks forward to serving as the president. He is committed to keeping all lines of communication open between the council and the Mayor. He has already met with the Mayor to make sure that lines of communication remain open. He thanked outgoing Council President Sullivan for having joint meetings. Up until this point they had never had joint meetings between the council, the School Committee Members, other officials, and the Mayor. He intends to have a joint meeting or two this coming year. He thinks it is very important. He asks that the City Councillors try to have Ward meetings. It is another way to keep lines of communications open. It is an important year for us. It is election/re-election year and we will be faced with some challenges as we prepare for FY2016. The economy is turning for the better. When he was president in 2007, the economy had bottomed out. The whole country had. This year we see new projects going on and new businesses coming in. Though we see new businesses, he doesn't see new revenue coming in. That will make a tough budget process. Just a reminder to the Councillors, there will be second year of contracts going into effect and they will have to deal with that situation. The governor has 7 million dollar deficit that he has to work with. He wishes State Representative DuBois well in her new position. He asks that the City Council members file their orders/ resolves with the clerk by noontime on Tuesday before the Council meetings, in order to cut down on late files. If they have to file a late file, he asks that the clerk know about it at least a few hours before the meeting and not at the meeting. It would help with alleviating issues with the public knowing in advance what is on the agenda. He asks that when the councillors speak, they keep their remarks relevant. He wishes everyone a Happy and healthy New Year. He acknowledges his sister in the audience, Cheryl Zarella Burke, and wishes her Happy Birthday on January 19th.

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HEARINGS

Petition of B Capp, LLC for an Underground Storage License located at 1813 & 1829 Main Street, Brockton

Attorney John Smolak appeared in favor on behalf of the petitioner. They plan on redeveloping the property as a Cumberland Farms and plan to invest over 3 million dollars into the property, similar to the site approved last year on Crescent St.

Councillor Studenski stated that he spoke to Attorney Smolak and he is in favor of the license, as is the ward councillor.

No one was in opposition. Hearing held.

Granted by a hand vote.

Councillor Asack stepped down.

Petition of Brockton Tire, Inc. for a Motor Vehicle Repair Mechanical License located at 311 North Montello St., Brockton

Councillor Asack stepped back in.

Anthony Rose and Lauren Rose appeared in favor. They purchased the business from Eddie Awon and want to keep the same type of license. They want to take over where he left off. It is a used tire business. Councillor DuBois wished that they had contacted her regarding the license. The petitioner stated that she left a message with Councillor DuBois. Councillor DuBois asked what hours of operation they work? They work Mon.-Fri. 8am-6pm; Sat. 8am-3pm. Hearing held. Councillor DuBois motioned to grant the license with the following stipulations: 1. Hours of Operation Mon.-Fri. 8am-6pm; Sat. 8am-3pm
2. No motor vehicles or motor vehicle parts to be stored outside overnight. The stipulations carried by a hand vote. Granted as stipulated, by a hand vote.

Councillor Barnes stepped in at 8:20pm

COMMUNICATIONS

1 Relative to the Open Meeting Law complaint

Attorney Gildea addresses the council and explained that the Open Meeting Law sets forth a process to be followed in addressing Complaints of Open Meeting Law violations. A complaint about an Open Meeting Law violation was received in the City Clerk's Office on December 22, 2014. Each Councillor has received a copy of this Complaint. This is the first meeting of the Council since that time. The law provides that within 14 business days of the date on which the complaint was filed, the City Council must review the complaint and respond to the Complainant within 14 days. The Council must and send to the AGO a copy of the complaint along with its response. The City Clerk and Council President had requested that Attorney Gildea review the Complaint and provide a draft response for the Councillor's review. Mr. Gildea provided each of them with a draft response for their review. He asked them to review a draft of a proposed response. He asked them to review it. He stated that prior to asking any questions, he asked them to remember that a public body is not required to disclose the minutes or materials used in executive session where the disclosure of these records may defeat the lawful purposes of the executive session. Even if disclosure would no longer defeat the purposes of the executive session, minutes and other records from that executive session still need not be disclosed if the attorney-client privilege applies. Mr. Gildea suggested to them that both of those situations exist and recommended that they not disclose publicly what was discussed in Executive Session. In the event that the Council decides that it want

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COMMUNICATIONS (cont'd)

Attorney Gildea to move forward with providing a draft response to the Complainant, a motion of the Council would be required. He would be happy to answer any questions.

Councillor Cruise made a motion for the Council to authorize Legislative Counsel to respond to the Complaint, to express that the City Council is not required to disclose the minutes of an executive session where the disclosure of these records may defeat the lawful purposes of the executive session or where the attorney client privilege exists; and to express concern about the possible breach of duty of confidentiality in executive session. The motion was properly seconded by Councillor Studenski. The motion carried by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

UNFINISHED BUSINESS

- 517** Ordinance: An Ordinance amending Chapter XI of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 11. Section 11-162. (FAVORABLE) (IN CITY COUNCIL DECEMBER 22, 2014, PASSED TO A THIRD READING, BY A HAND VOTE).

Councillor DuBois questioned what the past vote was. The Clerk to the Council what the past vote was? He stated it was favorable; five voting in the affirmative, four in the negative.

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

ORDERS

- 2** Order: That the DPW is authorized to issue one-single family home sewer connection to the Barros Realty Group, LLC (1035 Leyden Street, Brockton) for the property located at: Parcel ID 180-023- Plot 14.

Referred to Finance

- 3** Order: That the DPW is authorized to issue one-single family home sewer connection to Torrey and Associates Real Estate Affordable Properties (41 Arlington Street, Brockton) for the property located at: 15 Intervale Street, Brockton

Referred to Finance

Councillor DeNapoli motioned to take items **4-8** under suspension of the rules, due to the fact that they are routine orders. Councillor Cruise questioned if they would be collective also? Councillor DeNapoli motioned that they be taken collectively and under suspension of the rules and was properly seconded. The motion carried by a hand vote.

- 4** Order: Rules and Regulations governing motor vehicles for hire under Chapter 159A for the carrying of passengers.

- 5** Order: Assessors to act as agents of City Council in matter of apportionment of betterments.

- 6** Order: Clerk to give notice of hearings before Council.

- 7** Order: Regulations governing the operation of hawkers and peddlers within the City of Brockton.

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ORDERS (cont'd)

- 8** Order: Pawnbrokers are to deliver a list of purchased/pawned articles to the Chief of Police.

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

Councillor Eaniri takes a moment to remind everyone that next Monday is a holiday and that the next Finance Committee meeting will be held on Tuesday, January 20, 2015 at 7pm. And the next City Council meeting will be on Monday, January 26, 2015 at 8pm. He also reminded everyone that the Mayor’s City address will be held this Thursday evening, January 15, 2015 at 6pm at the Brockton War Memorial Building. There will be reserved seating for City Council Members and School Committee members, and elected officials that wish to attend. He submitted a list of committees for 2015 as follows:

Finance Committee- All members of the City Council

Accounts Committee- Thomas Monahan (Chair), Shaynah Barnes, Michelle DuBois, Moises Rodrigues, Jass Stewart

Beautification Committee- Shirley Asack

Community Schools- Shaynah Barnes

Ordinance Committee- Robert Sullivan (Chair), Timothy Cruise, Dennis DeNapoli, Thomas Monahan, Paul Studenski

Public Safety Committee- Timothy Cruise (Chair), Shirley Asack, Shaynah Barnes, Dennis DeNapoli, Jass Stewart

Real Estate Committee- Paul Studenski (Chair), Michelle DuBois, Thomas Monahan, Moises Rodrigues, Robert Sullivan

Traffic Commission- Shirley Asack, Moises Rodrigues

Councillor DuBois asks for a moment of personal privilege to mention on January 17, 2015 is the 20th annual Martin Luther King Breakfast at the Shaw Center from 9am-12 noon. Tickets are \$35.00 fro adults and \$15.00 for children and she hopes that they can make it.

Councillor Cruise stated that Tuesday prior to the Finance Committee meeting, there will be a Public Safety Committee meeting at 6:45pm with one agenda item.

Councillor Barnes takes a moment of personal privilege to state that Temple Beth Emunah will have a Martin Luther King luncheon on Sunday, January 18, 2015 at 1:15pm and she is the key note speaker this year. She invites all Brockton residents.

Executive Session- Brockton Power Company, LLC and Brockton Power LLC v. City of Brockton and Brockton City Council, et al, United States District Court for the District of Massachusetts, Civil Action No. 1:12-CV-1147.

Councillor Cruise moved to go into executive session to discuss strategy with respect to the coming litigation with Brockton Power as an open meeting may have a detrimental effect on the bargaining or litigating position of the public body 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.

Councillor Eaniri stated that an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. A roll call vote was taken and now they are going into executive session. The public portion of the meeting was closed. They will not be returning that evening. That part of the meeting was adjourned.

Adjourned 8:37pm