

43.

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 8:06pm with eleven members present

In City Council, March 26, 2018

199 Acceptance of the minutes of the March 12, 2018 City Council meeting.

Accepted and placed on file.

REPORTS

200 Of the Ordinance Committee for its meeting of March 12, 2018.

Accepted and placed on file.

201 Of the Finance Committee for its meeting of March 19, 2018.

Accepted and placed on file.

COMMUNICATIONS

202 From the Chief of the Police Department requesting authorization to expend a donation in the amount of \$2,090.00 from the Campello Association. (the Police Department intends to use the funds to purchase a ballistic shield for usage by the Special Reaction Team).

Accepted and placed on file.

203 From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total donation in the amount of \$2,090 from Campello Business Association to City of Brockton-Police Department-SRT Unit. (the Police Department intends to use the funds to purchase a ballistic shield for usage by the Special Reaction Team).

Accepted and placed on file.

204 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed donation in the amount of \$2,090 from Campello Business Association to City of Brockton-Police Department-SRT Unit.

Accepted and placed on file.

205 From the Chief Budget Officer of Brockton School Department requesting that the City Council amend the current capital spending limit from the \$10,000 threshold as outlined in the ordinances of the City of Brockton to be increased to \$25,000. As known, the capital spending limit for all city departments is \$10,000 and has been at this limit since 1993. In order for the school Department to continue to replace ageing police cars and maintenance trucks, we need to increase the sufficient amount that would allow us to purchase used vehicles that still have many years of useful life.

Accepted and placed on file.

206 From the Mayor in Accordance with M.G.L., Ch. 44, recommending that the City Council adopt the Ordinance to amend part II, Section 2-297, Article IV, Financial Affairs of the Revised Ordinances of the City of Brockton.

Accepted and placed on file.

44.

COMMUNICATIONS (cont'd)

- 207** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed Ordinance relative to Section 2-297, Capital Improvement defined without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file.

UNFINISHED BUSINESS

Revocation of Lubras Auto Body Mechanical/ Body License located at 64 Elliot St., Brockton. (IN CITY COUNCIL, FEBRUARY 26, 2018, COUNCILLOR DERENONCOURT MOTIONED TO CONTINUE HEARING UNTIL MARCH 26, 2018 CITY COUNCIL MEETING AND WAS PROPERLY SECONDED BY COUNCILLOR LALLY. THE MOTION CARRIED BY A HAND VOTE).

Hearing was continued and reopened. Councillor Lally would like to continue the probation and made a motion to postpone the hearing for another month and was properly seconded. The meeting would be held on Monday April 23, 2018. The motion carried by a hand vote to continue to April 23, 2018. Councillor Sullivan explained that the license still needed to be renewed at the time of renewal.

A two minute recess was called

Back in session.

Councillor Lally stepped down.

- 81** An Ordinance Amending Article II, Section 25 of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton, that Section 2-25 of the City Ordinances be revised as follows: Sec. 2-25. - Regular meetings. Revised. (FAVORABLE)

Passed to a third reading by a hand vote.

Councillor Lally stepped back in.

- 93** An Ordinance Amending Chapter 17, Article IV, Division 2, Historical District Commission and Division 3, Certificates of Appropriateness Nonapplicability, or Hardship. (FAVORABLE)

Passed to a third reading by a hand vote.

- 135** Appointment of Tina Cardoso of 816 Pearl St., Brockton, MA to the Zoning Board of Appeals as an alternate. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and nine voting in the affirmative. Councillors Beauregard and Farwell voting in the negative.

- 140** Appointment of Bianca Gay of 97 Lynn Rd., Brockton, MA to the Brockton Conservation 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.

- 169** Appointment of Francis Ciarfella of 52 Calypso Dr., Brockton, MA to the Library Board of Trustees 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.

UNFINISHED BUSINESS (cont'd)

- 170** Appointment of Lawrence Siskind of 51 Briarcliff Road, Brockton MA, to the License Commission for a term of 3 years. (FAVORABLE)

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

- 85** Ordered: The City Auditor shall cause to be published on the city’s website in PDF or other form of attachment, a list of vendor payments and other related payments processed by the Auditor’s Department which are public records. (FAVORABLE)

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

- 190** Ordered: that the sum of \$150,000 is appropriated to pay costs of replacing the City Hall elevator, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, ss7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The funds appropriated by this order shall be expended in addition to the \$335,000 previously appropriated for this project pursuant to a loan order of this Council adopted on February 12, 2018, and approved by the Mayor on February 13, 2018. Such bonds or notes shall be general obligations of the City, and the Mayor is authorized to expend all funds available for the project and to take any other action necessary to carry out this project . Any premium received 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, ss20, thereby reducing the amount authorized to be borrowed to pay such costs by a 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 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)

Passed to a third reading by a hand vote.

- 191** Ordered: That Order 413 of this Council, approved on August 22, 2016, is amended to reduce the total amount authorized to be borrowed pursuant to this order. (FAVORABLE)

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

- 194** Appropriation of the total grant in the amount of \$100,000
From: the Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY2018 Massachusetts Municipal Public Safety Staffing grant
To: City of Brockton Fire Department-SFY 2018 Massachusetts Municipal Public Safety Staffing Grant Fund. (FAVORABLE)

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

Councillor Sullivan stepped down.

- 195** Resolve: to invite the City Solicitor Mr. Philip Nessralla to appear in front of city council and provide the residents with an update on the contract negotiations with Comcast. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councillor Rodrigues voting in the negative. Councillor Sullivan absent.

Councillor Sullivan stepped back in.

- 196** Resolve: to have the Building Superintendent, James Casieri and the Procurement Officer, Michael Morris, along with Robert Livermore, from Livermore-Edwards & Associates (Elevator Designer) be invited to come before the City Council to update us on elevator bid process, regarding the elevator at City Hall. (FAVORABLE)

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

- 89** Resolve: to invite Mr. Ronel Remy, Community Organizer to introduce the Brockton Bank Tenant Association to the city council and residents and discuss their programs available to assist individuals with housing concerns. (FAVORABLE)

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

- 86** Resolve: The Director of Planning and Economic Development and the Executive Director of the Brockton Redevelopment Authority appear before a committee of the City Council to discuss the original Urban Renewal Plan, required modifications to the plan, changes in fiscal projections, and specific actions taken to date toward implementation of the plan. (FAVORABLE)

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

ORDERS

- 208** An Ordinance Amending Part II of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows
Article IV, Financial Affairs, of Division 4, Chief Financial Officer, of the Revised Ordinances of the City of Brockton is hereby amended.

Referred to Ordinance.

Councillor Sullivan spoke regarding items **209-213** on agenda. He stated that he is disappointed in the Mayor and City Planner. As the Council body they draft the laws of the city. Councillor Sullivan stated that this is a bogus act. The council worked on this subject for marijuana ordinances for a year. Philip Nessralla stated at the Finance Committee meeting that he would work with the City Council to make ordinances regarding marijuana. There was already a story in the media. The City hasn't done anything regarding recreational marijuana. Councillor Sullivan stated that what happened last week was wrong and that he wants to postpone these ordinances.

Councillor Farwell stated that he was picking up where Councillor Sullivan left off. There was an article that said Philip Nessralla said it would be a few weeks before he gave something and he was going to meet with Attorney Resnick in the next few weeks. The issue is where will it be and who will be impacted. The integrity is gone. Councillor Farwell believes they should put in the ordinances what they specifically want in the ordinances. They need to blend the interests of both sides. This is the time to control it and do it right.

ORDERS (cont'd)

Councillor Monahan stated that he thinks the council should move forward, even though the ordinances are not exactly what they want. The Council can amend the ordinances in committee, but at least they have something.

Councillor Derenoncourt said he was going to collaborate with the Attorney. It is disrespectful that the Council and Legal Counsel was not involved. Councillor Derenoncourt is in favor but the approach was not respectful. The process was wrong. It is the Council's job to make the ordinances. It was premeditated on the part of Philip Nessralla, because the ordinances were submitted the following day for council.

Councillor Cruise agreed with Councillor Sullivan. The eleven make the rules. They operate within the committee and discuss and they need to move forward. He asked if there's something else to file in its place? Councillor Cruise stated he doesn't believe that this was a placeholder. He stated that this is what the Mayor wants to happen. The council do need something filed soon. They need to write out their ideas. Attorney Resnick can only do what the ordinance committee wants. Councillor Cruise questioned Attorney Resnick about Frank's establishment as far as how it affected the city. The council didn't move on it quickly enough and so it was grandfathered in. Councillor Cruise stated that Attorney Resnick needs to move rapidly, maybe not tonight, but soon. There may be a moratorium in effect Attorney Resnick stated. Councillor Cruise remarks we need something almost immediately.

Councillor Farwell as a point of information said Councillor Monahan made the comment about a placeholder.

Councillor Nicastro stated that she was at luncheon at Bridgewater State. She stated that what was said regarding the marijuana proposal was well written. She likened it to the casino or the power plant proposals. She believes they should go slowly and carefully. She was on the Planning Board and believes that the West Chestnut St. location was good. She wants to craft smart ordinances.

Councillor Sullivan states that a moratorium was never passed.

Councillor Monahan has an issue with the process. Everyone got something from the Board of Health that was different from each other. He wants to reiterate what was said by Councillors Farwell and Derenoncourt. Philip Nessralla made it seem that they were looking into it. It is important for him to know that the council might have been a pushover in the past, but isn't now. Councillor Monahan has a problem with both of the proposals. The ordinances barely mentions the city council. The council has the best interest to the community. We need to do it right. It will be beneficial but needs to be done with council in mind. He wants to postpone also.

Councillor Lally feels that they were misled. He has had enough with placeholders. We should have a complete ordinance. As much as he wants to postpone, he thinks we need to send something to work on.

Councillor Nicastro as a point of information, before we act on this, stated we haven't approved a moratorium.

Councillor Monahan states that if we do not act on this, we are further behind. Councillor Monahan on the motion these are nothing set in stone. The state is starting to accept applications for licenses this week. We have to get on it and vet it out. It is up to the council but they could miss the boat. He thinks we should move forward.

Councillor Rodrigues stated that the packet received from the Board of Health was totally different from the Ordinances proposed by the Mayor and City Solicitor. He also wanted to reiterate what Councillors Sullivan and Derenoncourt said. The City Solicitor that he was looking into it and Councillor Rodrigues believed it would be 6-8 weeks and then the next day, items were submitted to council. He stated that there isn't much in the

48.
ORDERS (cont'd)

ordinances concerning the council, besides the heading of the ordinances. They need to work together as a body to create the ordinances that they want passed.

Councillor Eaniri stated that it needs to be postponed. Philip Nessralla will need to explain why this was done.

- 209** An Ordinance Amending Chapter 27 of the revised Ordinance of the City Of Brockton Concerning The Humanitarian Medical Use Of Marijuana. Be it ordained by the City Council of the City of Brockton. Article III. General Regulations and Permitted Modifications, Section 27-24.3 Humanitarian medical use of marijuana.

Councillor Sullivan motioned to retract the motion to postpone and the motioned to table item #209 and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present with eight voting in the affirmative. Councillors Asack, Cruise and Monahan voting in the negative to table. The motion carried.

- 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.

Referred to Ordinance and Planning

- 211** Order: Acceptance of M.G.L Chapter 64N, Section 3 Local Option Tax Of Marijuana Products be it ordered by the City Council of the City of Brockton to accept the provisions of Section 3 of Chapter 64N of the General Laws, empowering the City of Brockton to implement a three (3%) tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the City of Brockton.

Referred to Finance

- 212** Order: Medical and Adult use Marijuana Establishments-Host Community Agreements be it ordered by the City Council of the City of Brockton. Pursuant to M.G.L Chapter 94G, Section 3, Subsection (d) and Chapter 369 of the Acts of 2012, the City Council of the City of Brockton authorizes the Mayor to negotiate, execute, monitor and enforce compliance of a host Community Agreement between the City and a Marijuana Establishment or a medical Marijuana Treatment Center Seeking to operate or continue to operate in the City of Brockton.

Referred to Finance

Councillor Farwell stated that this information should have been brought up to the council. He doesn't know the sections and acts. If they had had the information earlier, legal counsel could have looked it over for the council.

Councillor Farwell asks that the rules be sent to all councillors.

- 213** Order: Adult use Marijuana Establishments-Licensing and Regulations

Referred to Finance

- 214** Appropriation of the total donation in the amount of \$2,090.00
From: Campello Business Association
To: City of Brockton-Police Department-SRT Unit.

Referred to Finance

49.
LATE FILES

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

- 215** Ordered: That the common necessary and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of an Easement Deed from Stergio M. Dalkouras for the benefit of the City of Brockton for high way purposes only.(for the purpose of accessing Lot 1, Lot 2, Lot 3 and Lot 4)

Referred to Finance

Councillor Sullivan stated that we can draft an order as a late file for a moratorium.

A two minute recess was called.

Back in session.

- 216** Order: Moratorium to prohibit retail stores from operating, and preventing any business license to issue in the City of Brockton relative to the sale of recreational marijuana.

Councillor Rodrigues motioned to accept the moratorium as a late file and the motion was properly seconded. The motion carried by a hand vote.

Referred to Finance.

Councillor Sullivan wished everyone a Happy Easter.

Councillor Farwell asks that if there are controversial items that the Mayor should communicate it to the Council President.

Councillor Eaniri mentioned a resident that was out of power for 6 days, that when the city came out to clean up, they cleaned everything and he appreciated the work. It was Ward 1. Mr. Watson.

Councillor Monahan 15% donation night.

Councillor Asack on April 4 at 7pm the Brockton High School band will be playing a Randy Klein original piece "Brockton". Come and support the kids and school.

Adjourned 9:23pm