

A regular meeting of the City Council was held in the Council Chambers with Councilor Cruise presiding. The meeting was called to order at 8:02pm with eleven members being present.

In City Council, March 28, 2016

The Council President acknowledges the Boy Scout Joseph Myers, who is working on his communication badge.

- 131** Approval of the City Council minutes of March 14, 2016 meeting

Accepted by a hand vote.

#### **APPOINTMENTS**

- 132** Of Wayne A. Lake, of 56 Short Street, Brockton, as a constable in the City of Brockton for a term of three (3) years.

Referred to Finance

#### **HEARINGS**

Petition of Pierre Mac-Clen for a license to Solicit and Canvass on behalf of Solar City, a clean energy provider.

Councillor Studenski motioned to move the hearing until the end of the meeting and was properly seconded. The motion carried by a hand vote.

#### **REPORTS**

- 133** Of the Ordinance Committee for its meeting of March 15, 2016

Accepted and placed on file.

- 134** Of the Finance Committee for its meeting of March 21, 2016

Accepted and placed on file.

#### **COMMUNICATIONS**

- 135** From the Plymouth County Registry of Deeds submitting the Community Preservation Act surcharge funds report by community for 2013, 2014 and 2015.

Accepted and placed on file

- 136** From the City Auditor certifying that the balance of the Stabilization Fund as of March 3, 2016 is \$3,383,106.58

Accepted and placed on file

- 137** From the Director of Information Technology requesting approval of an appropriation of \$45,000 for the expanded services to the City Hall phone system. The cost of this upgrade would include a customer service audio recording system, labor, and miscellaneous wiring

Accepted and placed on file

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COMMUNICATIONS (cont'd)

- 138 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$45,000 from Stabilization Fund to Information Technology Dept (ITC)- Capital, to provide funding for expanded services to the City Hall phone system. The cost of this upgrade would include a customer service audio recording system, labor, and miscellaneous wiring

Accepted and placed on file

- 139 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$45,000 from Stabilization Fund to Information Technology Dept (ITC)- Capital, without a detrimental impact on the continuous provision of the existing level of municipal services. The amount of the appropriation is not significant compared to the Stabilization Fund balance, and there is a public service benefit to the purchase. **Notwithstanding this certification, it is important to note that the \$3.338 million dollar balance in the fund after this appropriation, as well as its present balance, is not at the level, which the city needs. A more prudent level would be several million dollars higher.**

Accepted and placed on file

- 140 From the Treasurer/Collector requesting that the City accepts Massachusetts General Law Ch. 60 Sec. 15B-Tax Title Collection Revolving Fund. This fund can be capped at \$100,000.00 and at the end of each fiscal year any excess balance be transferred into the General Fund.

Accepted and placed on file.

- 141 From the Mayor in accordance with the provisions and stipulations of Section 15B of Ch. 60 of the M.G.L., recommending that the City Council accepts M.G.L., Ch. 60, Section 15B, and also that the City Council authorizes the Tax Title Collection Revolving Fund for Fiscal Year 2017 to be capped at \$100,000 and the balance at the end of each Fiscal Year to be transferred to the General Fund.

Accepted and placed on file.

- 142 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance of M.G.L. Chapter 60, Section 15B, and also that the City Council authorizes the Tax Title Collection Revolving Fund for Fiscal Year 2017 to be capped at \$100,000 and the balance at the end of each Fiscal Year to be transferred to the General Fund.

Accepted and placed on file.

- 143 From the Chief of the Police Department requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security's FY16 Senator Charles E. Shannon Community Safety Initiative Grant in the amount of \$425,692.00

Accepted and placed on file.

- 144 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 award in the amount of \$425,692.00 from Executive Office of Public Safety & Security's FY16 Senator Charles E. Shannon Community Safety Initiative Grant to Brockton Police Department: FY16 Senator Charles E. Shannon Community Safety Initiative Grant Fund. This funding will be used to pay for police overtime, city-provided summer jobs for youth, fringe for summer jobs for youth, summer jobs

## COMMUNICATIONS (cont'd)

through the Brockton Public Schools and contractually through the Brockton Area Workforce Investment Board; Father Bills/Mainspring Coalition graffiti removal services, Old Colony YMCA street outreach services, Maria Croker Tax Service fiscal management services, Parole Officer expenses, mentoring for youth through Brockton Christian Mentoring Initiative and Massachusetts Youth Committed to Winning. These in-kind services have been agreed to in the attached documents.

Accepted and placed on file.

- 145** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance of the grant of \$425,692.00 from Executive Office of Public Safety & Security's FY16 Senator Charles E. Shannon Community Safety Initiative Grant to Brockton Police Department: FY16 Senator Charles E. Shannon Community Safety Initiative Grant Fund.

Accepted and placed on file.

- 146** From the Emergency Management Director requesting acceptance of the Grant in the amount of \$2,200.00 from FY15-16 Hazardous Materials Emergency Preparedness (HMEP) Grant to BEMA-HMEP Grant Fund (to purchase office equipment and supplies to assist with emergency planning). No match required.

Accepted and placed on file.

- 147** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$2,200.00 as follows: From Commonwealth of Massachusetts Emergency Management Agency FY15-16 HMEP Grant \$2,200.00 to BEMA-HMEP Grant Fund (to purchase office equipment and supplies to assist with emergency planning). All goods and services for the HMEP Grant must be procured prior to June 30, 2016. No match required.

Accepted and placed on file.

- 148** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$2,200.00 as follows: From Commonwealth of Massachusetts Emergency Management Agency FY15-16 HMEP Grant \$2,200.00 to BEMA-HMEP Grant Fund

Accepted and placed on file.

- 149** From the Director of Council on Aging requesting an acceptance of \$142,947.00 award from the Executive Office of Elder Affairs. The funds will be dispersed for salaries, energy, department equipment repair, printing, office supplies, registration, memberships and subscriptions.

Accepted and placed on file.

- 150** From the Mayor in accordance with the M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount \$142,947 from Executive Office of Elder Affairs to Brockton Council on Aging Executive Office of Elder Affairs Grant Fund. This funding will be dispersed for salaries including overtime, energy, department equipment repair, printing, office supplies, registration, memberships and subscriptions.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 151** From the CFO in accordance with Section 5 of Ch.324 of the Acts of 1990, certifying the proposed grant of \$142,947.00 from Executive Office of Elder Affairs to Brockton Council on Aging Executive Office of Elder Affairs Grant Fund without a detrimental impact on the continuous provision of the existing level of municipal services.
- Accepted and placed on file.
- 152** From Animal Control Supervisor requesting two transfers, \$10,000.00 and \$5,100.00 totaling \$15,100.00 to provide after hour emergency calls, employees utilizing vacation, personal and compensatory time, one employee out on sick leave for an extended period, recently settled Union contract, upcoming state mandated training for all Animal Control Officers and to purchase seven refurbished portable radios.
- Accepted and placed on file.
- 153** From the Mayor in accordance with M.G.L., Ch.44 recommending that the City Council authorize the total transfer of \$15,100.00 From: Animal Control Full Time Salaries To: Animal Control- Overtime \$10,000.00 and Animal Control-Dept. Equip \$5,100.00 in order to provide after hour emergency calls, employees utilizing vacation, personal and compensatory time, one employee out on sick leave for an extended period, recently settled Union contract, upcoming state mandated training for all Animal Control Officers and to purchase seven refurbished portable radios.
- Accepted and placed on file.
- 154** From the CFO in accordance to Section 5 of Ch.324 of the Acts of 1990 certifying the proposed total transfer of \$15,100.00 From: Animal Control Full Time Salaries To: Animal Control-Overtime \$10,000.00 and Animal Control-Dept. Equip. \$5,100.00.
- Accepted and placed on file.
- 155** From Treasurer/Collector requesting a transfer of \$10,000.00; \$3,000.00 from Treasurer of Services-Security/Fire Control and \$7,000.00 from Treasurer Goods & Supplies- Registry of Deeds to Treasurer's Personnel Services Overtime.
- Accepted and placed on file.
- 156** From the Mayor in accordance with M.G.L. Ch.44, recommending a transfer of \$10,000.00; From: Treasurer Purchase of Services-Security/Fire Control \$3,000.00 and Treasurer Good & Supplies-Registry of Deeds \$7,000.00 To: Treasurer's Personnel Services Overtime. This transfer is necessary to cover the expected overtime costs for the remainder of the fiscal year.
- Accepted and placed on file.
- 157** From the CFO in accordance with Section 5 Ch.324 of the Acts of 1990, certifying the proposed total transfer of \$10,000.00 from Treasurer Purchase of Services-Security/Fire Control \$3,000.00 and Treasurer Good & Supplies-Registry of Deeds \$7,000.00 To: Treasurer's Personnel Services Overtime.
- Accepted and placed on file.
- 158** From the Assistant City Auditor certifying that there is \$505,753.33 of available funds in the Vacant and Abandoned Building's Revolving Account.

## COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 159** From the Inspector of Buildings requesting that all but \$50,000.00 in the Vacant/Abandoned Registry Account be transferred to cover expected expenses in the imminent demolition of 121 Main St and 5 other identified dangerous buildings. Statutory requirements dictate the need for immediate remedies for these buildings and these funds are necessary to fulfill these remedies.

Accepted and placed on file.

- 160** From the Mayor in accordance with M.G.L., Ch.44 recommending that the City Council authorize the transfer of \$455,753.33, which represents all but \$50,000.00 from Vacant/Abandoned Registry Account to the Demolition Revolving Account to cover expected expenses in the imminent demolition of 121 Main St. and 5 other identified dangerous buildings. Statutory requirements dictate the need for immediate remedies for these dangerous buildings and these funds are necessary to fulfill these remedies.

Accepted and placed on file.

- 161** From CFO in accordance with Section 5 Ch.324 of the Acts of 1990, certifying the proposed transfer of \$455,753.33 from Vacant/Abandoned Registry Account to the Demolition Revolving Account.

Accepted and placed on file.

- 162** From the Chief of Police requesting authorization to expend grant monies related to the FY2015 US Dept. of Justice/Bureau of Justice Assistance Grant in the amount of \$118,246.00

Accepted and placed on file.

- 163** 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 award in the amount of \$118,246 from US Department of Justice/FY15 Justice Assistance Grant to Brockton Police Department: US Department of Justice/FY15 Justice Assistance Grant Fund.( to be used to hire for research and evaluation services; hire social workers to assist in co-responding to family violence calls with the Brockton Police Department and clergy; police equipment; travel and training costs; overtime for police and grant fiscal management services.

Accepted and placed on file.

- 164** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed grant of \$118,246 from US Department of Justice/FY15 Justice Assistance Grant to Brockton Police Department: US Department of Justice/FY15 Justice Assistance Grant Fund.

Accepted and placed on file.

- 165** From the Chief of Police requesting authorization to expend grant monies related to the FY2016 Massachusetts Department of Public Health Naloxone Grant in the amount of \$45,000

Accepted and placed on file.

- 166** 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 award in the amount of \$45,000 from FY2016 Massachusetts Department of Public Health

**COMMUNICATIONS (cont'd)**

Naloxone Grant to Brockton Police Department: FY2016 Massachusetts Department of Public Health Naloxone Grant Fund. ( to be used by both the Police and Fire Departments to purchase Naloxone (otherwise known as Narcan) and supplies related to the administering of this drug.

Accepted and placed on file.

- 167** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed grant of \$45,000 from FY2016 Massachusetts Department of Public Health Naloxone Grant to Brockton Police Department: FY2016 Massachusetts Department of Public Health Naloxone Grant Fund.

Accepted and placed on file.

**UNFINISHED BUSINESS**

- 118** Appointment of Paul E. Nevins as a Constable in the City of Brockton for a term of three (3) years (FAVORABLE)

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

- 129** Appropriation of \$350,000  
From: Executive Office of Public Safety and Security FY2016 Municipal Police Services Staffing Grant  
To: City of Brockton Police Department Municipal Police Services Staffing Grant Fund. (FAVORABLE)

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

**ORDERS**

- 168** Ordinance: An Ordinance Amending Chapter II of the Revised Ordinances of the City of Brockton as follows: Chapter 2, Administration, is hereby amended by inserting the following new Division in ARTICLE VI. BOARDS, COMMISSIONS, ETC.; DIVISION 9. BROCKTON COMMISSION ON WOMEN’S ISSUES Sec. 2-530. Membership and appointment.

Referred to Ordinance

- 169** Ordinance: An Ordinance amending Chapter 11 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. Licenses, Permits and Business Regulations. Article XIV. Hours of Operation of Businesses, Is hereby amended.

Referred to Ordinance

- 170** Ordinance: An Ordinance amending Chapter 27 Article 2 Zones and Zoning Map and Article 16 Downtown Brockton Smart Growth Overlay District of the Revised Ordinance of the City of Brockton: Be it ordained by the City Council of the City of Brockton as follows: Article 2 Zones and Zoning Map.

Referred to Ordinance/Planning

- 171** Ordinance: An Ordinance amending Chapter 27 of the Revised Ordinance of the City of Brockton: Be it ordained by the City Council of the City of Brockton as follows: Chapter 27. Zoning, is hereby amended by adding the following: Article XVII Wireless Communications Regulations.

**36**  
**ORDERS (cont'd)**

Referred to Ordinance/Planning

- 172** Ordinance: An Ordinance amending Chapter 27 of the Revised Ordinance of the City of Brockton: Be it ordained by the City Council of the City of Brockton as follows: Chapter 27. Zoning, Sec. 27-4 Designation of Zones

Referred to Ordinance/Planning

- 173** Ordered: The authority for the Mayor to lease certain land “to the Brockton 21<sup>st</sup> Century Corporation for economic development purposes, including, but not limited to construction of a baseball stadium, conference center facility, upon such terms of conditions as the Mayor shall determine to be in the best interest of the City”, as authorized by Order of the City Council dated November 13, 2001, be, and is hereby, rescinded, excepting that the existing Lease Agreement between the City and the Brockton 21<sup>st</sup> Century Corporation shall remain effective for any remaining term.

Referred to Finance

- 174** Ordered: That the City Council of the City of Brockton adopts the Downtown Action Strategy, as the principal policy roadmap for revitalizing downtown.

Referred to Finance

- 175** Ordered: That the City Council of the City of Brockton finds that there is a clear need for an Urban Renewal Plan in order to achieve the approved policy objectives in downtown Brockton. That the City Council approves the boundaries of the Downtown Urban Revitalization Plan as depicted in Map 1 – A” Boundaries and Topography, attached hereto.

Referred to Finance

- 176** Ordered: That the City of Brockton has been designated as a Gateway Community by the Commonwealth and that the Commonwealth has implemented the Housing Development Incentive Program(“HDIP”) to encourage the development of market rate housing in Gateway Communities through state tax credits to qualified development projects.

Referred to Finance

- 177** Ordered: That the City Council of the City of Brockton acting pursuant to Chapter 40Q of the Massachusetts General Laws hereby: approves the Downtown Brockton District Improvement Financing Program (the “Program”), a Development Program pursuant to Chapter 40Q of the Massachusetts General Laws, appending the Order approved in 2015 establishing the Downtown Brockton District.

Referred to Finance

- 191** Transfer of \$455,753.33  
From: Vacant and Abandoned Building’s Registry Account  
To: Demolition Revolving Account

Referred to Finance

- 178** Transfer of \$15,100.00  
From: Animal Control Full Time Salaries  
To: Animal Control-Overtime           \$10,000 and  
Animal Control- Dept. Equipment   \$5,100

**37**  
**ORDERS (cont'd)**

Referred to Finance

- 179** Transfer of \$10,000.00:  
From: Treasurer Purchase of Services-Security/Fire Control \$3,000.00  
Treasurer Goods & Supplies- Registry of Deeds \$7,000.00  
To: Treasurer's Personnel Services Overtime

Referred to Finance

- 180** Ordered: That pursuant to M.G.L., Ch. 60, Section 15B, the City Council accepts M.G.L., Ch. 60, Section 15B, and also that the City Council authorizes the Tax Title Collection Revolving Fund for Fiscal Year 2017 to be capped at \$100,000 and the balance at the end of each Fiscal Year to be transferred to the General Fund.

Referred to Finance

- 181** Appropriation of \$45,000  
From: Stabilization Fund  
To: Information Technology Dept (ITC)- Capital  
(to provide funding for expanded services to the City Hall phone system) The cost of this upgrade would include a customer service audio recording system, labor, and miscellaneous wiring (note CFO certification)

Referred to Finance

- 182** Appropriation of \$425,692.00  
From: Executive Office of Public Safety & Security's FY16 Senator Charles E. Shannon Community Safety Initiative Grant  
To: Brockton Police Department: FY16 Senator Charles E. Shannon Community Safety Initiative Grant Fund.

Referred to Finance

- 183** Appropriation of \$118,246  
From: US Department of Justice/FY15 Justice Assistance Grant  
To: Brockton Police Department: US Department of Justice/FY15 Justice Assistance Grant Fund

Referred to Finance

- 184** Appropriation of \$142,947.00 as follows:  
From: Executive Office of Elder Affairs Grant \$142,947.00  
To: Brockton Council on Aging Executive Office of Elder Affairs Grant Fund.

Referred to Finance

- 185** Appropriation of \$45,000  
From: FY2016 Massachusetts Department of Public Health Naloxone Grant  
To: Brockton Police Department: FY2016 Massachusetts Department of Public Health Naloxone Grant Fund.

Referred to Finance

- 192** Appropriation: of \$2,200.00  
From: Commonwealth of Massachusetts Emergency Management Agency  
FY15-16 HMEP Grant  
To: BEMA-HMEP Grant Fund



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**ORDERS (cont'd)**

Referred to Finance

- 186** Resolve: To have members of One Smile Brockton coalition, come before a committee of the Brockton City Council to discuss the efforts and accomplishments of the coalition with regards to the introduction of a water fluoridation program in the City of Brockton.

Referred to Finance

- 187** Resolve: That Massasoit Community College President, Charlie Wall, be invited to come before the Finance Committee to discuss options to bring the Massasoit Allied Health and Sciences building back to its originally proposed location in downtown Brockton.

Referred to Finance

- 188** Resolve: That the Mayor or his designee, the Collector-Treasurer, and the City Solicitor or his designee, be invited to appear before a committee of the City Council to update Council members on the status of the Whitman dispute and efforts to obtain payment.

Referred to Finance

- 189** Resolve: That the Commissioner of the City's Department of Public Works and the Executive Director of the Old Colony Planning Council or his designee, be invited to appear before a committee of the City Council to discuss options and recommendations to be forwarded in a report to the Massachusetts Department of Transportation for improvements designed to enhance the safety of the public and the orderly flow of vehicle in this area of the city.

Referred to Finance

- 190** Resolve: that the record owner of 121 Main Street, the Mayor, Superintendent of Buildings, City Solicitor, a representative of the 21<sup>st</sup>. Century Corp., and Gary Leonard be invited to appear before a Committee of this Council to discuss the demolition of the building, the cost to the City, recouping the cost, and plans for the redevelopment of the property.

Referred to Finance

**LATE FILE**

- 193** Resolve: That Eval Silvera or his designee, be invited to appear before a committee of the City Council to update Council members on the KodeConnect program, whose mission is to expose and teach kids age 8-13 years old computer programming (or coding for short) in the community.

Referred to Finance

Councillor Studenski motioned to postpone the hearing until the next City Council meeting and was properly seconded. The motion carried by a hand vote.

Councillor Sullivan a moment of personal privilege to state that the next Public Safety Committee meeting will be held on April 4, 2016 at 6:30pm

Councillor Asack takes a moment of personal privilege to state that on April 16, 2016 Keep Brockton Beautiful day will be held from 9am-noon. It will begin at Heights Crossing. For more information, call the recycling depot at (508) 580-7827.

Councillor Beauregard takes a moment of personal privilege to acknowledge that this month is International Women's Month and recognizes Liz Smith, who had great success with the Easter egg hunt and also acknowledges the Ordinance for the Women's Commission being re-established.

Councillor Eaniri takes a moment of personal privilege to state that the Accounts Committee meeting has been changed to April 19, 2016 at 6:15pm, due to the holiday.

Councillor Studenski Beauregard takes a moment of personal privilege to remind everyone of the Memorial of the Vietnam Veterans that will be held on Tuesday, March 29, 2016 at the City Hall Amphitheatre at 2pm. He also acknowledges Veteran Affairs, who worked with the Vietnam Veterans to make a day to represent them.

Councillor Rodrigues takes a moment of personal privilege to state that there will be a Real Estate Meeting on Monday at 6:00 in the Council Chambers.

Adjourned 8:24pm