

**50.**

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 8:04pm with 11 members present.

In City Council, April 9, 2018

- 217** Acceptance of the minutes of the minutes of the March 26, 2018 City Council meeting.

Accepted and placed on file

**HEARINGS:**

Petition of Cumberland Farms, Inc. and Nevins Realty Trust for an Underground Storage License located at 1205 Belmont St. and 820 Pearl St., Brockton, MA.

Attorney John Smolak appeared on behalf of the petitioner in favor stating owner is seeking amendment for flammable Storage license located at 1205 Belmont St. The owner wants to expand storage and redevelop property just like the other properties they own. Councillor Cruise asked about the application having two separate addresses. Attorney Smolak responded that those two addresses are right next to one another and they plan to combine properties to expand and make it one. Councillor Sullivan asked if there is plan for the flow of the business and if they have open communication with the abutters. He stated he spoke to a few including the Sloane family who had concerns regarding the traffic from business. Attorney Smolak stated they do and they have also reached out to the Sloane family themselves and told them they will be informing them of the plan. Councillor Sullivan asked for Cumberland Farms to keep council updated on planning board progress. Gary Epstein owner of Timeless Antiques located at 1208 Belmont St. also appeared in favor. He stated he is all for the business of Cumberland Farms they bring tons of traffic flow for business but due to a past situation that happened with Cumberland Farms that affected his property in phase 2 and phase 3. He was told by them that they would reimburse him and his partner, which never took place. He just wants the reassurance maybe in some type of writing stating that if property around Cumberland is affected or something goes wrong due to the business that Cumberland farms will step up and take responsibility for any damages the cause if any occur. Councillor Eaniri States he believes that Cumberland Farms will take responsibility. Councillor Farwell asked if there is a bond in place in case anything happens and will the abutters be covered. Attorney Smolak states there is no bond required but there is insurance in place and they are licensed in case anything wrong happens. Cumberland Farms would not have any problems taking responsibility and would take all legal steps to deal with whatever comes at hand. In this process all tanks and bad soil will be removed and replaced with state of the art equipment installed by licensed professionals. Everything has been inspected and approved. Councillor Sullivan asked for the Attorney and business to provide the insurance policy/binder to the Clerk's office to have on file. Attorney said he will try to provide that information Councillor Sullivan corrected him stating he will, not try. Attorney corrected himself with stating he will bring it in. No one was in opposition. Hearing held.

Granted by a hand vote.

**REPORTS:**

- 218** Of the Finance Committee for its meeting of April 2, 2018.

Accepted and placed on file

**COMMUNICATIONS:**

- 219** From the Office of the Plymouth County Commissioners, in compliance of M.G.L., Ch. 34, Section 14, regarding acceptance of a bid in response to the January 24, 2018 Request for Proposal: Disposition of 155 West Elm Street, Brockton, MA, in the amount of

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COMMUNICATIONS (Cont'd)

\$700,000 with the intent to enter into a Purchase and Sale Contract with a closing on or about June 28, 2018. The RFP was advertised in the Central Register on January 24, 2018 and was open for all bidders. The purchasing party is the Southern New England Conference Association of Seventh Day Adventists. A public hearing will be scheduled on or about May 1, 2018, a public posting of which will be printed in two separate local newspapers and the County website [www.plymouthcountyma.gov](http://www.plymouthcountyma.gov). Any interested parties may contact Frank Basler, County of Plymouth Administrator at (508) 830-9104 no later than April 15, 2018.

Accepted and placed on file

- 220** From the Mayor advising the City Council that, in accordance with the Revised Ordinances of the City of Brockton Ch. 2, Section 2-186, has appointed Sean Murphy to the position of Assistant City Solicitor-Part Time for a three year term effective February 26, 2018.

Accepted and placed on file

- 221** From the Mayor requesting and strongly urging the city council to approve the proposed amendment to the current Water Purchase Agreement between the city and Aquaria, L.L.C. In order to take effect, this proposed amendment will also require the approval of the water commission, and he has requested that approval.

Accepted and placed on file

- 222** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed amendment to the current Water Purchase Agreement between the city and Aquaria, L.L.C.

Accepted and placed on file

- 223** From the DPW Commissioner requesting that the City Council transfer \$30,000 into Highway Overtime (in order to cover the projected overtime expenses and emergencies for the remainder of the year).

Accepted and placed on file

- 224** From the Mayor in accordance with M.G.L., Chapter 44, I hereby recommend that the City Council authorize the appropriation of \$30,000 from Department of Public Works-Highway Division- Purchase of Services to Department of Public Works- Highway Division-Overtime. (In order to cover the projected overtime expenses and emergencies for the remainder of the year).

Accepted and placed on file

- 225** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total proposed appropriation of \$30,000 from Department of Public Works-Highway Division- Purchase of Services to Department of Public Works- Highway Division-Overtime.

Accepted and placed on file

- 226** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and appropriation of the total grant in the amount of \$526,000 from Commonwealth of Massachusetts Doer Green Community Program Grant to City of Brockton Public Building Lighting Improvement Upgrade Projects. He further recommends that the City Council authorize the application of all utility incentives to the project, in the anticipated amount of \$188,965, in order to help pay further total project costs, which are expected to be \$705,849. This project will apply grant funds and utility

## COMMUNICATIONS (Cont'd)

incentives to reduce energy consumption and lighting costs in ten city public Schools. These schools, in order of anticipated savings/costs, are: Brockton High School, North Middle School, Downey School, East Middle School, Ashfield School, Hancock School, Kennedy School, Gilmore School, Huntington School, and Keith School. As he indicated, the anticipated project costs total \$705,849, to be financed by part of the grant award at \$516,884, and the utility incentives at \$188,965. The remaining portion of the grant in the amount of \$9,116 is reserved for contingencies. The total of anticipated project savings in electricity costs is \$55,490. The project will be performed by Guardian Energy Management Solutions. He is also requesting it be adopted under suspension of the rules, in order to initiate this project during school vacation.

Accepted and placed on file

- 227** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the appropriation of \$526,000 from Commonwealth of Massachusetts Doer Green Community Program Grant to City of Brockton Public Building Lighting Improvement Upgrade Projects, along with the proposed authorization to apply all utility incentives in the project to its costs.

Accepted and placed on file

- 228** From the Chief of The Brockton Fire Department requesting the acceptance of a donation of \$300 from Harbor One Bank to City of Brockton-Fire Department. The funds are to use in the areas of youth, education, and prevention by the Fire Education Officer to assist in delivering the message of Fire Safety to the students of Brockton.

Accepted and placed on file

- 229** From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance of the donation of \$300 from Harbor One Bank to City of Brockton-Fire Department. The fire department intends to use funds in the areas of youth, education, and prevention

Accepted and placed on file

- 230** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed donation of \$300 from Harbor One Bank to City of Brockton-Fire Department.

- 231** From the Superintendent of Parks requesting the acceptance and expenditure of the appropriation from the Commonwealth of Massachusetts of \$100,000 for improvements to Hancock Playground.

Accepted and placed on file

- 232** 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 in the amount of \$100,000 from Commonwealth of Massachusetts Department of Conservation and Recreation-Hancock Park Grant to City of Brockton Parks and Recreation-Hancock Park Grant Fund. This funding will be used to make improvements to Hancock Playground. There is no match required.

Accepted and placed on file

- 233** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$100,000 from Commonwealth of Massachusetts Department of Conservation and Recreation-Hancock Park Grant to City of Brockton Parks and Recreation-Hancock Park Grant Fund.

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**COMMUNICATIONS (Cont'd)**

Accepted and placed on file

- 234 From the Library Director requesting the transfer of the \$6,440.00 from the library night Differential to library Overtime( in order to cover unforeseen overtime costs incurred when both library custodians retired with little notice). City hall custodians, working overtime, capably kept the library's three branches clean and in good order as we interviewed and hired two replacements. The process of hiring two custodians took roughly two months.

Accepted and placed on file

- 235 From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance of the appropriation of \$6,440 from Library-Personal Services other than overtime to Library-Personal Services overtime. In order to cover unforeseen overtime costs for the remainder of the fiscal year due to two custodians retiring unexpectedly in August and September of 2017.

Accepted and placed on file

- 236 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$6,440 from Library-Personal services other than overtime to Library-Personal Services overtime.

Accepted and placed on file

- 237 From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance of the appropriation of \$2,779,027 from US Department of Housing and Urban Development (HUD) Lead Hazard Control Grant to Lead Hazard Control Grant Fund (VIA The Brockton Redevelopment Authority (BRA)). In order to provide the City with financial assistance in lead hazard control. This grant per HUD award is to be administrated by the BRA through its executive Director Robert Jenkins as grant project manager. There is a match required of \$277,903 to be satisfied by CDBG funds through his commitment to HUD by letter, dated 4/2/18.

Accepted and placed on file

- 238 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$2,779,027 from US Department of Housing and Urban Development (HUD) Lead Hazard Control Grant to Lead Hazard Control Grant Fund (VIA The Brockton Redevelopment Authority (BRA)). This grant is to be administrated by the Brockton Redevelopment Authority with Executive Director Robert Jenkins as project manager, per the HUD award. The match of \$277,903 has been committed by the Mayor from CDBG funds.

Accepted and placed on file

**UNFINISHED BUSINESS:**

- 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) (IN CITY COUNCIL MARCH 26, 2018, PASSED TO A THIRD READING, BY A HAND VOTE).

Ordained by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative. Councillor Sullivan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

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**UNFINISHED BUSINESS (Cont'd)**

- 93** An Ordinance Amending Chapter 17, Article IV, Division 2, Historical District Commission and Division 3, Certificates of Appropriateness Nonapplicability, or Hardship. (FAVORABLE) (IN CITY COUNCIL MARCH 26, 2018, PASSED TO A THIRD READING, BY A HAND VOTE).

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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) (Linwood St.) (FAVORABLE)

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

- 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. (FAVORABLE AS AMENDED)

Amendment carried by a hand vote. Adopted, as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

**ORDERS:**

- 239** Ordered: Notwithstanding any other authorization, the City Auditor shall not authorize payment of any funds from an appropriation for the Commission On Women’s Issues or the Commission On Diversity unless the members of the respective commissions have voted approval to expend funds and have transmitted notice of their vote to the Auditor.

Referred to Finance

- 240** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Amark Road, extending from North Cary Street, Southerly and easterly, to Upton Street/Dagmar Drive, a distance of about 1,196 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.

Referred to Finance and Planning

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**ORDERS (Cont'd)**

- 241** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Cynthia Drive, extending from North Cary Street, easterly, to Amark Road, a distance of about 570 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.

Referred to Finance and Planning

- 242** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Downey Road, extending from Dixon Road to Dixon Road, a distance of about 1,477.13 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.

Referred to Finance and Planning

- 243** Ordered: That the city council approve the proposed amendment to the current Water Purchase Agreement between the city and Aquaria, L.L.C.

Referred to Finance

Councillor Farwell requested they invite a Brockton Resident James Bosco who manages and creates water systems for a living to the Finance Committee meeting to discuss this item. He believes his expertise will help. Councillor Cruise chair of Finance stated he has no problem with that request he just ask that Mr. Bosco bring his resume to see his qualifications.

- 244** Ordered: That the following named sum be and the same is hereby accepted as the same was submitted by the Mayor as follows: Donation in the amount of \$300.00 From: Harbor One Bank To: City of Brockton-Fire Department.

Councillor Sullivan motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 245** Appropriation of the total grant in the amount of \$526,000  
From: Commonwealth of Massachusetts Doer Green Community Program Grant  
To: City of Brockton Public Building Lighting Improvement Upgrade Projects.  
Further, that the City Council authorize the application of all utility incentives to the project, in the anticipated amount of \$188,965.

Councillor Eaniri states that this is the order for the communication in which the Mayor asked if City Council can vote on this tonight. Councillor Cruise motioned to move under suspension of rules to act on it tonight and was properly seconded. The motion carried by a hand vote. Councillor Cruise asked Ken Thompson from the school department to come up and speak on the grant. Mr. Thompson explained the process of the project expressing his hopes that they will do it next year, and include more schools in the project. He explained that the project will take up to four weeks to be completed and this was the reason they were requesting for it to be voted on tonight so they can start the process during school vacation so the schools will be empty to work on.

Adopted 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.

- 246** Appropriation of \$30,000  
From: Department of Public Works-Highway Division- Purchase of Services  
To: Department of Public Works- Highway Division-Overtime.

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**ORDERS (Cont'd)**

Referred to Finance

- 247** Appropriation in the amount of \$100,000.00  
From: Commonwealth of Massachusetts Department of Conservation and Recreation-Hancock Park Grant To: City of Brockton Parks and Recreation-Hancock Park Grant Fund.

Councillor Cruise motion to move under suspension of rules to act on it tonight and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. Councillor Cruise motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Asack stated she spoke to Susan Cronin and she is absolutely excited and delighted that this project is happening.

- 248** Appropriation in the amount of \$6,440  
From: Library-Personal Services other then overtime  
To: Library-Personal Services overtime.

Councillor Farwell motioned to move under suspension of rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 249** Appropriation in the amount of \$2,779,027  
From: US Department of Housing and Urban Development (HUD) Lead Hazard Control Grant  
To: Lead Hazard Control Grant Fund (VIA The Brockton Redevelopment Authority (BRA)).

Referred to Finance

Councillor Eaniri reminds everyone this coming Monday is in a holiday and the City Hall will be closed. The Finance meeting will be held on Tuesday April 17, 2018 at 7PM. He also wanted to mention to the Councillors about informing the Clerk’s office regarding the items they choose to sponsor to avoid late files.

Councillor Asack asked for a moment of personal privilege to congratulate Brockton High School Wind ensemble and Jazz band who competed in Washington DC and won 1<sup>st</sup> place of superior rating as well as other honors. We are proud of them and wish them the best. They are true Champions. This Wednesday April 11, 2018 we will be holding Operation Safe Streets at the Arnone School located at 135 Belmont St. This takes place for the citizens to speak directly with law enforcement. Representatives from the DA’s Plymouth County, Brockton Police Department, Mass. state police and U.S Attorney’s office. We have been doing these meetings monthly but the last few had a low turnout hoping that this Wednesday people come out, be involved and ask questions. Keep the date Saturday April 21, 2018. It will be the annual Keep Brockton Beautiful Day. Hopefully we get beautiful weather. If you need more information you can go on the City website or call Patrick Sullivan from the Refuse Department(DPW).

Councillor Beauregard asked for a moment of personal privilege to mention she attended a Water Commission meeting and the good news we are not in drought. There will be another Water Commission meeting on Thursday April 26, 2018 at 6:30PM at the Angelo School on North Main St. it is a public meeting open to everyone and the discussion will be on the water rates and more. She also mentioned that next week school vacation starts. The Brockton library will be having lots of fun free things to do with the kids from Tuesday through Saturday at the Main library. They will have things like poetry, cooking

around the world for the older group of kids; the New England Aquarium will be bringing activities as well. So come out and enjoy the free fun.

Councillor Cruise asked for a moment of personal privilege to mention this past week Brockton Fire fighter Matt Braziale participated in the Masters. He states for people who are not sports fans or Golf fans the job he did representing the City of Brockton with such dignity and class for all the first responders was great. The press conference went from the New York Times, to the London Garden and to ESPN, every major outlet covered on him it was an amazing story and he couldn't be any prouder so he wanted to take a moment to thank him. He didn't have quite the weekend he wanted but he had a great time and did a phenomenal job on representing the first responders of the country, The amateur athletes in this country and the City of Brockton. Thank you!

Councillor Eaniri states he did great job and set a great example. He was going to recommend that he should receive a citation from the City.

Councillor Cruise agreed.

Councillor Sullivan asked for a moment of personal privilege to say Brockton has a great public school system as well as Parochial schools. The Trinity Catholic Academy will be having their first drama club this year. Grades 4<sup>th</sup> through 8<sup>th</sup> will be performing the Wizard of Oz at the Cardinal Spellman High School on May 4 and May 5 which is a Friday and Saturday. He states he happens to know the individual playing the tin man, he looks a lot like him just a little shorter and better looking, his son. He states he encourages that the public come and support the kids. 90 percent of the population of the kids is from the City of Brockton.

All items on agenda are available in their entirety for review in the City Clerk's Office for all interested parties.

Executive Session- regarding the Open Meeting Law

The Council President stated that discussing the Open Meeting Law matter in open meeting may be detrimental to the City Council's position and the motion requires a roll call vote.

Councillor Sullivan motioned to go into Executive Session to discuss the Open Meeting Law matter and was properly seconded by Councillor Cruise. The motion carried by a roll call vote taken by "yeas" and "nays" eleven members present with all voting in the affirmative.

The Council President stated that the City Council would not be returning after the Executive Session.

Adjourned: 8:41