

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

In City Council April 27, 2015

Council President Eaniri motioned to have Fire Chief Francis say a few words and was properly seconded. The motion carried by a hand vote.

Fire Chief Francis thanked everyone for the opportunity to serve as the Chief for the past five years. He stated the areas that needed work and the areas that he had a hand in changing. He stated that he would be retiring as of May 9, 2015.

Councillor Cruise presented the chief with a citation for his years of service and dedication to the City of Brockton and his retirement.

Councillor Studenski takes a moment of personal privilege to commend the Fire Chief. He also wished Councillor Sullivan a Happy Birthday. Also, his brother Charles (Chick) Studenski, whose birthday is on Tuesday.

Councillor DeNapoli takes a moment of personal privilege to congratulate the Chief on his outstanding job and wished him and his wife happy years ahead.

Councillor Sullivan takes a moment of personal privilege to thank the Chief for his public service and that he is a true gentleman.

Councillor Monahan takes a moment of personal privilege to state what a pleasure it has been to work with the Chief.

Councillor Eaniri thanks the chief and calls a two minute recess.

Back in session.

REPORTS

- 216** Of the Finance Committee for its meeting of April 21, 2015

Accepted and placed on file

COMMUNICATIONS

- 217** From the Commonwealth of Massachusetts Assistant District Attorney stating that the City Council did not violate the Open Meeting Law. In reaching this determination, they reviewed the complaint filed with the Council, the Council's response, and the complaint filed with their office. They now consider this matter closed.

Accepted and placed on file

- 218** From the Treasurer/Collector requesting a transfer of \$275,000 from Treasurer's Debt-Service to Treasurer/Tax Collector-Medicare Tax. This transfer is necessary to cover the expected shortfall due to budget cuts and unanticipated overtime through the remainder of the fiscal year

Accepted and placed on file

- 219** From the Mayor in accordance with M.G.L., Chapter 44, recommending a transfer of \$275,000 from Treasurer's Debt-Service to Treasurer/Tax Collector-Medicare Tax. This transfer is necessary to cover the expected shortfall through the remainder of the fiscal year due to cuts to the budget request and because of payroll and overtime costs which were higher than the medicare tax budget anticipated.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 220** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$275,000 from Treasurer's Debt-Service to Treasurer/Tax Collector-Medicare Tax.

Accepted and placed on file

- 221** From the DPW Commissioner requesting an appropriation of \$304,632.00 awarded to the City of Brockton by Gov. Charles Baker under the Winter Recovery Assistance Program (WRAP) for the purpose of patching potholes, cracking and other surface defects, including paving projects, repair and replacement of signage, guardrail, and storm grates or road striping or painting and other approved projects. Further requesting that the Order and Authorization designate the DPW Commissioner to carry out the work to be performed under the conditions of the Commonwealth of Massachusetts Standard Contract Form.

Accepted and placed on file

- 222** From the Mayor in accordance with M.G.L., recommending an appropriation of \$304,632 from Available Funds Winter Recovery Assistance Program (WRAP) to WRAP Fund. This is a state award under the Ch. 90 formula for patching potholes, cracking and other surface defects, including paving projects, repair and replacement of signage, guardrail, and storm grates or road striping or painting and other approved projects. Further requesting that the Order and Authorization designate the DPW Commissioner to carry out the work to be performed under the conditions of the Commonwealth of Massachusetts Standard Contract Form. **As the receipt of the award letter from the state was delayed, hereby requesting that this order be adopted under suspension of the rules to ensure the work is completed before June 30, 2015**

Accepted and placed on file

- 223** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$304,632 from Brockton's Apportionment of the Commonwealth of Massachusetts Winter Recovery Assistance Program (WRAP)

Accepted and placed on file

UNFINISHED BUSINESS

- 160** Ordered: That the City Council rescind order 76 as adopted by the council on March 9, 2015, for the purpose of accepting and expending a \$339,000 40 R Smart Growth Incentive Dividend for various planning purposes. Accordingly, requesting that the City Council establish a Revolving Fund for the intended purpose in accordance with M.G.L., Ch. 44 Section 53E ½. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays": nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 161** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the establishment of a 40R Smart Grant Incentive Revolving Fund for said receipts from the Commonwealth of Massachusetts for purposes of engaging professional consulting services to prepare a city wide comprehensive plan, downtown redevelopment plan, downtown district improvement plan, Campello District Redevelopment Plan and to help fund the management by the Brockton Redevelopment Authority of the US Department of Housing and Urban Development Home Program. Expenditure from the revolving fund shall be under the direction of the Department of Planning and Economic Development and shall be limited to \$350,000 in FY15. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 208** Appropriation of \$3,500
 From: National Association of County and City Health Officials (NACCHO)
 Department of Health and Human Services Grant Fund
 To: City of Brockton Board of Health.
 These grant monies are for the purpose of building the level of volunteers for local Medical Reserve Corps. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 205** Appropriation of \$3,000.00
 From: The Massachusetts Emergency Management Agency HMEP Grant
 To: Brockton Emergency Management Agency HMEP Grant Fund. (the Brockton Emergency Management Agency (BEMA) intends to use these grant funds to purchase a Panasonic Tough Pad Computer). No match is required.
 (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 206** Appropriation of \$1,015,440
 From: Available Funds- Brockton’s Chapter 90 apportionment for Fiscal Year 2015
 To: Highway Transportation Project Funds FY15 (Chapter 90 Projects)
 (to provide additional funding for the purpose of the design and construction costs necessary for approved projects). This request is based on an increase in the in the Chapter 90 apportionment for FY15 from \$2,030,878 to \$3,046,318. Further requesting that the order and authorization designate the DPW Commissioner to carry out the work to be performed under the conditions of the Commonwealth of Massachusetts Standard Contract Form. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 207** Appropriation: of \$12,000
 From: Massachusetts Executive Office of Public Safety and Security (EOPSS)/Highway Safety Division FY2015 Traffic Enforcement Grant
 To: City of Brockton Police Department-EOPSS FY15 Traffic Enforcement Grant Fund. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 210** Transfer: of \$15,000
 From: Fire Department Ambulance Receipts
 To: Fire Department Purchase of Services.
 (to be used for the payment to Perform Software Support for the period of July 1, 2015 to June 30, 2016). This provides for support services to the Computer Aided Dispatching (CAD) program currently in use at Fire Alarm. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 211** Transfer: of: \$90,000.00
 From: Fire Department Ambulance Receipts
 To: Fire Department Capital Projects
 (for 911 Next Generation mandated system upgrade of the Secondary PSAP for purchase of three Fire Alarm Operator positions). This will allow for receipt of all transferred 911 calls from the soon to be upgraded 911 Generation System at the

UNFINISHED BUSINESS (cont'd)

Police Station relating to Fire and EMS incidents with all available necessary information. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 204** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes an amendment to the previously authorized Fiscal Year 2015 Abandoned Building Revolving Fund, allowing expenditures, made on the authority and direction of the Brockton Building Commissioner, to be increased from no more than \$75,000, to no more than \$250,000. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 213** Ordered: That the City Council of the City of Brockton hereby approves and directs the holding of an election on May 12, 2015 for its residents to vote on whether to permit the operation of a gaming establishment at the site of the Brockton Fairgrounds notwithstanding that a new positive determination of suitability may not yet have been issued to Mass Gaming & Entertainment, LLC and its related qualifiers by the Massachusetts Gaming Commission by such date. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 482** Ordered: That the City of Brockton Government Study Committee is hereby established to be comprised of seven (7) citizens of the City, 3 of whom are to be appointed by the Mayor and 4 of whom are to be appointed by the City Council President. Each committee member shall be a registered voter and to the extent possible, possess expertise or knowledge relevant to the work of such Government Study Committee (GSC). The GSC is charged with exploring, by whatever means it deems appropriate, all aspects of local government organization and structure, the strengths and weaknesses in Brockton’s current form of government and areas for improvement, alternative models of government, and recommend changes in such organization and structure, including, but not limited to, the terms of office, and the method of selection of officials, consistent with the needs of the City, and designed to achieve greater efficiency and effectiveness in the delivery of government services. (UNFAVORABLE)

Failed adoption by a roll call vote taken by “yeas” and “nays”; nine members present with three voting in the affirmative. Councillors Cruise, Eaniri, Monahan, Rodrigues, Studenski and Sullivan voting in the negative. Councillors DuBois and Stewart absent.

- 212** Resolve: that the Director of the Council on Aging be invited to appear before a Committee of the Council to provide an update relative to the Brockton Council on Aging and the aging population in the City of Brockton. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

- 102** Resolve: That the Mayor, Chief of Police, Chief Financial Officer and the City’s Building Superintendent come before Finance Committee to discuss the position of Code Enforcement Office (in conjunction with the Police Department) and provide the Committee with an update on when this vital position will be reinstated and operational on a daily-basis. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

UNFINISHED BUSINESS (cont'd)

- 37** Resolved, that a representative of Stonehill College be invited to appear before a Committee of this Council to review the relationship of between the City and the College relative to provision of City services. (FAVORABLE)

Councillor Sullivan stepped down

Adopted by a roll call vote taken by “yeas” and “nays”: eight members present with seven voting in the affirmative. Councillor Rodrigues voting in the negative. Councillors DuBois, Stewart and Sullivan absent.

Councillor Sullivan stepped back in

- 32** Resolved, that the City Solicitor be invited to appear before a Committee of this Council to review the issue of compliance with Sec. 2-301 of the Revised Ordinances of the City of Brockton. (FAVORABLE)

Councillor Sullivan stepped

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

ORDERS

- 224** Transfer of \$275,000
From: Treasurer’s Debt-Service
To: Treasurer/Tax Collector-Medicare Tax.
This transfer is necessary to cover the expected shortfall through the remainder of the fiscal year due to cuts to the budget request and because of payroll and overtime costs which were higher than the medicare tax budget anticipated.

Referred to Finance

Councillor DeNapoli motioned to move under suspension of the rules on item 225 and was properly seconded. The motion carried by a hand vote. He also stated that Jay Condon was available to answer any questions.

- 225** Appropriation of \$304,632
From: Available Funds Winter Recovery Assistance Program (WRAP)
To: WRAP Fund.
This is a state award under the Ch. 90 formula for patching potholes, cracking and other surface defects, including paving projects, repair and replacement of signage, guardrail, and storm grates or road striping or painting and other approved projects. Further requesting that the Order and Authorization designate the DPW Commissioner to carry out the work to be performed under the conditions of the Commonwealth of Massachusetts Standard Contract Form.

Councillor Barnes questioned if the list was finalized?

Jay Condon stated that this is not a regular Ch. 90. This one is specific for emergency damage, such as pot holes.

Councillor Rodrigues questioned if the money came from Governor Charles Baker or the Commonwealth?

Jay Condon stated that it was from the Commonwealth through the State Highway funds.

Adopted by a roll call vote taken by “yeas” and “nays”: nine members present and all voting in the affirmative. Councillors DuBois and Stewart absent.

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ORDERS (cont'd)

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

- 226** Resolve: That Congressman Lynch come before a Committee of this Council to give a Washington D.C. update.

Referred to Finance

LATE FILES

Councillor Sullivan motioned to move under suspension of the rules and accept a late file and was properly seconded. The motion carried by a hand vote.

- 227** Resolve: That Mr. Mark Linde (General Manager of Brockton Community Access) and a representative from Comcast come before the Finance Committee to discuss and explain the recent interruption to the live broadcast of the Brockton City Council meetings and what corrective action is planned.

Referred to Finance

Councillor Eaniri stated that May 11, 2015 is the Council photo and then the next council meeting in the Council Chambers. He also stated that there will be upcoming joint meetings by ward, with Southeastern and School Committee members and the Mayor. The dates will be selected and they will start with Ward 1, 2 and 3. Also, next Monday is Finance Committee meeting.

Councillor DeNapoli takes a moment of personal privilege to state that he has received numerous call regarding the casino election. He stated that anyone who is a registered voter can vote.

Councillor Sullivan takes a moment of personal privilege to state that the next Ordinance Committee meeting will be held May 5, 2015 at 6pm. He also thanked everyone associated with the opening day of youth baseball at the Rox Stadium.

Councillor Asack takes a moment of personal privilege to state that there will be a ward meeting on May 7, 2015 at 7pm at North Junior High School.

Adjourned at 8:40pm