

***Revised**

61.

A regular meeting of the City Council was held in the War Memorial Building, 156 West Elm St. due to the elevator not working. Councillor Eaniri presiding. The meeting was called to order at 7:07 pm with 11 members present.

In City Council, May 14, 2018

Councillor Farwell asks for a moment of silence for Denise O'Malley, who passed away recently. She worked for Brockton Public Schools and she will be missed.

The Council President reminds everyone to turn their cellphones down or off, as an ordinance was passed relative to cell phones during the council meetings.

255 Acceptance of the minutes of the April 23, 2018 City Council meeting.

Accepted and placed on file.

APPOINTMENTS:

256 Of Ilias Potsis of 92 Margery Rd., Brockton to the Parking Authority for a term of three years.

Referred to Finance

257 Of Phyllis Ellis of 273 West Chestnut Street, Brockton, MA to the Brockton Library Board of Trustees for a term of three years.

Referred to Finance

258 Of Lisa O'Donnell of 30 Rock Meadow Dr., Brockton, MA to the Brockton Library Board of Trustees for a term of three years.

Referred to Finance

REPORTS:

259 Of the Ordinance Committee for its meeting of May 7, 2018.

Accepted and placed on file.

260 Of the Finance Committee for its meeting of May 7, 2018.

Accepted and placed on file.

COMMUNICATIONS:

261 From Smolak & Vaughan Attorneys at Law following up from the meeting of April 9, 2018 license hearing for 1205 Belmont St. & 820 Pearl St., applicants Cumberland Farms, Inc. and Nevins Realty Trust.

Accepted and placed on file.

262 From the Chief of the Police Department requesting authorization to expend grant monies related to the pass through of FY16 Community Oriented Policing Services Anti-Heroin Task Force grant funds in the amount of \$25,231.32 from the Commonwealth of Massachusetts Attorney General's Office.

Accepted and placed on file.

263 From the Mayor in accordance with M.G.L., CH. 44, recommending that the city Council authorize appropriation of the total grant award in the amount of \$25,231.32

62.

COMMUNICATIONS (Cont'd)

from Commonwealth of Massachusetts' Attorney General's Office- Detective Division-2016 Community Policing Services Anti-Heroin Task Force grant award to City of Brockton-Police Department-2016 Community Policing Services Anti-Heroin Task Force Program Grant Award Fund.(The Police Department intends to expend these pass-through grant funds (two reimbursements-one for \$12,212.15 and a second one for \$13,019.17) so that the police dept. can reimburse the regular overtime account as they used the overtime to support the efforts of the heroin task force conducted back in October and November of 2017). There is no match required.

Accepted and placed on file.

- 264 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of the proposed grant in the amount of \$25,231.32 from Commonwealth of Massachusetts' Attorney General's Office- Detective Division-2016 Community Policing Services Anti-Heroin Task Force grant award to City of Brockton-Police Department-2016 Community Policing Services Anti-Heroin Task Force Program Grant Award Fund.

Accepted and placed on file.

- 265 From the Chief of the Police Department requesting authorization to expend grant monies related to the FY2017 US Department of Justice/Bulletproof Vest Program Grant in the amount of \$19,034.62.

Accepted and placed on file.

- 266 From the Mayor in accordance with M.G.L., CH. 44, recommending that the city Council authorize appropriation of the total grant award in the amount of \$19,034.62 from US Department of Justice FY17 -Bulletproof Vest Program Grant to City of Brockton-Police Department-FY17 Bulletproof Vest Program Grant Fund. (The Police Department intends to use the funds for the reimbursement of 50% of the cost of bulletproof vests). There is no match required.

Accepted and placed on file.

- 267 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of the proposed grant in the amount of \$19,034.62 from US Department of Justice FY17 -Bulletproof Vest Program Grant to City of Brockton-Police Department-FY17 Bulletproof Vest Program Grant Fund.

Accepted and placed on file

- 268 From the Mayor in accordance with M.G.L., recommending that the City Council adopt the FY2019 budget for the City in the amounts and form as recommended, appropriations in the total amounts of \$409,734,267. He will provide his detailed comments on the recommended budget at budget hearings.

Accepted and placed on file.

- 269 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the Mayor's proposed for FY2019, but this certification applies to **FY19 only**. He cannot certify that the city's financial resources and revenues will be adequate to support the continuous provision of the existing level of municipal services beyond FY2019. He will provide more perspective on this topic during budget hearings.

Accepted and placed on file.

- 270 From the Director of Personnel requesting that the City Council authorize the transfer of the appropriation in the amount of \$800,000 from Personnel Employee

63.

COMMUNICATIONS (Cont'd)

Benefits Administration \$500,000 to Schools-Net School Spending and \$300,000 to Stabilization Fund.

Accepted and placed on file.

- 271 From the Mayor in accordance with M.G.L., CH. 44, recommending that the City Council authorize the transfer of the appropriation in the amount of \$800,000. \$500,000 to the Schools-Net School Spending and \$300,000 to Stabilization Fund. In order to provide budget assistance to the Brockton Schools and to increase the City reserves. Please be informed that this transfer is from the City's appropriation to the trust for its cost, not from the city's trust fund itself, which also includes contributions from retirees and employees. This Surplus is the result of a combination of lower enrollment than budgeted and enrollment in less expensive plans than was budgeted.

Accepted and placed on file.

- 272 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of the appropriation in the amount of \$800,000 from Personnel Employee Benefits Administration. \$500,000 to Schools-Net School Spending and \$300,000 to Stabilization fund.

Accepted and placed on file.

- 273 From the City Treasurer/Collector requesting that the City Council authorizes the transfer of \$200,000.00 from Treasurer's Debt-Interest Short Term Notes to Treasurer's-Medicare Tax. This transfer is necessary to cover the expected shortfall due to contract settlements and overtime through the remainder of the fiscal year.

Accepted and placed on file.

- 274 From the Mayor in accordance with M.G.L., CH. 44, recommending that the City Council authorize the transfer of \$200,000 from Treasurer's Debt-Interest Short Term Notes to Treasurer's-Medicare Tax. In order to cover the expected shortfall due to contract settlements and overtime through the remainder of the fiscal year.

Accepted and placed on file.

- 275 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed total transfer of \$200,000 from Treasurer's Debt- Interest Short Term Notes to Treasurer's-Medicare Tax.

Accepted and placed on file.

- 276 From the City Planner requesting that the City Council to authorize the acceptance and expenditure of the total grant in the amount of \$381,350.64 from Commonwealth of Massachusetts Department of Transportation-MassDot Main Street Grant to City Of Brockton-Planning Department MassDot Main Street Grant Fund. The City will have to provide a \$95,339 match in Chapter 90 funds.

Accepted and placed on file.

- 277 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 \$381,350.64 from Commonwealth of Massachusetts Department Of Transportation-MassDot Main Street Grant to City Of Brockton-Planning Department MassDot Main

64.

COMMUNICATIONS (Cont'd)

Street Grant Fund. This funding will help to work toward restoring two-way traffic to downtown Brockton. These downtown improvements support the City's recent downtown redevelopments and proposed new developments. The work includes downtown traffic study, conceptual plans and confirmation and/or established of right of the way in the study area. The City will have to provide a \$95,339 match in Chapter 90 Funds. It will make this allocation which is 20% of the cost of the project.

Accepted and placed on file.

- 278 From the CFO accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$381,350.64 from Commonwealth of Massachusetts Department Of Transportation-MassDot Main Street Grant to City Of Brockton-Planning Department MassDot Main Street Grant Fund.

Accepted and placed on file

UNFINISHED BUSINESS:

- 82 An Ordinance Amending Article II, Section 23-30 of the Revised Ordinances of the City of Brockton Section 23-30 of the Revised Ordinances is hereby repealed and replaced (relative to establishing a water commission). (FAVORABLE, AS AMENDED)

The amendment passed by a hand vote. Passed to a third reading, as amended, by a hand vote.

- * Councillor Farwell states for the benefit of his colleagues that are not in Ordinance Committee and also to state for the record for the council meeting. This is in place to put DPW water Division under the Commissioner. The Commissioner is already in charge of **Sewer** Division, DPW Office and the Highway Division. Under the Water Commission Ordinance all of his personnel and all his equipment and day to day work could theoretically be decided by a five volunteered member appointment commission. In addition to the current Ordinance that commissioner would be allowed to approve a million gallons in water per day. For a project this would be extremely excessive and this will set a 100,000 gallon per day limit so the DPW Commissioner could approve to take care of economic development. However anything above a 100,000 gallons per day would come back to the council other than that the commission stays intact. They can do any type of research and provide the commissioner with the Water system Manager with recommendations. This really is to consolidate and make organizationally operationally efficient the DPW Water Commission and placing it under one boss and that is the DPW Commissioner as it should be.

- 92 An Ordinance Amending Chapter II of the Revised Ordinances Chapter Section 11-211 of the Revised Ordinances as most recently amended is further amended. (FAVORABLE, AS AMENDED)

The amendment passed by a hand vote. Passed to a third reading, as amended, by a hand vote.

- 158 Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Gerald Avenue**, extending from East Ashland Street, southerly, a distance of about 1,031.32 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; 11 members present and all voting in the affirmative.

UNFINISHED BUSINESS (Cont'd)

- 159** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Connell Avenue**, extending from Court Street, northerly, to East Ashland Street, a distance of about 1,383.00 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; 11 members present and all voting in the affirmative.

- 160** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Leland Street**, extending from Gerald Avenue, easterly, to North Quincy Street, a distance of about 245.09 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; 11 members present and all voting in the affirmative.

ORDERS:

- 279** An Ordinance To Increase Access To Voter Registration In The City Of Brockton

Referred to Ordinance

- 280** An Ordinance Amending Chapter II of the Revised Ordinances of the City of Brockton. Be it ordained as follows: Chapter 2. Administration, is hereby amended by adjusting Sec. 2-135 to reflect the amounts negotiated by the administration in collective bargaining agreements.

Referred to Ordinance

- 281** Ordered: Annual Budget for FY19

Referred to Finance

- 282** Ordered: Pursuant to the provisions of M.G.L. ch. 44, sec. 53A, the City Council authorizes the acceptance and expenditure of the total grant award in the amount of \$381,350.64 from the Commonwealth of Massachusetts Department of Transportation to City of Brockton Planning Department MassDot Main Street Grant Fund. The grant will fund for work toward restoring two-way traffic to downtown Brockton. These downtown improvements support the City’s recent downtown redevelopments and proposed new developments.

Referred to Finance

- 283** Appropriation of the total grant award in the amount of \$25,231.32
From: Commonwealth of Massachusetts’ Attorney General’s Office- Detective Division- 2016 Community Policing Services Anti-Heroin Task Force grant award
To: City of Brockton-Police Department-2016 Community Policing Services Anti-Heroin Task Force Program Grant Award Fund.

Appropriation of	\$800,000
From: Personnel Employment Benefits Administration	
To: Schools –Non Net School spending	\$500,000
Stabilization Fund	\$300,000

Referred to Finance

66.
ORDERS (Cont'd)

- 284** Transfer of \$200,000
From: Treasurer's Debt-Interest Short Term Notes
To: Treasurer's –Medicare Tax
In order to cover the expected shortfall due to contract settlements and overtime through the remainder of the fiscal year.

Referred to Finance

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|------------|--|-----------|
| 288 | Appropriation of | \$800,000 |
| | From: Personnel Employment Benefits Administration | |
| | To: Schools –Non Net School spending | \$500,000 |
| | Stabilization Fund | \$300,000 |

Referred to Finance

- 289** Appropriation: of the total grant award in the amount of \$19,034.62
From: US Department of Justice FY17 –Bulletproof Vest Program Grant
To: City of Brockton-Police Department-FY17 Bulletproof Vest Program Grant Fund.

Councillor Farwell motioned to move under suspension of the 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.

- 285** Resolved: the City Solicitor be invited to appear before a committee of the City Council to provide information on this code enforcement program.

Referred to Finance

- 286** Resolved: That Ms. Marta Verde of Aquaria Water, LLC and Mr. Ramon J. Diaz, listed as General Manager of the Aquaria Water plant in Dighton, MA on the 2016 public filing with the Massachusetts Department of Public Utilities, be invited to appear before a committee of the City Council to provide information relating to the current water system agreement.

Referred to Finance

Councillor Eaniri states he knows Councillor Farwell is the one who filed this resolve and states he doesn't know how soon he was looking for it to be heard at the committee. If he was looking for it to be next week then that's not going to happen.

Councillor Farwell states he would expect this could be heard probably by July.

Councillor Sullivan states there has been an issue in the past and would like to request that the parties be notified by certified mail.

Councillor President Eaniri States he will put it forth for that meeting in July, he knows it will take some time.

- 287** Resolve: to invite several members of the local clergy including Dr. Mark T. Oliver and Pastor Richard Reid, to come before the Committee of this Council to discuss their concerns with the sale of recreational cannabis in the City of Brockton.

Referred to Finance

66.
LATE FILES

Councillor Cruise motioned to accept late file and was properly seconded.

- 296** Ordered: That the City Clerk of the City of Brockton cause to be recorded at the Plymouth County Registry of Deeds a release whereby the layout of a portion of Sewell Street adjacent westerly to lots 3 and 4 as shown on Land Court Plan 25861B and adjacent easterly to the easterly line of Sewell Street which is 42 feet easterly from and parallel to the westerly line of Sewell Street, as more particularly described herein, be and is abandon, immediately forthwith pursuant to an order in City Council November 13, 1990 and approved by Mayor Carl D. Pitaro on November 16, 1990 which provided “that a duly attached copy hereof be filed in Plymouth County Registry of Deeds by the City Clerk forewith upon the adoption of the ORDER herein” which has not yet been recorded in accordance with the November 13, 1990 order.

Councillor Cruise motioned to move under the 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. Councillor Cruise motioned to file for reconsideration with the hopes it will not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Cruise states that this was filed in 1990 but the City Clerk at the time failed to get it registered with the Registry of Deeds. This is in place to instruct the Clerk to instruct the City Engineer to register this at the Registry of Deeds. He also states he appreciate help with passing this. It’s basically a book keeping issue.

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

- 291** Communication: From the Executive Director of the Parking Authority requesting a transfer of funds totaling \$32,789 (these transfer will be used to pay expenses incurred in snow removal from the city-owned and leased lots).

Accepted and placed on file

- 292** Communication: From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total appropriation of \$32,789 From Personal Services Other than Overtime-Full Time\$14,600, Personal Services-Other Than Overtime- Part Time \$8,100, Ordinary Maintenance-Building and Grounds \$10,089
To: Snow Removal \$32,789

Accepted and placed on file

- 293** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$32,789 From Personal Services Other than Overtime-Full Time \$14,600, Personal Services-Other Than Overtime-Part Time \$8,100, Ordinary Maintenance-Building and Grounds \$10,089
To: Snow Removal \$32,789.

Accepted and placed on file

- 294** Appropriation of the total appropriation of \$32,789
From: Personal Services Other than Overtime-Full Time \$14,600
Personal Services-Other Than Overtime-Part Time \$8,100
Ordinary Maintenance-Building and Grounds \$10,089
To: Snow Removal \$32,789

Referred to Finance

67.
LATE FILES (Cont'd)

295 Resolve that Mary Aicardi, Senior Associate for the Edward J. Collins Center for Public Management at the University Of Massachusetts Boston McCormack Graduate School of Policy and Global studies be invited to appear before a committee of the City Council to present the findings of a Human Resources of review.

Referred to Finance

The Council President spoke regarding the budget hearings stating that he spoke to Mr. Condon in which he stated the books will be prepared in the middle of next week sometime. He will know more by the Finance Committee meeting next Monday. Councillor Eaniri also stated the budget hearings will be held Monday June 4th, Tuesday June 5th, Wednesday June 6th and Thursday June 7th which will take place in the War Memorial building. Everything is in process.

Councillor Sullivan just confirming the City Council is only at the War memorial for tonight's meeting but the next two upcoming meetings will be back at the Brockton High School Little Theatre. Then back for budget hearings at the War Memorial which will take place June 4th - June 7th.

Councillor Eaniri agreed that was correct and also mentioned he decided that the summer sessions that go from June till August for City Council meetings will all be held at the War Memorial. He believes the location is a better venue; it has a better look, more Governmental and more space to have the meetings. He heard the talks about having there being no air conditioner, he stated World War II vets met there many years ago and they didn't have any air conditioner either so he believes they can work through it.

Councillor Sullivan takes a moment of personal privilege to announce as chairman of the Ordinance committee he is calling an Ordinance meeting for Monday May 21, 2018 at 6:15 pm at the Brockton High School, Romm Little Theatre. There is at two agenda items from Councillor Rodrigues and Councillor Beauregard and also the one that Councillor Derenoncourt presented tonight. I do ask that my colleagues give the names of the invited guest by tomorrow please.

Councillor President Eaniri states he wants him to keep in mind, he knows when he had a discussion with the Mayor this afternoon he mentioned a couple items and he was asking when you think you will begin to start talking about the situation with the Marijuana.

Councillor Sullivan states that it has to be discussed with legal Council but it's on the radar. He told Councillor Eaniri to relay a message to the Mayor that he has a phone number as well the Mayor can call him.

Councillor Asack asked for a moment of personal privilege to announce that Accounts Committee will hold a meeting May 16th at 4pm in the City Hall lower level.

Councillor Beauregard asked for a moment of privilege to state she met with Water Commission and there is no drought. Also to announce on Tuesday, May 22 at 6:30pm Ward 5 meeting will take place at the Brockton Main Library. It will be an art filled event. Teachers exhibits will be displayed in the Driscoll Gallery and the students will have their exhibits in the Lingos Auditorium. She also stated that if someone didn't go to the nine to five musical they missed out on an absolutely phenomenal and not surprising remarkable talent. She stated that some were fortunate to be with some remarkable students Thursday at the State House were they made them extremely proud. Also nice to see the Senate votes in favor 38-0 for more funding for education.

Councillor Lally asked for a moment of privilege to say Happy Birthday to his youngest sister who will be turning fifteen this Wednesday.

Councillor President asks Councillor Rodrigues the date of Real Estate Committee meeting.

68.

Councillor Rodrigues mentions Real Estate will be May 15 at 6pm in the basement of City Hall.

290 Executive Session- regarding complaint received May 2, 2018

Council President Eaniri stated that discussing the pending complaint in open meeting may be detrimental to the City Council's position and the motion requires a roll call vote.

Councillor Cruise motioned to go into Executive Session to discuss the pending complaint and was properly seconded by Councillor Lally. 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.

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

Adjourned:732pm