

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding. The meeting was called to order at 8:06pm with nine members being present. Councillors Barnes and Stewart absent.

In City Council June 22, 2015

Councillor Cruise takes a moment of personal privilege to ask for a moment of silence for Peter Genarris, who passed away over the weekend. He served the Town of Abington as a principal for many years. His family has run the Brockton Café and he was a great Brocktonian.

The Council President Eaniri stated that Councillor Barnes will not be present this evening, due to illness. He also stated that Councillor Stewart also could not make it to the meeting.

HEARINGS

Petition of El Rinconcito Body Shop for a Motor Vehicle Repair Mechanical/Body Shop license located at 1000 Montello St.

Maria Bella appeared on behalf of the petitioner. Councillor Studenski questioned the petitioner on the hours of operation that they were looking for. No one was in opposition. Hearing held.

Councillor Studenski motioned to grant the license with the following stipulations and was properly seconded: 1. Hours of Operation: Mon.-Fri. 8am-5pm; Saturday 8am-12pm.

The license was granted, as stipulated, by a hand vote.

Petition of Extenet Systems Inc., for upgrades and modifications to 13 existing pole locations and distributed antenna system for telecommunication wires and appurtenances.

Keenan Brand appeared and works with Extenet Systems. He provided background on the application and the reason for the modifications. Paul Thurston, the Director of Engineering for Extenex, also appeared in favor. Council President Eaniri questioned the location of the poles.

Councillor Sullivan questioned if the antennas were for cell phone or cable; to provide point to point or node to node?

Mr. Thurston explained that they are just adding another carrier, so they need to modify the antennas. The upgrade will be at the top of the poles. They were originally for Tmobile and Metro PCS. Extenet is located at the Fairgrounds.

The Council President reiterated that it is just for an upgrade. Mr. Brand stated that was correct.

Councillor Sullivan questioned if the poles had assets to the city on them? The representatives stated that the upgrade would not touch any lights that the city owns.

Councillor DuBois questioned if they pay taxes on the installation? The representatives stated that they pay fees, but not taxes.

Hearing held.

REPORTS

365 Of the Real Estate Committee for its meeting of June 15, 2015

Accepted and placed on file

366 Of the Finance Committee for its meeting of June 15, 2015

Accepted and placed on file

81
COMMUNICATIONS

- 367 From the Mayor providing commentary on FY16 budget.

Accepted and placed on file

- 368 From the CFO providing commentary on FY16 budget.

Accepted and placed on file

- 369 From the DPW Commissioner requesting that the City Council transfer \$30,000 from the Water Personal Service Account to the Water Overtime Account. In order to fund overtime expense for the remainder of FY15 for emergencies.

Accepted and placed on file

- 370 From the Mayor in accordance with M.G.L., Ch. 44 recommending a transfer of \$30,000 from DPW Water Department-Personal Services other than overtime to DPW Water Department-Personal Services overtime. In order to cover any emergencies for the remainder of FY15.

Accepted and placed on file

- 371 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$30,000 from DPW Water Department-Personal Services other than overtime to DPW Water Department-Personal Services overtime.

Accepted and placed on file

- 372 From the Mayor stating he has applied for nine firefighter positions under the provisions of the Federal Safer Grant. The grant, if received, would fund these positions for 2 years, with no match. However, the grant requires the City commit to maintaining staff during the grant period.

Accepted and placed on file

- 373 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed "no layoff, no reduction, in current Fire Staff" commitment to FEMA for the proposed SAFER grant. **Provided that if necessary, the City will fully utilize its unused levy capacity to do so. This is a conditional commitment, the nature of which should appear on the face of the council order, if its approved.**

Accepted and placed on file

Councillor DeNapoli motioned to take item #375 out of order and under suspension of the rules and was properly seconded. The motion carried by a hand vote. He also stated that the Fire Chief and Jay Condon are here to answer any questions.

Chief Williams explained the grant and the purpose. Councillor DeNapoli reiterated that it is nine officers and that during that two year time period, none of the officers can be laid off.

Councillor Cruise reiterated that we haven't received the grant yet, but that the Fire Department wants this resolve in place, so that when and if they get the grant, the resolve is in place already.

82
UNFINISHED BUSINESS

- 158** Ordinance: An Ordinance Amending Chapter XXVII of the Revised Ordinance of the City of Brockton. Be it ordained by the City Council of Brockton as follows: Chapter 27. Zoning is hereby amended by adding the following new Section 27-32.100 after Section 27-32.95, as follows: Sec. 27-32.100.-C-9 Resort Casino Overlay District. (FAVORABLE AS AMENDED) (IN CITY COUNCIL, JUNE 8 2015, PASSED TO A THIRD READING AS AMENDED)

Ordained, as amended, by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Barnes and Stewart absent.

- 215** Ordinance: An Ordinance Establishing Homeowners Rights in the City of Brockton Relative to Certain Foreclosures Chapter 16. Foreclosures Article I. Bill of Rights for Homeowners in the City of Brockton. (FAVORABLE) (IN CITY COUNCIL, JUNE 8 2015, PASSED TO A THIRD READING)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Barnes and Stewart absent.

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

- 155** Ordinance: An Ordinance amending Chapter 23 of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 23, Section 30 (f) (6). Water consumption. (FAVORABLE) (IN CITY COUNCIL, JUNE 8 2015, PASSED TO A THIRD READING AS AMENDED)

Ordained, as amended, by a roll call vote taken by “yeas” and “nays”; nine members present with eight voting in the affirmative. Councillor Asack voting in the negative. Councillors Barnes and Stewart absent.

A two minute recess was called.

Back in session.

Councillor Studenski absent.

- 257** Ordinance: An Ordinance amending Ch. 23 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 23, Section 30 (f) (6) water rate increases. (FAVORABLE) (IN CITY COUNCIL, JUNE 8 2015, PASSED TO A THIRD READING)

Failed ordination by a roll call vote taken by “yeas” and “nays”; eight members present with three voting in the affirmative. Councillors Asack, DuBois, Eaniri, Rodrigues and Sullivan voting in the negative. Councillors Barnes and Stewart absent.

- 293** Ordered: That the City hereby accepts and expends the grant award in the amount of \$10,000
From: Mass Humanities
To: City of Brockton
(In support of “Stride Toward Freedom”, Together Connecting Brockton’s Diversity by Exploring Our Common Ground. The grant is to be matched by at least \$2,000 in cash and \$9,900 in in-kind services. The Mayor is authorized to execute any and all documents necessary to effectuate such grant)(FAVORABLE AS AMENDED)

UNFINISHED BUSINESS (cont'd)

The amendment passed by a hand vote. Adopted, as amended, by a roll call vote taken by "yeas" and "nays"; eight members present and all voting in the affirmative. Councillors Barnes, Stewart and Studenski absent.

- 360** Ordered: That the DPW Commissioner is authorized to issue one single family home sewer connection for lot 4 Ames Street (book 44409, Page 103) owned by Dennis Morrissey Family RT. (FAVORABLE)

Councillor Studenski stepped back in.

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

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

Councillor Sullivan motioned to take the 15 revolving funds collectively and was properly seconded. The motion carried by a hand vote.

- 356** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of reimbursing departments for the cost of complying with requests for public records. (FAVORABLE)
- 352** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016, consistent with the provisions of M.G.L., Chapter 140, Section 139A. The Animal Control Revolving Fund shall receive deposits for the spaying or neutering of animals. Expenditures would be restricted to not more than \$5,000 annually for the purposes permitted by Chapter 140, Section 139A. (FAVORABLE)
- 348** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the reauthorization of the Parking Authority Revolving Fund to receive revenues from Parking Violations Fines up to and including the amount of \$250,000. (FAVORABLE)
- 358** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 from the cash receipts from Comcast. (FAVORABLE)
- 354** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of funding the acceptance expenditure by the Women's Commission of receipts and donations from various events. (FAVORABLE)
- 344** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of spending by the Police Chief for ordinary maintenance expenses of the Police Department, provided that not more than \$35,000 may be so expended from the fund during FY 2016. (FAVORABLE)
- 357** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of helping to fund the cost in connection with the K9 Unit of the Brockton Police Department. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

- 345** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of funding of the acquisition and installation of grave liners exclusive of the cost of labor, for repair and maintenance of equipment, and for capital projects, provided that not more than \$100,000 may be so expended from the Grave Liners Revolving Fund during Fiscal Year 2016. (FAVORABLE)
- 351** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes a FY2016 revolving fund for Manning Pool Revolving Account under the control of the Mayor, from all FY2016 receipts received from admission to the pool, but further provided that the expenditures of such revolving fund revenues shall not exceed \$50,000 and shall be limited to spending purposes for ordinary maintenance expenses to operate the pool. (FAVORABLE)
- 350** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund of the 40R Smart Grant Incentive Revolving Fund for said receipts from the Commonwealth of Massachusetts (FAVORABLE)
- 353** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of funding in connection with the demolition of buildings. (FAVORABLE)
- 349** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes a revolving fund for fiscal year 2016, for the sole purpose of helping to fund the cost in connection with the operation of the War Memorial Building. (FAVORABLE)
- 347** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of funding the creation and maintenance of the Abandoned Building Registry as well as the closing and boarding up of vacant and abandoned buildings, provided that no more than \$250,000 may so be expended for the fund during 2016. (FAVORABLE)
- 346** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of funding the Keep Brockton Beautiful Program. (FAVORABLE)
- 355** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2016 for the sole purpose of funding the Composting Bin Distribution Program. (FAVORABLE)

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

- 300** Ordered: Budget for FY2016. (FAVORABLE AS AMENDED)

Amendment 1: A motion to amend Law-Ordinary Maintenance-Services from \$562,477 to \$462,477 was made and was properly seconded. The motion carried by a hand vote. Councillors Barnes and Stewart absent.

Amendment 2: A motion to amend DPW-Water Commission-Other-Desal Fixed Charges from \$6,395,631 to \$1.00 was made and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; nine members present and Councillors Cruise and Monahan voting in the negative with Councillors Barnes and Stewart absent.

UNFINISHED BUSINESS (cont'd)

Councillors DuBois and Studenki stepped down.

A motion to accept DPW- Water Enterprise was made and was properly seconded. Motion carried by a roll call vote taken by "yeas" and "nays"; seven members present and all voting in the affirmative. Councillors Barnes, DuBois, Stewart and Studenski absent.

Councillors DuBois and Studenki stepped back in.

A motion was made to amend Mayor's Office Personal Services by reducing from \$493,664 to \$482,102 and was properly seconded. Motion failed by a roll call vote taken by "yeas" and "nays"; nine members present with five voting in the affirmative. Councillors Asack, Cruise, Eaniri, Monahan and Rodrigues voting in the negative. Councillors Barnes, and Stewart absent.

Councillor Cruise stepped down.

A motion to accept Personnel Budget was made and was properly seconded. Motion carried by a roll call vote taken by "yeas" and "nays"; eight members present and all voting in the affirmative. Councillor Barnes, Cruise and Stewart absent.

Councillor Cruise stepped back in.

The FY2016 Budget was adopted as amended by a roll call vote taken by "yeas" and "nays"; nine members present with six voting in the affirmative. Councillors DeNapoli, DuBois and Sullivan voting in the negative. Councillors Barnes and Stewart absent.

- 363** Resolve: That a Representative from American Response (AMR) be invited to appear before the Finance Committee to discuss their past practices and operational endeavors over the past thirty (30) years servicing the City of Brockton. (FAVORABLE)

Councillor Sullivan thanked President Eaniri for his leadership and he thanked AMR for being there at the Finance Committee and also tonight.

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

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

- 364** Resolve: That Mr. John Williams be invited to appear before the Finance Committee to discuss his educational mentoring program, "Champion City", and to fully detail the success and proven benefits provided to the student participants. (FAVORABLE)

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

- 359** Ordered: That the Mayor and/or Treasurer be authorized to sell to JENGEO, LLC having a usual place of business at 1014 Pearl St., Brockton the parcel of land located at and know as a said portion of Coweeset Cemetery in the amount of \$9,774.50. (FAVORABLE)

Councillor DuBois questioned if this was the cemetery that wanted to get a crematory? The Council President stated that this wasn't the cemetery.

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

UNFINISHED BUSINESS (cont'd)

- 267** Ordered: That the restriction that Plot 25 Ames Street containing about 8,550 sq. ft. as shown on Plan no. 164 on file in the office of the Assessor shall be a non-build able lot. (FAVORABLE AS AMENDED)

The amendment passed by a hand vote. Adopted, as amended, by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Barnes, Stewart and Studenski absent.

ORDERS

- 374** Transfer of \$30,000
From: DPW Water Department-Personal Services other than overtime
To: DPW Water Department-Personal Services overtime (In order to cover any emergencies for the remainder of FY15)

Councillor Monahan motioned to move under suspension of the rules and was properly seconded.

Councillors DuBois and Studenski stepped down.

Adopted by a roll call vote taken by “yeas” and “nays”; seven members present and all voting in the affirmative. Councillors Barnes, DuBois, Stewart and Studenski absent.

Councillors DuBois and Studenski stepped back in.

- 375** Resolved: That the City Council shall notify the Branch Chief of the Assistance to Firefighters Branch of DHA/FEMA that the City, if awarded a SAFER GRANT, will commit to maintain its firefighter staffing levels and incur no layoffs during the period of the grant. This is a conditional commitment, the nature of which should appear on the face of the council order, if it's approved.

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Barnes and Stewart absent. Councillor DeNapoli motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Granting of Extenet Systems Inc., for upgrades and modifications to 13 existing pole locations and distributed antenna system for telecommunication wires and appurtenances.

Granted by a hand vote.

Councillor Eaniri stated that the next Finance Committee Meeting will be held on July 20, 2015 and the next City Council Meeting will be held on July 27, 2015. We are now on summer schedule.

LATE FILES

Councillor DuBois motioned to move under suspension of the rules and accept 2 late files and act on them tonight and was properly seconded. The motion carried by a hand vote.

- 376** Ordered: That the DPW Commissioner is authorized to issue a single family home sewer connection to Plot 25 Ames Street (Plan No. 164).
- 377** Ordered: That the DPW Commissioner is authorized to issue two single family home sewer connection to 164-166 Ames Street for the property owned by Ismael Eugene.

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

LATE FILES (cont'd)

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

Councillor Asack takes a moment of personal privilege to state that there is a Ward Meeting on Wednesday, June 24, 2015 at 7pm and the developer of 629 Pleasant St. will be available to answer any questions. She also stated **that she**

Councillor DuBois takes a moment of personal privilege to state that there will be a zoning meeting on July 14, 2015 at 7pm. They will be discussing the issue of putting solar panels on acres where they will cut down many trees. She is opposed to this.

Councillor Eaniri takes a moment of personal privilege to state that there is a Ward 3 Meeting at the Kennedy School from 7-8:30pm. Chief Williams and Chief Crowley will be present to answer questions.

Adjourned 8:58pm