

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding for Councillor Sullivan who is absent. The meeting was called to order at 8:07pm with nine members present. Councillors Cruise and Sullivan absent.

In City Council, August 28, 2017

Councillor Eaniri asks for a moment of silence for the citizens affected by the hurricane storms.

**373** Acceptance of the minutes of the July 24, 2017 City Council meeting.

Accepted and placed on file.

#### APPOINTMENTS

**374** Reappointment of Kenneth Galligan, 25 Messina Dr., Brockton, MA to the Traffic Commission pursuant to City of Brockton Ordinance Sec. 466, for a term of three (3) years.

Referred to Finance.

**375** Reappointment of Morton Schleffer, 60 Irma Dr., Brockton, MA to the Traffic Commission pursuant to City of Brockton Ordinance Sec. 466, for a term of three (3) years.

Referred to Finance.

#### HEARINGS

Petition of Joseph Sostra Diaz for a Garage License located at 71 Plain St., Brockton, MA

Chris Van Ale appeared in favor on behalf of the petitioner. The petitioner also appeared. Jose and Tommy Diaz, the petitioner's sons, also appeared in favor. No one was in opposition. Hearing held.

Petition of Joseph Sostra Diaz for a Motor Vehicle Repair Mechanical License located at 71 Plain St., Brockton, MA

Petition of Joseph Sostra Diaz for a Motor Vehicle Repair Body License located at 71 Plain St., Brockton, MA

Chris Van Ale appeared in favor on behalf of the petitioner. The petitioner also appeared. Jose and Tommy Diaz, the petitioner's sons, also appeared in favor. No one was in opposition. Hearing held. The clerk stated that the Fire Department has objections to the Motor Vehicle Body license, as there is no proper equipment for painting priming or bondoing. Pending installation of equipment and inspection by the Fire Department, they would have no objections.

Councillor Barnes motioned for the three petitions to go to Public Safety and was properly seconded. The motion carried by a hand vote.

Petition of John Abreu of Abreu & Sons Inc. DBA Abreu & Sons Auto Repair for a Motor Vehicle Repair Mechanical License located at 71 Plain St., Brockton, MA

Petition of John Abreu of Abreu & Sons Inc. DBA Abreu & Sons Auto Repair for a Motor Vehicle Repair Body License located at 71 Plain St., Brockton, MA

The petitioner appeared in favor. No one was in opposition. Hearing held. The clerk stated that the Fire Department has objections to the Motor Vehicle Body license, as there is no proper equipment for painting priming or bondoing.

**HEARINGS (cont'd)**

Pending installation of equipment and inspection by the Fire Department, they would have no objections.

Councillor Barnes motioned for the three petitions to go to Public Safety and was properly seconded. The motion carried by a hand vote.

**PETITIONS**

Of Kenneth Leslie Dba Dynasty Used Furniture for a Secondhand Articles license located at 733 Main Street, Brockton, MA.

The petitioner appeared in favor. No one was in opposition. Councillor Studenski stated that the building is dilapidated and the owners of the building are going to rebuild it. He is for the petition. Councillor Farwell stated that they should be consistent and send it to Public Safety Committee. Councillor Farwell questioned the petitioner on the planned hours of operation and if the petitioner knows the rules of the city in regards to buying and selling used furniture. The petitioner stated that he did. Councillor Farwell questioned the petitioner on where the items are coming from. The petitioner stated he would be supplying them from Foreclosures and estate sales. Councillor Asack stated that they were not consignment. Councillor Farwell motioned to grant the license subject to the hours of operation: Mon.-Fri. 9am-8pm; Sat. 9am-6pm; Sun. 12p-5pm, and that no other second hand articles shall be sold, besides used furniture, and was properly seconded. The motion carried by a hand vote, as stipulated.

**REPORTS**

**376** Of the Ordinance Committee for its meeting of July 26, 2017.

Accepted and placed on file.

**377** Of the Finance Committee for its meeting of August 21, 2017.

Accepted and placed on file.

**COMMUNICATIONS**

**378** From the Mayor in accordance with the provisions of M.G.L., recommending an appropriation of \$460,066 from Unappropriated Estimated Receipts to the Brockton Public Schools Net School Spending, in order to appropriate additional revenue in the final state budget.

Accepted and placed on file.

**379** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$460,066 to Net School Spending.

Accepted and placed on file.

**380** From the Police Chief requesting authorization to expend additional grant monies related to the Executive Office of Public Safety & Security/Highway Safety Division's FY2017 Sustained Traffic Enforcement (STEP) Grant Program in the amount of \$30,000.

Accepted and placed on file.

**381** From the Mayor recommending that the City Council authorize the further appropriation of the latest grant award in the amount of \$30,000 from

## COMMUNICATIONS

Massachusetts Executive Office of Public Safety and Security (EOPSS)/ Highway Safety Division FY2017 Traffic Enforcement Grant to FY 2017 Step Grant Fund, Fund 3141. (This action will provide a total of \$49,500 in the grant fund).

Accepted and placed on file.

- 382** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of the award of \$30,000 from Massachusetts Executive Office of Public Safety and Security (EOPSS)/ Highway Safety Division FY2017 Traffic Enforcement Grant. This appropriation is in addition to \$19,500 already appropriated.

Accepted and placed on file.

- 383** From the Superintendent of Parks, Acting Superintendent of Cemeteries, requesting a transfer of \$20,000 from FY18 Ordinary Maintenance of Goods and Supplies to Cemetery Personal Services Other than Overtime. This transfer would allow the current part-time clerical position to be a full-time position for FY18.

Accepted and placed on file.

- 384** From the Mayor in accordance with M.G.L., CH. 44, recommending a transfer of \$20,000 from FY18 budget of Cemetery for Ordinary Maintenance of Goods and Supplies to Cemetery Personal Services Other than Overtime. This transfer would allow the current part-time clerical position to be a full-time position for FY18.

Accepted and placed on file.

- 385** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$20,000 from FY18 budget of Cemetery for Ordinary Maintenance of Goods and Supplies to Cemetery Personal Services Other than Overtime.

Accepted and placed on file.

- 386** From the Chief of the Fire Department requesting to accept and expend a grant in the amount of \$500.00 from Enbridge Foundation to City of Brockton Fire Department Enbridge Foundation Grant Fund. (for the purpose of purchasing four (4) gas meters to monitor air quality at emergency scenes to better protect the public as well as all first responders.

Accepted and placed on file.

- 387** From the Mayor recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$500.00 from Enbridge Foundation to City of Brockton Fire Department Enbridge Foundation Grant Fund. (for the purpose of purchasing four (4) gas meters to monitor air quality at emergency scenes to better protect the public as well as all first responders.

Accepted and placed on file.

- 388** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of the grant award in the amount of \$500.00 from Enbridge Foundation to City of Brockton Fire Department Enbridge Foundation Grant Fund.

Accepted and placed on file.

## COMMUNICATIONS

- 399** From the Superintendent of Parks requesting the acceptance of a donation of \$150,000 for play ground equipment and installation services from the New England Patriots Charitable Foundation for improvements to McKinley Park. The associated donation of site preparation services by the J. Derenzo Company, and the associated donation of engineering and landscape services by J.K. Holmgren Engineering Inc.

Accepted and placed on file.

- 400** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the acceptance of a donation of \$150,000 for play ground equipment and installation services from the New England Patriots Charitable Foundation for improvements to McKinley Park. The associated donation of site preparation services by the J. Derenzo Company, and the associated donation of engineering and landscape services by J.K. Holmgren Engineering Inc.

Accepted and placed on file.

- 401** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of the donation of \$150,000 for play ground equipment and installation services from the New England Patriots Charitable Foundation, J. Derenzo Company and J.K Holmgren Engineering Inc. for improvements to McKinley Park.

## UNFINISHED BUSINESS

- 567** Ordinance: An Ordinance amending Chapter 2 of the Revised Ordinances, Section 11-211 is hereby amended by adding the following subsection; Sec. (d); There shall be one license issued for each two thousand (2,000) population as recorded in the most recent federal census at the time of application for a license. Question on the Mayor's Veto on the Ordinance. (Postponed from July 24, 2017 City Council meeting to August 28, 2017 meeting).

Councillor Farwell requests that the council overrides the Mayor's veto And states that he has submitted an amendment to the ordinance that should satisfy the City Solicitor's concerns.

The question comes before the council "Shall the Ordinance stand the Mayor's veto to the contrary notwithstanding"?

The Mayor's veto failed by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Cruise and Sullivan absent. Councillor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 600** An Ordinance Amending Chapter XXVII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton, Chapter 27. Zoning. is hereby amended by adding the following new Article: Article XXIV. Moratorium - The Regulation and Taxation of Marijuana Act Section 27-142. (FAVORABLE)

The question is on the amendment. The amendment carried by a hand vote. Passed to a third reading, as amended, by a hand vote.

Amendment: Section 27-144. Establishment and Duration, second sentence to read: The moratorium shall be in effect through and including for six (6) months after enactment of this ordinance, or until such time as zoning amendment as adopted that address marijuana establishments, whichever shall be sooner.

## UNFINISHED BUSINESS (cont'd)

- 139** An Ordinance Amending Chapter 27, Zoning, of the Revised Ordinances of the City of Brockton by adding ARTICLE XVIII. - THATCHER STREET SMART GROWTH OVERLAY DISTRICT (TSSGOD). (FAVORABLE w/ stipulations)

Passed to a third reading, with stipulations, by a hand vote.

- 77** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Delmar Road, from Dagmar Drive to Dodge Road, a distance of 984.17 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said 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 Cruise and Sullivan absent.

- 78** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Fortin Drive, extending from Dixon Road northerly, a distance of about 650 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said 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 Cruise and Sullivan absent.

- 79** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Maplewood Circle, from North Cary Street, easterly, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said 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 Cruise and Sullivan absent.

Councillor Farwell motioned to take items **319-328** collectively and was properly seconded. The motion carried by a hand vote.

- 319** Appointment of Lawrence Siskind of 51 Briarcliff Rd., Brockton, as an Alternate to the Brockton License Commission for a three year term. (FAVORABLE)

- 320** Appointment of Mildred McCowan of 612 East St., Brockton, to the Brockton Council on Aging for a three year term. (FAVORABLE)

- 321** Appointment of David Andrews of 124 Clifton Ave., Brockton as an alternate to the Brockton Council on Aging for a three term.(FAVORABLE)

- 322** Appointment of Carole DeLorey of 19 North Bassett Rd., Brockton, to the Brockton Council on Aging for a three term. (FAVORABLE)

- 323** Appointment of Clayton Reichenberg, Jr. of 115 Darren Drive, Brockton, as an alternate to the Brockton Council on Aging for a three term. (FAVORABLE)

- 324** Appointment of Joan Madden of 96A Earle St., Brockton, as an alternate to the Brockton Council on Aging for a three term. (FAVORABLE)

- 325** Appointment of Barbara A. Fox of 55 Emory St., Brockton, to the Brockton Council on Aging for a three term. (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

- 326** Appointment of Jeffrey A. Thompson of 45 Ames Road, Brockton ,to the Brockton Zoning Board of Appeals replacing Adelin Jeffrey Charnel for a three year term. (FAVORABLE)
- 327** Appointment of Donald Williams of 1342 Belmont St., Brockton, to the Brockton Community Cable Television Board for a three year term. (FAVORABLE)
- 328** Appointment of Adelin Jeffrey Charnel of 30 Foster Street, Brockton, MA as an alternate to the Brockton License Commission for a three year term. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Cruise and Studenski absent.

- 362** Appropriation: Of \$479,000  
From: Massachusetts Department of Transportation- Highway Division  
To: City of Brockton DPW-Massachusetts Department of Transportation- Highway Division Fund. (FAVORABLE)

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

- 363** Appropriation: Of \$1,000.00  
From: Gang Resistance Education And Training (Great) Foundation Grant  
To: City of Brockton Police Department Gang Resistance Education And Training (Great) Foundation Grant Fund. (FAVORABLE)  
Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Cruise and Studenski absent.

- 364** Appropriation: Of \$5,000.00  
From: 2016 SHSP Grant  
To: City Of Brockton Emergency Management 2016 SHSP Grant Fund. (FAVORABLE)

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

- 365** Appropriation: of \$10,000.00  
From: Eastern Bank Charitable Foundation  
To: City of Brockton Public Library-Eastern Bank Charitable Foundation Grant Fund. (FAVORABLE)

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

- 372** Resolve: to invite the owners of International Auto Workz and Lubra Auto Body of 62-64 Elliot Street, Brockton MA to address issues concerning hours of business and business procedures. (FAVORABLE)

Councillor Barnes questioned if the resolve should have been tabled or postponed. Councillor Beauregard stated that Councillor Sullivan postponed the resolve to go to full City Council and be referred to Public Safety. Councillor Beauregard motioned to refer to Public Safety and was properly seconded. The motion carried by a hand vote with Councillor Barnes voting in the negative.

**97**  
**ORDERS**

- 389** 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. Section 27-24.3 ( c)(6)(d) is hereby amended by deleting the section in its entirety and inserting in place thereof the following: Five hundred (500) feet from any boys' and girls' club, or registered child care center defined as any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, day care center or preschool. Child Care center shall not include programs for behavioral or mental health services.

Referred to Ordinance and Planning

- 390** Ordinance: An Ordinance Amending Chapter II of the Revised Ordinances Chapter II Section 11 of the Revised Ordinances is hereby amended by amending the following subsection: Sec. 11-214.-Same-Transferability.

Referred to Ordinance

- 391** Order: In compliance with the provisions of the Election Laws, notice is hereby given that the City Preliminary will be held on Tuesday, September 19, 2017 and that the City Election will be held on Tuesday, November 7, 2017.

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

Adopted by a hand vote nine in the affirmative. Councillors Cruise and Studenski absent.

- 392** Order: That the DPW is authorized to issue two single family home sewer connections to Brad Cartwright, for the property located at: 583 North Cary Street.

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

Adopted by a hand vote nine in the affirmative. Councillors Cruise and Studenski absent.

- 393** Transfer of: \$20,000  
From: FY18 budget of Cemetery for Ordinary Maintenance of Goods and Supplies  
To: Cemetery Personal Services Other than Overtime.

Referred to Finance

- 394** Appropriation: of \$500.00  
From: Enbridge Foundation  
To: City of Brockton Fire Department Enbridge Foundation Grant Fund.

Referred to Finance

- 395** Appropriation: of the latest grant award in the amount of \$30,000  
From: Massachusetts Executive Office of Public Safety and Security (EOPSS)/ Highway Safety Division FY2017 Traffic Enforcement Grant  
To: FY 2017 Step Grant Fund, Fund 3141.

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

**98**  
**ORDERS (cont'd)**

Adopted by a hand vote nine in the affirmative. Councillors Cruise and Studenski absent.

- 396** Appropriation: of \$460,066  
From: Unappropriated Estimated Receipts  
To: the Brockton Public Schools Net School Spending  
( in order to appropriate additional revenue in the final state budget).

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

Councillor Farwell asked Aldo Petronio if the money would go to teacher's jobs? Mr. Petronio stated that the money is for teachers to be called back that were laid off.

Adopted by a hand vote nine in the affirmative. Councillors Cruise and Studenski absent.

- 397** Resolved: That the Superintendent of Schools and such other staff as she may designate be invited to the first Finance Committee meeting in October, 2017 to provide an overview of the opening of schools and ongoing issues relating to funding, staffing, and educational equity for Brockton's school population.

Referred to the first Finance Committee in October.

- 398** Resolved: to invite Timothy Cruz to appear before a committee of this Council to update the Committee on current crime rates, the Safe Streets Collaborative and the current state of cooperation between the many public safety partners currently active in the City of Brockton, including all state and federal agencies. To also enlighten the Council on any other issues that may be of interest to this Council.

Referred to Finance

Councillor Lally motioned to take item #402 out of order and move under suspension of the rules and was properly seconded. The motion carried by a hand vote.

- 402** Ordered: That pursuant to the provisions of M.G.L. Ch. 44 the City Council hereby authorizes the acceptance and expenditure of a donation in the amount of \$150,000  
From: New England Patriots Charitable Fund, J. Derenzo and J.K Holmgren Engineering Inc.  
To: The City Of Brockton Parks and Recreation Department. The donation will be used to make improvements to the McKinley Park. The Value of the equipment donation alone is estimated to be \$150,000.

Tim Carpenter appeared to answer any questions. Councillor Asack questioned if there would be a fence around the park?

As a point of information, Councillor Lally stated that he is in the process of trying to get a fence put around the park.

Adopted by a hand vote nine in the affirmative. Councillors Cruise and Sullivan absent.

- 403** Ordinance: An Ordinance to provide Noise Control and establish, and to Enforce, Civil Infraction for Violation. Be it ordained by the City Council of the City of



**99**  
**ORDERS (cont'd)**

Brockton Chapter 27 zoning is hereby amended by adding the following new article: Noise Control

Referred to Ordinance and Planning

**LATE FILE**

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

- 404** Resolve: To have representatives of the Brockton Partnership, an informal group of businesses, come before the City Council, to talk about the reason they have come together and the potential purpose.

Referred to Finance

Councillor Eaniri stated that the next Finance Committee meeting would be held on Wed., September 20, 2017 at 7pm.

Councillor Asack takes a moment of personal privilege to remind everyone that the Greek Festival will be held Sept. 14-Sept. 17, 2017 on Oak St., at Annunciation Greek Orthodox Church. Also the Lebanese Festival will be held on Sept. 22-Sept. 24, 2017 at 343 N. Main St., Brockton, MA

Adjourned 9:05pm