

A regular meeting of the City Council was held in the Council Chambers with Councillor Sullivan presiding. The meeting was called to order at 8:07pm with eight members present. Councillors Barnes, Monahan, and Studenski absent.

In City Council, September 25, 2017

The Council President takes a moment of silence for Cesar Aliman, a Ward 1 resident, who passed away.

405 Acceptance of the minutes of the August 28, 2017 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

406 Of Claudia Denelle of 28 Bigney Ave., Brockton, MA to the Brockton Commission on Women's Issues for a two year term ending October 2019.

Referred to Finance

407 Of Richard Johnson of 35 Longworth Ave., Brockton, MA to the Brockton Redevelopment Authority for a term of five years.

Referred to Finance

408 Of Jean Baptiste Fleury of 55 City Hall Plaza, Brockton, MA as a Constable in the City of Brockton for a term of three years.

Referred to Finance

Clerk to the Council stepped down.

HEARINGS

Petition of Eddie Awon, DBA A1 Restorations, for a Motor Vehicle Mechanical Repair License located at 287 North Montello St Unit #1

Eddie Awon appeared in favor. Councillor Farwell questions why he is applying for three licenses under his name. Mr. Awon states that he has evicted a couple of tenants but has a few pending moving into the location and wanted to secure the licenses for them. Phuong of 282 North Montello is a resident next door and appears in opposition of the license. He stated that they operate all hours of the night and he has an elderly father and a child that must attend school. He stated if license is issued hours of business must be established along with noise level compliancy. Councillor Farwell motioned to send to public safety and was properly seconded. Motion carried by a hand vote.

Petition of Eddie Awon, DBA A3 Motorworks, for a Motor Vehicle Mechanical Repair License located at 287 North Montello St Unit #3

Eddie Awon appeared in favor. Phuong Bui of 282 North Montello appears in opposition of the license. He stated that they operate all hours of the night and he has an elderly father and a child that must attend school. Councillor Farwell motioned to send to public safety and was properly seconded. Motion carried by a hand vote.

Petition of Eddie Awon, DBA A4 Automotive, for a Motor Vehicle Mechanical Repair License located at 287 North Montello St Unit #4

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(HEARINGS Cont'd)

Eddie Awon appeared in favor. Phuong Bui of 282 North Montello appears in opposition of the license. He stated that they operate all hours of the night and he has an elderly father and a child that must attend school. Councillor Farwell motioned to send to public safety and was properly seconded. Motion carried by a hand vote.

Clerk to the Council stepped back in for remainder of meeting.

Petition of Verizon New England, Inc. and Massachusetts Electric Company dba National Grid to install a new stub pole #24-1-84 on Summer Street 20 feet west of existing pole at 24-1 in order to remove a guy wire attached to tree from pole #24-1.

Sam Young appeared in favor. He is an engineer for national grid and they are doing this per the City Request. Sandra Brown of 185 Summer Street stands before council and appears not in favor or opposition. She questioned where the new pole will be located. Sam explains that it will run parallel to stub pole and replacing tree and is pre-marked on the ground. The Clerk steps down to show Sandra the schematic of current layout and projected layout. Sandra is satisfied with the schematic and stepped down. Councillor Sullivan states granting will take place at the end of meeting.

REPORTS

- 409** Of the Finance Committee for its meeting of September 20, 2017.

Accepted and placed on file.

- 410** Of the Public Safety Committee for its meeting of September 20, 2017.

Accepted and placed on file.

COMMUNICATIONS

- 411** From the Chief of the Police Department requesting authorization to expend grant monies related to the FY2018 State 911 Department Training and Emergency Medical Dispatch Grant in the amount of \$175,649.39.

Accepted and placed on file.

- 412** From the Mayor recommending that the City Council authorize the appropriation of the award in the amount of \$175,649.39 from Massachusetts Executive Office of Public Safety and Security/State 911 Department Training Grant and EMD/Regulatory Compliance Grant to City of Brockton Police Department-State 911 Training Grant and EMD/Regulatory Compliance Grant Fund. (These funds will be used to reimburse overtime for ETD, police officers and fire department EMD personnel to attend the mandatory 16 hour E911 certification trainings as well as the cost to pay certified training vendors approved by the State 911 Department and purchase course materials). No grant match required.

Accepted and placed on file.

- 413** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of the award of \$175,649.39 from Massachusetts Executive Office of Public Safety and Security/State 911 Department Training Grant and EMD/Regulatory Compliance Grant to City of Brockton Police Department-State 911 Training Grant and EMD/Regulatory Compliance Grant Fund.

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(COMMUNICATIONS Cont'd)

Accepted and placed on file.

- 414** From the City Auditor certifying the balance of the Stabilization Fund is \$6,640,236.70 as of September 13, 2017.

Accepted and placed on file.

- 415** From the Mayor in accordance with M.G.L. recommending an appropriation of \$1,964,000 from the Stabilization Fund to FY17 Police Personal Services Retroactive payment, including all overtime -\$644,000, FY18 Police Personal Services Other than Overtime-\$1,190,000, Fy18 Police Personal Services, Overtime, Including Impact and License Overtime- \$130,000 in order to fund the current and retroactive cost, inclusive of overtime, for the first two Fiscal years of the proposed contract between the city and the Brockton Police Patrolmen's union (for the period July 1, 2016 through June 30, 2018). This is a three year contract through June 30, 2019 which essentially mirrors the contract for the same period with Firefighter's union, funded as part of the FY18 budget.

Accepted and placed on file.

- 416** From the CFO in accordance with Sec. 5, Ch. 324 of the Acts of 1990 certifying the proposed appropriations of \$1,964,000 for FY18 only for purposes of funding the Police Patrolmen's union contract. This appropriation provides funding for two years (FY17 and FY18) of a three year contract. A certification for the third year of the contract FY19 cannot be provided as the present funding depends upon drawing on reserves which may not be replenished. **This is a conditional certification for FY19.**

Accepted and placed on file.

UNFINISHED BUSINESS

- 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, AS AMENDED) (IN CITY COUNCIL, AUGUST 28, 2017, PASSED TO A THIRD READING, AS AMENDED).

Ordained, as amended, by a roll call vote taken by "yeas" and "nays"; eight members present and all voting in the affirmative. Councillors Barnes, Monahan, and Studenski absent.

- 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) (IN CITY COUNCIL, AUGUST 28, 2017, PASSED TO A THIRD READING, with stipulations).

Councillor Cruise motioned to postpone to next city council meeting and was properly seconded. Motion carried by a hand vote.

- 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.(FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays"; eight members present and all voting in the affirmative. Councillors Barnes, Monahan, and Studenski absent.

UNFINISHED BUSINESS (Cont'd)

- 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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eight members present with seven voting in the affirmative. Councillor Beauregard voting in the negative. Councillors Barnes, Monahan, 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. (FAVORABLE)

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

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

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

- 359** Ordered: In reference to Article III Section 2-110, City of Brockton Ordinance Waiver of Residency. (FAVORABLE)

Failed adoption by a roll call vote taken by “yeas” and “nays”; eight members present and one voting in the affirmative. Councillors Asack, Beauregard, Cruise, Farwell, Lally, Rodrigues, and Sullivan voting in the negative. Councillors Barnes, Monahan, and Studenski absent.

- 369** Resolve: to invite Brockton Police Chief Mr. John Crowley to discuss operations of the department to the city council. (FAVORABLE)

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

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

Granted by a hand vote.

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

Granted by a hand vote with the following stipulation: Hours of Operation, 8am-6pm Mon. through Saturday.

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

Granted, by a hand vote with the following stipulations: The spray booth be installed and inspected without objection from the Fire Department.

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ORDERS

417 Appropriation of \$1,964,000
From: Stabilization Fund
To: FY17 Police Personal Services Retroactive payment, including all Overtime-\$644,000
FY18 Police Personal Services Other than Overtime-\$1,190,000
FY18 Police Personal Services, Overtime, Including Impact and License Overtime-\$130,000 **(conditional certification for FY19)**
Referred to Finance.

418 Appropriation of \$175,649.39
From: Massachusetts Executive Office of Public Safety and Security/State 911 Department Training Grant and EMD/Regulatory Compliance Grant
To: City of Brockton Police Department-State 911 Training Grant and EMD/Regulatory Compliance Grant Fund.

Referred to Finance.

419 Ordered: that the city council acquire the most current list of city use, foreclosed, and deeded property presently in the possession of the city of Brockton from the Treasurer/Collector.

Referred to Finance.

420 Resolve: to invite the chair of the Traffic Commission and the commissioner of the Department of Public Works to discuss the procedures involved with both the “winter parking ban” and the “snow emergency” policies and their implementations to prepare for the upcoming season.

Referred to Finance.

Granting of Verizon New England, Inc. and Massachusetts Electric Company dba National Grid to install a new stub pole #24-1-84 on Summer Street 20 feet west of existing pole at 24-1 in order to remove a guy wire attached to tree from pole #24-1 per City of Brockton request.

Granted by a hand vote.

LATE FILES

421 From the City Auditor certifying the balance of the Stabilization Fund is \$6,640,236.70 as of September 13, 2017.

Accepted and placed on file.

422 From the Chairman of the License Commission requesting transfer of \$20,000 from the Stabilization Fund to License- Personal Services Other than Overtime (due to unanticipated retirement separation cost of the Administrative Assistant position). The License Commission is currently staffed only by the Administrative Assistant Position.

Accepted and placed on file.

423 From the Mayor in Accordance with M.G.L., Ch. 44, recommending a transfer of \$20,000 from the Stabilization Fund to License- Personal Services Other than Overtime (due to unanticipated retirement separation cost of the Administrative Assistant position). The License Commission is currently staffed only by the Administrative Assistant Position.

Accepted and placed on file.

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LATE FILES (Cont'd)

- 424** From the CFO in accordance with Sec. 5, Ch. 324 of the Acts of 1990 certifying the proposed transfer of \$20,000 from the Stabilization Fund to License- Personal Services Other than Overtime.

Accepted and placed on file.

- 425** Transfer of \$20,000 from the Stabilization Fund to License –Personal Services other than Overtime.

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

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

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

- 426** An Ordinance Amending Chapter 17, Article IV, Division 2, Historical District Commission and Division 3, Certificates of Appropriateness, Nonapplicability, or Hardship.

Referred to Ordinance.

- 427** That the City Council authorizes the Mayor to enter into an Intermunicipal Agreement between the City of Brockton, Town of Avon, and T.L. Edwards, Inc., a Massachusetts corporation with its principal place of business at 100 Wales Avenue, Avon, MA. for waste water.

Referred to Finance

- 428** That the City Council authorizes the Mayor to enter into an Intermunicipal Agreement between the City of Brockton, Town of Avon, And T.L. Edwards, Inc., a Massachusetts corporation with its principal place of business at 100 Wales Avenue, Avon, MA. for water.

Referred to Finance.

- 429** An Ordinance Amending Chapter 20 Streets and Sidewalks of the Revised Ordinance of the City of Brockton: Now Therefore be it Ordained, that Chapter 20, Article IV Section V Subsection B of the Revised Ordinance of the City of Brockton be deleted in its entirety and be replaced.

Referred to Ordinance

Councillor Sullivan verbally presents Reverend Michael Walker with a Citation. After working in the City at Messiah Baptist Church for 35 years he is retiring back to Texas and will be leaving next week. He wishes him the best.

Councillor Cruise announces that the next Ordinance Committee meeting will be on October 12, 2017 at 6 PM in Council Chambers.

Councillor Beauregard stated that there will be a Ward 5 meeting scheduled for September 26 at the Plouffe Academy at 6 PM. She also invited all to attend the Brocktonfest on September 30, 2017 from 10am-4pm at City Hall Plaza to enjoy free activities, crafts, and more.

Adjourned 8:42 PM