

A regular meeting of the City Council was held in the Council Chambers with Councilor Cruise presiding. The meeting was called to order at 8:30pm with eleven members being present.

In City Council, November 28, 2016

A two minute recess was called.

Back in session at 8:40pm.

590 Acceptance of the minutes of the November 14, 2016 City Council meeting.

Accepted and placed on file.

HEARINGS

Petition of Gary Thompson DBA ETA Automotive Repairs, for a Motor Vehicle Repair Mechanical License located at 287 North Montello St., Unit 3, Brockton, MA (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

Gary Thompson appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote.

Councillor Farwell motioned to file for reconsideration with the wish that it would prevail and was properly seconded. The motion carried by a hand vote. Councillor Farwell motioned to refer to Public Safety and was properly seconded. The motion carried by a hand vote.

REPORTS

591 Of the Ordinance Committee meeting of November 15, 2016

Accepted and placed on file.

592 Of the Finance Committee meeting of November 21, 2016

Accepted and placed on file.

Councillor Monahan motioned to the following four petitions collectively and was properly seconded. The motion carried by a hand vote.

UNFINISHED BUSINESS

Petition of Yeuheni Mychko DBA Solid Auto Care Corp. for a Motor Vehicle Repair Mechanical License located at 967 Montello St., Unit A-B,

Brockton, MA (FAVORABLE AS STIPULATED) (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

Petition of Bernard Joseph DBA J & B Auto Repair & Frame Works for a Motor Vehicle Repair Mechanical License located at 967 Montello St., Unit C & D, Brockton, MA. (FAVORABLE AS STIPULATED) (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

Petition of Ronald Homere DBA Bernado and Ron Auto Repair for a Motor Vehicle Repair Mechanical License located at 967 Montello St., Unit E, Brockton, MA. (FAVORABLE AS STIPULATED) (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

Petition of Rowland Okafor DBA Rowland Automotive for a Motor Vehicle Repair Mechanical License located at 967 Montello St., Unit F,

UNFINISHED BUSINESS (Cont'd)

Brockton, MA. (FAVORABLE AS STIPULATED) (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

A motion was made to postpone until the next City Council meeting, due to the fact that the Fire Department needed more information and that they should contact their landlords, and was properly seconded. The motion carried by a hand vote.

Petition of Pires Brothers Auto Repair, Inc., 15 Poole Ave., Brockton, MA 02301, for a Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Rd., Unit 2, Brockton, MA. (FAVORABLE AS STIPULATED) (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

Granted as stipulated, by a hand vote. Hours of operation: Mon-Fri 7am-7pm

Petition of Jorge Joao Fortes, Jr. DBA Classic Auto Repair for a Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA. (FAVORABLE AS STIPULATED) (IN CITY COUNCIL, NOVEMBER 14, 2016, POSTPONED)

Granted as stipulated, by a hand vote. Hours of Operation: Mon-Saturday 9am-7pm , Sun 10am-1pm; No overnight storage of vehicles.

- 485** 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, Sec. 27-4 Designation of zones, is hereby amended by deleting the section in its entirety and inserting new section Sec. 27-35.1-I-4 Salvage Yard Overlay District. (HEARING HELD, FAVORABLE)

Passed to a third reading, by a hand vote.

- 486** An Ordinance Amending Section 2-146 of the Revised Ordinances of the City of Brockton. Section 2-146 Compensation – School Committee members elected by Ward. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 519** Appointment of Mary Milligan as a Parking Clerk for the City of Brockton. (FAVORABLE)

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

- 520** Reappointment of Daniel Campbell as a Constable in the City of Brockton for a term of three years. (FAVORABLE)

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

- 587** Appointment of Jamel Johnson as a Special Police Officer of the City of Brockton for a one year term ending November 2017(FAVORABLE)

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

- 568** Ordered: That the sum of \$2,000,000 is appropriated to pay costs of inspecting and rehabilitating 7 miles of the parallel 24 inch transmission mains from the Silver Lake Water Treatment Plant to the Browns Crossing Pump Station, including the payment of

UNFINISHED BUSINESS (Cont'd)

all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under the pursuant to Ch. 44 and/or Ch.29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Sec. 1 of Ch. 29C; that the Treasurer with approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the("Trust")) established pursuant to Ch.29C and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; to expend all funds available for the project and to take any other action necessary to carry out the project. Further Ordered: Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Ch. 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Further Ordered: That the City Treasurer is authorized to file an application with the Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of the Commonwealth of Massachusetts may require. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 569** Appropriation of \$25,000
From: Un-appropriated Estimated Receipts of the General Fund for FY2017
To: Law Department-Ordinary Maintenance-Services. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and ten voting in the affirmative with Councillor Barnes voting in the negative.

Councillor Monahan motioned to file for reconsideration with the wish that it would prevail and was properly seconded. The motion carried by a hand vote. Councillor Monahan motioned to send back to finance and was properly seconded. The motion carried by a hand vote.

Councillor Asack stepped down.

- 571** Appropriation of \$367,000
From: Un-appropriated Estimated Receipts of the General Fund for FY2017
To: Non Net School Spending. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and ten voting in the affirmative with Councillor Rodrigues voting in the negative.

Councillor Asack stepped in.

- 572** Appropriation of \$50,000
From: Un-appropriated Estimated Receipts FY2017 of the General Fund
To: Assessor's Department Ordinary Maintenance-Services (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and nine voting in the affirmative with Councillors Beauregard and Farwell voting in the negative.

UNFINISHED BUSINESS (Cont'd)

573 Appropriation of \$20,000
 From: Un-appropriated Estimated Receipts of the General Fund for FY2017
 To: Finance Department-Personal Services Other Than Overtime.(FAVORABLE)

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

Councillor Asack stepped down.

574 Appropriation of a grant award in the amount of \$7,781.52
 From: Massachusetts Department of Public Health, Region #5-Massachusetts Association of Health Boards (MAHB) Grant
 To: City of Brockton Board of Health-Massachusetts Association of Health Boards (MAHB) Grant Fund. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative with Councillor Asack absent.

Councillor Asack stepped in.

575 Appropriation of \$102,000
 From: Un-appropriated Estimated Receipts of the General Fund for FY2017
 To: Stabilization Fund (FAVORABLE)

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

Councillor Monahan stepped down.

578 Appropriation of \$635,000
 From: Un-appropriated Estimated Receipts of the General Fund for FY2017
 To: Stabilization Fund (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and ten voting in the affirmative with Councillor Monahan absent.

Councillor Monahan stepped in.

576 Appropriation of \$50,000
 From: Un-appropriated Estimated Receipts of the General Fund for FY 2017
 To: Public Property Capital-Elevator Repair (FAVORABLE)

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

577 Appropriation of \$73,037.87
 From: Un-appropriated Estimated Receipts of the General Fund for FY2017
 \$73,037.87
 To: FY2016 Court Judgments \$62,904.30
 Roof Repair Fund 4309 \$632.46
 FY2015 911 Grant Fund 3306 \$3,381.43
 FY2013 911 Grant Fund 3278 \$6,119.68
 (FAVORABLE)

UNFINISHED BUSINESS (Cont'd)

Councillor Rodrigues motions to postpone until next City Council meeting and was properly seconded. Motion carried by a hand vote.

- 579** Appropriation of \$70,000
 From: Un-appropriated Estimated Receipts of the General Fund for FY2017
 To: Fire Department Personal Services-Overtime,
 In order to provide added funding for overtime such as Hazardous Material Team Response and Training, 911 Emergency Dispatch Training, and training for the Plymouth County Technical Response Team. (FAVORABLE)

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

- 580** Resolve: That the City Council authorize the approval of the proposed Housing Development Incentive Program (HDIP) Tax Increment Exemption Agreement (TIE), for 93 Centre St., between the City and Youmar Realty Trust. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and nine voting in the affirmative with Councillors Beauregard and Sullivan voting in the negative.

- 581** Resolve: The City Council of the City of Brockton requests the city’s legislative delegation to file and support legislation which would allow communities with an enrollment of ten thousand (10,000) students to file a preliminary enrollment report on October 1st of each calendar year so as to assure the proper level of state aid for the support of the school district. (FAVORABLE)

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

- 582** Resolve: That the City Council authorize the approval of the proposed Housing Development Incentive Program (HDIP) Tax Increment Exemption Agreement (TIE), for 47 Pleasant St., between the City and 47 Pleasant St. Realty Trust. (FAVORABLE)

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

- 583** Resolve: To invite Sgt. Brenda Perez and the recently hired Crime Analyst, to present their findings and progress on the study that began in April 2016 for the city of Brockton. (FAVORABLE)

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

- 442** Resolve: That the Mayor, Police Chief, Fire Chief, City Solicitor, Board of Health Director, and other relative City employees, appear before the Finance Committee to discuss the recent actions taken by the City to vacate “Tent City” on privately-owned property. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and eight voting in the affirmative with Councillors Barnes, Rodrigues, and Sullivan voting in the negative.

UNFINISHED BUSINESS (Cont'd)

- 414** Resolve: That the Chairman of the Board of Assessors report to the City Council on the process and steps followed in assessing the value of homes in the City. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and nine voting in the affirmative with Councillors Barnes and Beaugard voting in the negative.

- 516** Resolve: to invite Jesse Pack, Coordinator of the COPE Center to discuss the policies and practices of the clean syringe distribution, a background on the history of other services you provide, the safeguards in place with the programs and the plans for future programs regarding substance abuse. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and seven voting in the affirmative with Councillors Barnes, Beaugard, Lally, and Rodrigues voting in the negative.

- 584** Resolve: To invite Fire Chief to appear before a Committee of this Council to review expenditure for granite from the Fire Department Budget and to bring with him any and all documents related to such expenditure, including any supporting contract. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and six voting in the affirmative with Councillors Asack, Barnes, Beaugard, Eaniri, and Farwell voting in the negative.

- 586** Resolve: That the Mayor be invited to appear before a Committee of this Council to review the expenditure for payment tuition and other fees for the Mayor at Massasoit Community College from the City Budget and to bring with him any and all documents related to such expenditure, including any supporting authorization for such expenditure. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and seven voting in the affirmative with Councillors Beaugard, Eaniri, Monahan, and Sullivan voting in the negative.

ORDERS

- 593** Resolved: If the Council On Aging, after careful analysis and by vote of its members, determines the Shaws Center is the most appropriate and advantageous location for expansion of programs and services, the City Council expresses its support for that relocation and urges the mayor to take whatever actions may be necessary to support and assist this proposal.

Referred to Finance.

- 594** Resolved: The Public Safety Committee of the City Council shall meet and review the provisions of the new law, review current zoning, business regulations, and public safety issues with appropriate department heads, hold a Public Hearing at the discretion of the committee, and report back to the full Council no later than the first regular meeting in March, 2017 with recommendations or proposed ordinance changes to protect the

Referred to Finance.

Councillor Farwell asked for a moment of personal privilege. December 1st from 6:30-8 PM Councillors at Large will be having their meeting at West Middle School and half of the meeting will be a presentation in regards to police training.

Councillor Cruise states that a special meeting will be taking place with no set date and time as of yet.

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ORDERS (Cont'd)

Councillor Beauregard asks for a moment of personal privilege. Thanks everyone that participated in the Thanksgiving Parade.

Councillor Cruise speaks in regards of an Ordinance stating that during City Council Meetings no phone calls or texts can occur.

Adjourned at 9:23 PM