

In City Council, March 12, 2018

1. Acceptance of the minutes of the February 26, 2018 City Council meeting.

APPOINTMENTS:

2. Of Francis Ciarfella of 52 Calypso Dr., Brockton, MA to the Library Board of Trustees for a three year term.
3. Of Lawrence Siskind of 51 Briarcliff Road, Brockton MA, to the License Commission for a term of 3 years.

HEARINGS:

4. Petition of Dynamic Collision, Michael Pomerleau, of 26 Erica Ave., Middleboro, Ma for a transfer of a Motor Vehicle Repair Mechanical License located at 1114 Montello St., Brockton, MA
5. Petition of 790 Lynch Chestnut LLC of 30 Quincy St., Brockton, MA. for a Garage, License located at 790 West Chestnut St., Brockton, MA

REPORTS:

6. Of the Finance Committee for its meeting of March 5, 2018.

COMMUNICATIONS:

7. From the City Solicitor regarding vacant lots in the city.
8. From the Mayor in accordance with the Revised Ordinances of the City of Brockton, Ch. 2 Sec. 2-186, appointing Sean M. Murphy to the position of Assistant City Solicitor-Part Time for a three year term, effective March 5, 2018.
9. From the Superintendent of Buildings requesting an additional appropriation of \$150,000 for the replacement of the City Hall Elevator. No elevator company chose to submit a sub-bid for the replacement of the City Hall elevator. The reason for this may be that the estimated cost of construction may have been too low. ( in order to have the ability to award a contract if the cost is higher than anticipated and also extra contingency money may be necessary).
10. From the Mayor in Accordance with M.G.L., Ch. 44, recommending that the City Council authorize the additional financing in the amount of \$150,000, as requested by the Building Superintendent for the replacement of the City Hall elevator. Also, requesting that the City Council approve the borrowing authorization in the form of order provided in the letter from Richard Manley, the city's bond counsel at Locke Lord LLP.
11. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation and loan order in the amount of \$150,000, as requested by the Building Superintendent for the replacement of the City Hall elevator without a detrimental impact on the continuous provision of the existing level of municipal services.
12. From the Mayor recommending that the City Council adopt an order with the language in the form suggested by bond counsel Richard Manley of Locke Lord LLP in a letter dated February 8, 2018, in order to amend council order 413 approved on August 22, 2016. That order was an appropriation and borrowing authorization for \$4,000,000 in connection with the city's LED energy efficient project. The purpose of the amendment is simply to first, allow the city to apply the benefits of any grants, rebates, or gifts for the project to reduce the amount borrowed, and similarly, to allow any bond premium post issuance, should such exist, to also be applied to reduce the borrowing. The amendment doesn't increase

the authorized amount to be borrowed, nor does it change the scope or purpose, so bond counsel advises that a simple majority vote will be sufficient to pass the amendment.

13. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed amendment to council order #413 approved on August 22, 2016, which would allow the city to apply rebates, grants and gifts for the project, plus and bond premium post issuance, to reduce the amount necessary to be borrowed without a detrimental impact on the continuous provision of the existing level of municipal services.
14. From the Chief of the Police Department requesting authorization to expend \$4,800.00 in grant monies related to one mobilization the Executive Office of Public Safety & Security/Highway Safety Division's FY2018 Traffic Enforcement Grant.
15. 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 \$4,800.00 from Executive Office of Public Safety & Security/Highway Safety Division's FY2018 Traffic Enforcement Grant to City of Brockton Police Department-FY18 Traffic Enforcement Grant Fund. (these grant funds will be used to pay for police overtime to conduct two high visibility traffic enforcements known as the Click it or Tick it and Drive Sober or Get Pulled Over campaigns). No match required.
16. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$4,800.00 from Executive Office of Public Safety & Security/Highway Safety Division's FY2018 Traffic Enforcement Grant to City of Brockton Police Department-FY18 Traffic Enforcement Grant Fund.
17. From the Superintendent of Parks requesting the acceptance and expenditure of the appropriation of \$75,000 from the Commonwealth of Massachusetts Department of Conservation and Recreation-Mckinley Park grant to City of Brockton Parks and Recreation-Mckinley Grant Fund.
18. 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 award in the amount of \$75,000 from Commonwealth of Massachusetts Department of Conservation and Recreation-Mckinley Park grant to City of Brockton Parks and Recreation-Mckinley Grant Fund. These grant funds will be used to make improvements to Mckinley Park.
19. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed total grant award of \$75,000 from Commonwealth of Massachusetts Department of Conservation and Recreation-Mckinley Park grant to City of Brockton Parks and Recreation-Mckinley Grant Fund.
20. From the Chief of Fire Department requesting the acceptance of total grant of \$100,000 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY2018 Massachusetts Municipal Public Safety Staffing grant to City of Brockton Fire Department-SFY 2018 Massachusetts Municipal Public Safety Staffing Grant Fund. These grant funds will be used for overtime necessary to maintain staffing levels. No match required.
21. 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 award in the amount of \$100,000 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY2018 Massachusetts Municipal Public Safety Staffing grant to City of Brockton Fire Department-SFY 2018 Massachusetts Municipal Public Safety Staffing Grant Fund. These grant funds will be used for overtime necessary to maintain staffing levels. No match required.

22. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed total grant award of \$100,000 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY2018 Massachusetts Municipal Public Safety Staffing grant to City of Brockton Fire Department-SFY 2018 Massachusetts Municipal Public Safety Staffing Grant Fund.
23. From the District Treasurer of the Southeastern Regional School District in accordance with the provisions of Ch. 489, Acts of 1963, as amended, and of Sec. 16B, Ch. 71 of the G.L., as amended January 2, 1982, and in consideration of the vote and action of the Southeastern Regional School District Committee as of February 27, 2018, whereby the budget for Fiscal Year 2019 was approved, hereby certifying that the amount to be apportioned to the City of Brockton for its share of capital and operating costs of the Southeastern Regional School District for the fiscal period beginning July 1, 2018, is \$3,917,188. This assessment is to be paid in four equal quarterly installments due September 1, 2018; December 1, 2018; March 1, 2019; and June 1, 2019.

UNFINISHED BUSINESS:

24. Letter of resignation on file of Laurie Monahan from the Trustees of the War Memorial Building.
25. Appointment of Reverend Michael Durant of 15 Greenfield St., Brockton, MA to the Trustees of the War Memorial Building to serve the balance of the unexpired term of Laurie Monahan. (FAVORABLE)
26. Appointment of Doryce Smith of 50 Prince St., Brockton, MA to the Zoning Board of Appeals as an alternate. (FAVORABLE)
27. Appointment of Toni Goncalves of 154 Fairview Ave., Brockton, MA to the Brockton Planning Board for a term of 5 years. (FAVORABLE)
28. Appointment of Carlha Toussaint of 14 Madrid Sq. #3, Brockton, MA to the Brockton Cultural Council. (FAVORABLE)
29. Appointment of Lisa Villani of 29 May Ave., Brockton, MA to the Brockton Cultural Council. (FAVORABLE)
30. Appointment of Brian Madden of 16 Ellis St. #3, Brockton, MA to the Brockton Community Cable Access for a three year term.(FAVORABLE)
31. Appropriation of the grant in the amount of \$290,000  
From: FY18 Senator Charles E. Shannon Community Safety Initiative Grant  
To: City of Brockton Police Department-FY18 Senator Charles E. Shannon Community Safety Initiative Grant Fund. (FAVORABLE )
32. Ordered: That the City Council accepts the total grant award of \$150,000 from FY-18 Municipal Police Services Staffing Grant to City of Brockton Police Department-FY18 Municipal Police Services Staffing Grant Fund. These grant funds are being provided in the form of overtime funds for the Brockton Police to use for patrol shift replacement; detective investigations; community policing activities, etc. No match required. (FAVORABLE)
33. Ordered: That the City Council Accepts the total grant award of \$40,000 From Massachusetts Department of Environmental Protection-2018 Water Infrastructure Assessment And Planning Grant To City of Brockton Department of Public Works-2018 Water Infrastructure Assessment And Planning Grant Fund These grant funds will be

used to assist in the development of the City's asset management plan for the water infrastructure system. The City will contribute \$4,000 of in-kind services as a requirement of this grant (FAVORABLE)

34. Ordered: That the Brockton City Council remove their order of June 24, 2002 regarding Parcel ID 087-086 David Street that declared lot as "not buildable" so that possible development may take place. (IN FINANCE COMMITTEE MARCH 5, 2018 REFERRED TO REAL ESTATE)
35. The City Council reviews an exemption from the residency requirements in accordance with the revised Ordinances of the City of Brockton Article III Section 2-110. (UNFAVORABLE)

ORDERS:

36. An Ordinance Amending Section 27-29 of the Revised Ordinances of the City of Brockton. Section 27-29 – Section (1) – "Principal Permitted Uses" is hereby amended by adding the following to subsection (g) after the words "retail store or shop" – "including wine and malt beverage store."
37. Ordered: that the sum of \$150,000 is appropriated to pay costs of replacing the City Hall elevator, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, ss7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The funds appropriated by this order shall be expended in addition to the \$335,000 previously appropriated for this project pursuant to a loan order of this Council adopted on February 12, 2018, and approved by the Mayor on February 13, 2018. Such bonds or notes shall be general obligations of the City, and the Mayor is authorized to expend all funds available for the project and to take any other action necessary to carry out this project . Any premium received 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 M.G.L. c. 44, ss20, 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.
38. Ordered: That Order 413 of this Council, approved on August 22, 2016, is amended to reduce the total amount authorized to be borrowed pursuant to this order.
39. Ordered: total grant award of: \$4,800.00  
From: Executive Office of Public Safety & Security/Highway Safety Division's FY2018 Traffic Enforcement Grant  
To: City of Brockton Police Department-FY18 Traffic Enforcement Grant Fund.
40. Appropriation of the total grant in the amount of \$75,000  
From: Commonwealth of Massachusetts Department of Conservation and Recreation-Mckinley Park grant.  
To: City of Brockton Parks and Recreation- Mckinley Grant Fund.
41. Appropriation of the total grant in the amount of \$100,000  
From: the Commonwealth of Massachusetts Executive Office of Public Safety and Security-SFY2018 Massachusetts Municipal Public Safety Staffing grant grant.

To: City of Brockton Fire Department-SFY 2018 Massachusetts Municipal Public Safety Staffing Grant Fund.

42. Resolve: to invite the City Solicitor Mr. Philip Nessralla to appear in front of city council and provide the residents with an update on the contract negotiations with Comcast.
43. Resolve: to have the Building Superintendent, James Caseri and the Procurement Officer, Michael Morris, along with Robert Livermore, from Livermore-Edwards & Associates (Elevator Designer) be invited to come before the City Council to update us on elevator bid process, regarding the elevator at City Hall.
44. Resolve: to invite Mr. Thomas DeChellis, supervisor of the animal control division to inform and educate the city council and residents on how he and his team address domestic and “wild” animal issues and other concerns.