

In City Council, April 9, 2018

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

HEARINGS:

2. Petition of Cumberland Farms, Inc. and Nevins Realty Trust for an Underground Storage License located at 1205 Belmont St. and 820 Pearl St., Brockton, MA.

REPORTS:

3. Of the Finance Committee for its meeting of April 2, 2018.

COMMUNICATIONS:

4. From the Office of the Plymouth County Commissioners, in compliance of M.G.L., Ch. 34, Section 14, regarding acceptance of a bid in response to the January 24, 2018 Request for Proposal: Disposition of 155 West Elm Street, Brockton, MA, in the amount of \$700,000 with the intent to enter into a Purchase and Sale Contract with a closing on or about June 28, 2018. The RFP was advertised in the Central Register on January 24, 2018 and was open for all bidders. The purchasing party is the Southern New England Conference Association of Seventh Day Adventists. A public hearing will be scheduled on or about May 1, 2018, a public posting of which will be printed in two separate local newspapers and the County website www.plymouthcountyma.gov. Any interested parties may contact Frank Basler, County of Plymouth Administrator at (508) 830-9104 no later than April 15, 2018.
5. From the Mayor advising the City Council that, in accordance with the Revised Ordinances of the City of Brockton Ch. 2, Section 2-186, has appointed Sean Murphy to the position of Assistant City Solicitor-Part Time for a three year term effective February 26, 2018.
6. From the Mayor requesting and strongly urging the city council to approve the proposed amendment to the current Water Purchase Agreement between the city and Aquaria, L.L.C. In order to take effect, this proposed amendment will also require the approval of the water commission, and he has requested that approval.
7. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed amendment to the current Water Purchase Agreement between the city and Aquaria, L.L.C.
8. From the DPW Commissioner requesting that the City Council transfer \$30,000 into Highway Overtime (in order to cover the projected overtime expenses and emergencies for the remainder of the year).
9. From the Mayor in accordance with M.G.L., Chapter 44, I hereby recommend that the City Council authorize the appropriation of \$30,000 from Department of Public Works-Highway Division- Purchase of Services to Department of Public Works- Highway Division-Overtime. (In order to cover the projected overtime expenses and emergencies for the remainder of the year).
10. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the total proposed appropriation of \$30,000 from Department of Public Works-Highway Division- Purchase of Services to Department of Public Works-Highway Division-Overtime.
11. From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and appropriation of the total grant in the amount of \$526,000 from Commonwealth of Massachusetts Doer Green Community Program Grant to City of Brockton Public Building Lighting

Improvement Upgrade Projects. He further recommends that the City Council authorize the application of all utility incentives to the project, in the anticipated amount of \$188,965, in order to help pay further total project costs, which are expected to be \$705,849. This project will apply grant funds and utility incentives to reduce energy consumption and lighting costs in ten city public Schools. These schools, in order of anticipated savings/costs, are: Brockton High School, North Middle School, Downey School, East Middle School, Ashfield School, Hancock School, Kennedy School, Gilmore School, Huntington School, and Keith School. As he indicated, the anticipated project costs total \$705,849, to be financed by part of the grant award at \$516,884, and the utility incentives at \$188,965. The remaining portion of the grant in the amount of \$9,116 is reserved for contingencies. The total of anticipated project savings in electricity costs is \$55,490. The project will be performed by Guardian Energy Management Solutions. He is also requesting it be adopted under suspension of the rules, in order to initiate this project during school vacation.

12. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the appropriation of \$526,000 from Commonwealth of Massachusetts Doer Green Community Program Grant to City of Brockton Public Building Lighting Improvement Upgrade Projects, along with the proposed authorization to apply all utility incentives in the project to its costs.
13. From the Chief of The Brockton Fire Department requesting the acceptance of a donation of \$300 from Harbor One Bank to City of Brockton-Fire Department. The funds are to use in the areas of youth, education, and prevention by the Fire Education Officer to assist in delivering the message of Fire Safety to the students of Brockton.
14. From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance of the donation of \$300 from Harbor One Bank to City of Brockton-Fire Department. The fire department intends to use funds in the areas of youth, education, and prevention
15. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed donation of \$300 from Harbor One Bank to City of Brockton-Fire Department.
16. From the Superintendent of Parks requesting the acceptance and expenditure of the appropriation from the Commonwealth of Massachusetts of \$100,000 for improvements to Hancock Playground.
17. 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 \$100,000 from Commonwealth of Massachusetts Department of Conservation and Recreation-Hancock Park Grant to City of Brockton Parks and Recreation-Hancock Park Grant Fund. This funding will be used to make improvements to Hancock Playground. There is no match required.
18. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$100,000 from Commonwealth of Massachusetts Department of Conservation and Recreation-Hancock Park Grant to City of Brockton Parks and Recreation-Hancock Park Grant Fund..
19. From the library Director requesting the transfer of the \$6,440.00 from the library night Differential to library Overtime (in order to cover unforeseen overtime costs incurred when both library custodians retired with little notice). City hall custodians, working overtime, capably kept the library's three branches clean and in good order as we interviewed and hired two replacements. The process of hiring two custodians took roughly two months.
20. From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance of the appropriation of \$6,440 from Library-

Personal Services other than overtime to Library-Personal Services overtime. In order to cover unforeseen overtime costs for the remainder of the fiscal year due to two custodians retiring unexpectedly in August and September of 2017.

21. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$6,440 from Library-Personal services other than overtime to Library-Personal Services overtime.
22. From the Mayor in accordance with M.G. L., Ch. 44, recommending that the City Council authorize the acceptance of the appropriation of \$2,779,027 from US Department of Housing and Urban Development (HUD) Lead Hazard Control Grant to Lead Hazard Control Grant Fund (VIA The Brockton Redevelopment Authority (BRA). In order to provide the City with financial assistance in lead hazard control. This grant per HUD award is to be administrated by the BRA through its executive Director Robert Jenkins as grant project manager. There is a match required of \$277,903 to be satisfied by CDBG funds through his commitment to HUD by letter, dated 4/2/18.
23. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$2,779,027 from US Department of Housing and Urban Development (HUD) Lead Hazard Control Grant to Lead Hazard Control Grant Fund (VIA The Brockton Redevelopment Authority (BRA). This grant is to be administrated by the Brockton Redevelopment Authority with Executive Director Robert Jenkins as project manager, per the HUD award. The match of \$277,903 has been committed by the Mayor from CDBG funds.

UNFINISHED BUSINESS:

24. An Ordinance Amending Article II, Section 25 of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton, that Section 2-25 of the City Ordinances be revised as follows: Sec. 2-25. - Regular meetings. Revised. (FAVORABLE) (IN CITY COUNCIL MARCH 26, 2018, PASSED TO A THIRD READING, BY A HAND VOTE).
25. An Ordinance Amending Chapter 17, Article IV, Division 2, Historical District Commission and Division 3, Certificates of Appropriateness Nonapplicability, or Hardship. (FAVORABLE) (IN CITY COUNCIL MARCH 26, 2018, PASSED TO A THIRD READING, BY A HAND VOTE).
26. Order: Acceptance of M.G.L Chapter 64N, Section 3 Local Option Tax Of Marijuana Products be it ordered by the City Council of the City of Brockton to accept the provisions of Section 3 of Chapter 64N of the General Laws, empowering the City of Brockton to implement a three (3%) tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the City of Brockton. (FAVORABLE)
27. Appropriation of the total donation in the amount of \$2,090.00
From: Campello Business Association
To: City of Brockton-Police Department-SRT Unit. (FAVORABLE)
28. Ordered: That the common necessary and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of an Easement Deed from Stergio M. Dalkouras for the benefit of the City of Brockton for high way purposes only.(for the purpose of accessing Lot 1, Lot 2, Lot 3 and Lot 4) (Linwood St.) (FAVORABLE)
29. Order: Moratorium to prohibit retail stores from operating, and preventing any business license to issue in the City of Brockton relative to the sale of recreational marijuana. (FAVORABLE AS AMENDED)

ORDERS:

30. Ordered: Notwithstanding any other authorization, the City Auditor shall not authorize payment of any funds from an appropriation for the Commission On Women's Issues or the Commission On Diversity unless the members of the respective commissions have voted approval to expend funds and have transmitted notice of their vote to the Auditor.
31. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Amark Road, extending from North Cary Street, Southerly and easterly, to Upton Street/Dagmar Drive, a distance of about 1,196 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.
32. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Cynthia Drive, extending from North Cary Street, easterly, to Amark Road, a distance of about 570 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.
33. Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Downey Road, extending from Dixon Road to Dixon Road, a distance of about 1,477.13 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.
34. Ordered: That the city council approve the proposed amendment to the current Water Purchase Agreement between the city and Aquaria, L.L.C.
35. Ordered: That the following named sum be and the same is hereby accepted as the same was submitted by the Mayor as follows: Donation in the amount of \$300.00 From: Harbor One Bank To: City of Brockton-Fire Department.
36. Appropriation of the total grant in the amount of \$526,000
From: Commonwealth of Massachusetts Doer Green Community Program Grant
To: City of Brockton Public Building Lighting Improvement Upgrade Projects.
Further, that the City Council authorize the application of all utility incentives to the project, in the anticipated amount of \$188,965.
37. Appropriation of \$30,000
From: Department of Public Works-Highway Division- Purchase of Services
To: Department of Public Works- Highway Division-Overtime.
38. Appropriation in the amount of \$100,000.00
From: Commonwealth of Massachusetts Department of Conservation and Recreation-Hancock Park Grant To: City of Brockton Parks and Recreation-Hancock Park Grant Fund.
39. Appropriation in the amount of \$6,440
From: Library-Personal Services other then overtime
To: Library-Personal Services overtime.
40. Appropriation in the amount of \$2,779,027
From: US Department of Housing and Urban Development (HUD) Lead Hazard Control Grant
To: Lead Hazard Control Grant Fund (VIA The Brockton Redevelopment Authority (BRA)).

Executive Session- regarding the Open Meeting Law

All items on agenda are available in their entirety for review in the City Clerk's Office for all interested parties.

