

A regular meeting of the City Council was held on Thursday March 11, 2019 at the **War Memorial Building**, 156 West Elm St., Brockton, due to the elevator not working. Councillor Rodrigues presiding. The meeting was called to order at 7:06 pm with eleven members present.

The Council President stated that the Superintendent of Buildings is present to answer any questions regarding the elevator.

In City Council, March 11, 2019

117 Acceptance of the minutes of the February 25, 2019 City Council meeting.

Accepted and placed on file

APPOINTMENTS

118 Of Daniel LaBranche of 32 Dupont Circle of Brockton, MA to the Brockton Community Access Board of Directors for a term of three years.

Referred to Finance.

119 Reappointment of James Casieri of 37 Stafford Lane, Brockton, MA to the position of Superintendent of Buildings for a three year term.

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

The Superintendent of Buildings spoke regarding the elevator. He stated that the elevator is done. They are going through the inspection process. The elevator company is doing inspections then the state will come to inspect.

Councillor Cruise asked if it will be ready in two weeks.

The Superintendent of Buildings anticipated it will be. The elevator company likes to do inspections before state does.

Councillor Derenoncourt asked when the elevator will be done.

The Superintendent of Buildings anticipated by the end of the week.

Councillor Derenoncourt stated that he can't wait as well as Councillor Nicastro, as they have not been in the chambers yet since being elected.

Councillor Nicastro thanked him and his office for being great to her this year.

Councillor Eaniri stated that he appreciated the work he has done and everything he has accomplished and welcomes him back from vacation.

Councillor Monahan stepped in.

Confirmed by a roll call vote taken by "yeas" and "nays"; eleven members and all voting in the affirmative. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

REPORTS

120 Of the Ordinance Committee for its meeting of February 27, 2019.

Accepted and placed on file.

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COMMUNICATIONS

- 121** From the Chief of the Police Department requesting that \$400,000 be transferred from Full Time Salaries to Police Overtime.(in order to cover general staffing shortages and walking beat patrols throughout the year). The funds originate from 24 patrolmen positions that are currently unfilled.

Accepted and placed on file.

- 122** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total appropriation of \$400,000 from Police Department- Full Time to Police Department -Overtime.(in order to cover general staffing shortages and walking beat patrols throughout the year). The funds originate from 24 patrolmen positions that are currently unfilled.

Accepted and placed on file.

- 123** From the CFO accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$400,000 from Police Department- Full Time to Police Department –Overtime.

Accepted and placed on file.

- 124** From the Superintendant of Buildings requesting that \$10,000 be transferred from Electricity and \$10,000 from Building & Grounds to Overtime. (Due to unexpected expenses for emergency calls during the evenings and weekends due to aging City Buildings, severe winter weather emergency calls from Fire, Police, after hour inspectional services and upkeep of heating, alarm at the Rox Stadium and Shaw Center).

Accepted and placed on file.

- 125** From the Mayor in accordance with the M.G.L., Ch 44, recommending that the City Council authorize the total appropriation of \$20, 000 from Public Property- Purchase of Services to Public Property-Overtime (Due to unexpected expenses for emergency calls during the evenings and weekends due to aging City Buildings, severe winter weather emergency calls from fire, Police, after hour inspectional services and upkeep of heating, alarm at the Rox Stadium and Shaw Center).

Accepted and placed on file.

- 126** From the CFO accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$20, 000 from Public Property-Purchase of Services to Public Property-Overtime.

Accepted and placed on file.

UNFINISHED BUSINESS

Petition of Daniel Gill, Jr. of 531 Summer St., E. Bridgewater, MA for a Garage License located at 12 Riverside Avenue, Brockton, MA. (IN CITY COUNCIL, FEBUARY 25, 2019, POSTPONED TO NEXT CITY COUNCIL MEETING)

Granted by a hand vote.

Petition of L & L Auto Repair, Armando Mendes, of 17 Myrtle Ave., Braintree, MA for a Motor Vehicle Repair Body License located at 12 Riverside Avenue, Brockton, MA. (IN CITY COUNCIL, FEBUARY 25, 2019, POSTPONED TO NEXT CITY COUNCIL MEETING)

UNFINISHED BUSINESS (cont'd)

Councillor Nicastro motioned to postpone until next city council meeting and was properly seconded. The motion carried by a hand vote. She stated that she received the information needed to move forward on the petition.

- 388** Ordinance: Chapter 14 - Offenses—Miscellaneous. Sec 14-49 Panhandling (FAVORABLE AS AMENDED)

Councillor Asack motioned to read the amendment and was properly seconded. The motion carried by a hand vote.

A two-minute recess was called.

Back in session.

Legal Counsel reads the amendments.

The amendment passed by a hand vote.

Passed to a third reading, as amended, by a hand vote.

- 565** An Ordinance Amending Chapter II of the Revised Ordinances
Be it hereby ordered that An Ordinance Amending Chapter II of the Revised Ordinances dated February 12, 2018, be amended by inserting “(g)” at the beginning of the text, whereby the entirety of said An Ordinance Amending Chapter II of the Revised Ordinances shall be a continuation of Article XIII, Section 11-211 and shall be inserted into said Section 11-211 as subsection “(g)” to continue after subsection “(f)”.
(FAVORABLE)

Relative to Article XIII “Motor Vehicle Repair”

Passed to a third reading by a hand vote.

- 566** An Ordinance Amending Chapter II of the revised Ordinances dated February 12, 2018. To revise second entitled ‘Amendment’, to delete the reference in the first line to “Section “11-211” and to insert in its place Section “11-214.”(FAVORABLE)

Passed to a third reading by a hand vote.

Councillor Sullivan motion to waive reading of order #68 and was properly seconded. The motion carried by a hand vote.

- 68** Ordered: That the sum of \$7,800,000 is appropriated to pay costs of making improvements to the City's Wastewater Treatment Facilities, including the payment of all planning and engineering costs, and all other 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 and pursuant to M.G.L. c. 44 and/or M.G.L. c. 29C, 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 M.G.L. c. 29C, §1; that the Treasurer with the 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 M.G.L. c. 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("DEP") with respect to such loan and for

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UNFINISHED BUSINESS (cont'd)

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 DEP, 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 M.G.L. c. 44, §20 of the General Laws, Thereby reducing the amount authorized to be borrowed to pay such costs by 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 M.G.L. c. 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. Each order must be published at least 10 days prior to final passage and requires at least a two-thirds vote of all members of the Council. For each order, a certificate from you as the Chief Financial Officer is required by Section 5 of Chapter 324 of Acts of 1990 and should be filled prior to adoption of the loan order. If you do not give the required certification or if you are unable to make the certification without expressing qualifications or contingencies, the loan order may only be passed by the City Council if the absence of such certification or qualified or contingent nature of such certification is expressly noted in such order. If any funds are to be advanced for these purposes and reimbursed from bond proceeds, please note the requirements of M.G.L. c. 44ss 20A and the guidelines issued by the Director of the Bureau of Accounts. (FAVORABLE) (IN CITY COUNCIL FEBRUARY 25, 2019, PASSED TO THIRD READING BY A HAND VOTE).

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

- 70** Ordered: In order to fund the agreement between the City and the Brockton City Hall Administrative Services Union regarding compensation and position reclassification study, the City Council authorize the Appropriation in the amount of \$42,000
From: The Stabilization Fund
To various departments
(as part of Memorandum of Understanding for the period of 7/1/16 to 6/30/19 between the City of Brockton and Brockton City Hall Administrative Services Union).
(FAVORABLE) Scrivener's error on above order. Originally: Brockton City Hall Employees Union corrected to read: Brockton City Hall Administrative Services Union.

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

ORDERS

- 127** Ordered: An order amending Licensing and Business Regulations for Marijuana Businesses Section 1.009 (b) (2) of the licensing and business regulations is hereby amended.

Referred to Ordinance

- 128** Amendment to Zoning Map for Parcel ID 161-095, 235 E. Ashland
Be it ordained, pursuant to Section 27-5 of the City Ordinances "Zoning Map" whereby reference is made to and incorporation of said boundaries of each of the zones established as shown on the map entitled, "The City of Brockton, Massachusetts Zoning District Map" dated November 10, 1967, and thereafter amended, that said map be amended to

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ORDERS (cont'd)

reflect the following zoning change: Parcel ID 161-095, 235 E. Ashland Street I-(current) to C-2 Zone.

Referred to Ordinance

- Item #128 was referred to Ordinance Committee, however it has been determined that this ordinance will go to Ordinance Committee and Planning Board as is the past practice for Zoning changes.

- 129** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Cottage Grove Avenue, extending from the end of the 1967 layout at Woodard Avenue, southerly, a distance of about 322.27 feet, more or less, 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.

Referred Real Estate

The Council President motioned to strike the referral to Real Estate and was properly seconded. The motion carried by a hand vote.

Councillor Eaniri motioned to refer to Finance and Planning and was properly seconded by Councillor Sullivan. The motion carried by a hand vote.

- 130** Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, for consideration of One Dollar (\$1.00), does hereby grant an easement to Massachusetts Electric Company, a Massachusetts Corporation, having its principal office at 40 Sylvan Road, Waltham, Massachusetts 02451, for purposes of unrestricted, twenty-four hours a day, seven days a week, year round ingress and egress by persons, equipment or vehicles of various loads from the public way to access Grantee's electric facilities, whether now existing or hereafter installed, located on certain real property abutting the Grantor's Land, which abutting real property is now known as 0 West Elm Street, Brockton, Massachusetts, and identified as Brockton Assessor Parcel ID 091-004 to provide electric service to said abutting real property and others.

Referred to Finance

- 131** Appropriation in the amount of \$400,000
From: Full Time Salaries
To: Police Overtime

Referred to Finance.

- 132** Appropriation in the amount of \$20, 000
From: Public Property-Purchase of Services
To: Public Property-Overtime

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

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

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

- 133** Resolve: to invite Captain John Hallisey, the chair of the Traffic Commission to discuss with the city council the situation with illegally parked cars on residential streets and as to why during the latest snow storm that enough was not done to address this issue and

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ORDERS (cont'd)

why when contacting the police and the non-emergency number residents were told that at times supervisors were not available.

Referred to Finance.

- 134** Resolve: to invite Matthew Dyer, representative Urban and Community Forestry, again to inform the public about the “free trees” program that will begin in the spring.

Referred to Finance.

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

All council business as listed on the agenda have been emailed to the City Council members in their complete form, with exception of oversized material, such as maps, photos, etc.

Councillor Sullivan takes a moment of personal privilege to state that the Ordinance Committee will meet on Thursday March 14, 2019 in the Arnone School auditorium.

Councillor Beauregard takes a moment of personal privilege to state that the CSX planning proposal is having an open house for the railroads that have not been functioning at the Main Library and there are 2 parking lots on White Ave, for additional parking. It will be held from 6pm-8pm on Wednesday, March 13, 2019.

Council President Rodrigues takes a moment of personal privilege to state that he will be absent from council for ten days, because he is going overseas for work related protection program, and he asked for the past president to step in as president. He also asked the council to remember why we are here and to work together.

Councillor Sullivan recognized Brockton High School Drama Club, as they do an excellent job. He also coached Community School Basketball Team and wanted to recognize the kids, because they worked really hard, though they didn’t win the championship.

Adjourned: 741pm