

71.

A regular meeting of the City Council was held on Tuesday May 28, 2019 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. Councillor Rodrigues presiding. The meeting was called to order at 7:03 pm with 10 members present. Councillor Monahan absent

Council President Rodrigues wanted to wish everyone a belated Memorial Day off. He thanked all who participated in the parade yesterday Monday May 27, 2019 stating it was a great day for the City and all of the council.

In City Council, May 28, 2019

252 Acceptance of the minutes of the May 13, 2019 City Council meeting.

Accepted and placed on file

APPOINTMENTS

253 Of Katherine M. Asiaf, 5 Tarkin Hill Lane, Bridgewater, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

PETITIONS

Of In Good Health, Inc., 1200 West Chestnut St., Brockton, MA for a Retail Marijuana License at 1200 West Chestnut St., Brockton, MA, David Noble, President. The license is for retail, manufacturing and cultivation. The owner of the property is MNP Realty Trust.

Referred to Public Safety

Councillor Eaniri states that the Public Safety meeting date for the petition will be Wednesday June 5th at 5:30 in the Council Chambers, before the Budget meeting.

REPORTS

254 Of the Ordinance Committee for its meeting of May 8, 2019

Accepted and placed on file

255 Of the Finance Committee for its meeting of May 20, 2019

Accepted and placed on file

COMMUNICATIONS

256 From the Chief of the Police Department requesting authorization to expend grant monies related to the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) awarded to the City of Brockton as a sub-recipient of the Plymouth County JAG project in the amount of \$77,603.00.

Accepted and placed on file

257 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 funds in the amount of \$77,603 from U.S. Department of Justice-Office of Justice Programs-2018 Edward Byrne Memorial Justice Assistance Grant (JAG) to Brockton Police Department-2018 Edward Byrne Memorial Justice Assistant Grant (JAG) Fund. These grant funds are used to purchase necessary equipment for the Police Department, fund overtime for the purpose of community policing, retain the services of clinicians used in outreach efforts, and pay

COMMUNICATIONS (Cont'd)

for at-risk youth to attend the Plymouth County District Attorney's Office Summer Day Camp. No match required.

Accepted and placed on file

- 258** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of \$77,603 from U.S. Department of Justice-Office of Justice Programs-2018 Edward Byrne Memorial Justice Assistance Grant (JAG) to Brockton Police Department-2018 Edward Byrne Memorial Justice Assistant Grant (JAG) Fund.

Accepted and placed on file

- 259** From the Chief of the Police Department requesting authorization to expend grant monies related to the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) awarded to the City of Brockton as a sub-recipient of the Plymouth County JAG project in the amount of \$80,433.00.

Accepted and placed on file

- 260** 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 funds in the amount of \$80,433.00 from U.S. Department of Justice-Office of Justice Programs-2017 Edward Byrne Memorial Justice Assistance Grant (JAG) to Brockton Police Department-2017 Edward Byrne Memorial Justice Assistant Grant (JAG). These grant funds are used to purchase necessary equipment for the Police Department, fund overtime for the purpose of community policing, retain the services of clinicians used in outreach efforts, and pay for at-risk youth to attend the Plymouth County District Attorney's Office Summer Day Camp. No match required.

Accepted and placed on file

- 261** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of \$80,433.00 from U.S. Department of Justice-Office of Justice Programs-2017 Edward Byrne Memorial Justice Assistance Grant (JAG) to Brockton Police Department-2017 Edward Byrne Memorial Justice Assistant Grant (JAG).

Accepted and placed on file

UNFINISHED BUSINESS

- 30** Brockton United Ordinance: The purpose of this ordinance is to create unity among residents of Brockton, whether born here or abroad; to welcome newcomers; and to engage community members in building trust and solidarity between the different ethnic groups that make up the City of Brockton and the City's Government.
(UNFAVORABLE)

Failed Passage by a roll call vote taken by "yeas and "nays"; ten members present with four voting in the affirmative. Councillors Asack, Cruise, Farwell, Lally, Nicastro, and Sullivan voting in the negative. Councillor Monahan absent.

Councillor Monahan steps in

- 239** Total Appropriation: of \$660,000
From: Stabilization Fund
To: Non-Net School Spending (FAVORABLE)

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

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UNFINISHED BUSINESS (Cont'd)

- 240** Total Appropriation of \$20,000
From: Public Property-Purchase of Services
To: Public Property-Overtime. (FAVORABLE)

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

- 203** Total Appropriation of: \$250,000
From: DPW-Snow Removal
To: Planning and Economic Development \$250,000
(FAVORABLE AS AMENDED)

The amendment carried by a hand vote

Adopted as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. Councillor Eaniri motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 232** Ordered: that the Brockton City Council, acting on behalf of the City of Brockton, does hereby grant a perpetual right and easement to Massachusetts Electric Company. Said land being located as Lot 46 on City of Brockton Assessor’s Map No. 32. (331 Oak St., off Colantha Ave.) (FAVORABLE)

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

- 241** Approval of the payment of \$21,739.08
From: Finance-Purchase of Services
To: Nugen Capital
for the billing period of December 2016 through January 2017.(FAVORABLE)

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

Councillor Sullivan steps down

- 234** Order: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-authorization of Comcast Revolving Fund for Fiscal Year 2020, from the cash receipts from Comcast Franchise fees, in excess of \$675,000, pursuant to the cable license contract, and further, that the expenditures from this fund shall not exceed \$750,000.00 without further appropriation, during fiscal year 2020.(FAVORABLE)

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

Councillor Sullivan steps back in

- 233** Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, does hereby grant an easement to Massachusetts Electric Company. Said "Underground System" is located in, through, under, over, across and upon a certain parcel of land situated on the easterly side of L Street, being more particularly shown as "Parcel "A" 11,003 sq ft." on a Plan of Land recorded with the Plymouth County Registry of Deeds in Plan Book 23, Page 638. (121 Main St. and 28 High St.) (FAVORABLE)

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

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UNFINISHED BUSINESS (Cont'd)

- 237** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-authorization of Parking Authority Revolving Fund to receive revenues from Parking Violations Fines up to and including the amount of \$250,000, said funds to be expended by the Parking Authority to pay expenses of parking regulation enforcement and repair and maintenance of lots, facilities and equipment, and capital projects, but expenditures for capital projects shall require the written approval both of the Parking Authority Board of Directors and the Mayor for Fiscal Year 2020. Amounts in excess of \$250,000 shall be credited to the General Fund. (FAVORABLE)

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

- 235** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-authorization of the Vacant and Abandoned Buildings Revolving Fund for the purpose of maintaining the Abandoned Building Registry, as well as the closing, boarding up and care of vacant and abandoned buildings. Expenditures from the Vacant and Abandoned buildings revolving fund shall be made on the authority and direction of the Brockton Building Commissioner, provided that not more than two hundred and fifty thousand (\$250,000) may be so expended without further appropriation from the Vacant and Abandoned Buildings Revolving Fund during FY20. (FAVORABLE)

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

- 236** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-authorization of the Demolition Revolving Fund for FY2020 for the sole purpose of helping to fund the cost in connection with the demolition of buildings in the City of Brockton. Expenditures from the Demolition Revolving Fund shall be made at the direction of Building Superintendent, with the written approval of the Mayor, provided that not more than \$110,000 may be so expended from the Demolition Revolving Fund during FY2020.(FAVORABLE)

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

- 242** In compliance with the provisions of the Election Laws, notice is hereby given that the City Preliminary will be held on Tuesday, September 17, 2019 and that the City Election will be held on Tuesday, November 5, 2019 at various designated polling places.(FAVORABLE)

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

- 243** Resolved: That the Superintendent of Schools and such other staff as she may designate, be invited to a Finance Committee Meeting in May, 2019, to provide an updated overview of funding, staffing, and educational equity issues for Brockton’s school population.(FAVORABLE)

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

ORDERS

- 262** An Ordinance Amending Chapter II, Division 5, Section 2-183 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton: Section 2-183 of Chapter II of the Revised Ordinances is hereby amended by inserting subsection “c” as follows: “Section (c) The City Solicitor shall provide to the

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ORDERS (Cont'd)

City Council copies of all documents which would otherwise be available to the public, and which are related to any Civil or other legal action wherein the City, its officers, agents, or departments, are named as a defendant or respondent, or where the City is a plaintiff. For the purposes of this section, 'public' is defined as those documents which are received by the city, or filed by the city, and which are deemed 'public' pursuant to applicable Court rules, regulations or law. The Solicitor shall provide such copies within fourteen (14) days of the date of filing of said documents. Annually, not later than April 1st and thereafter, the City Solicitor shall provide to the City Council a quarterly report of pending legal actions and the status of that litigation.

Referred to Ordinance

- 263** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$77,603
From: U.S. Department of Justice-Office of Justice Programs-2018 Edward Byrne Memorial Justice Assistance Grant (JAG)
To: Brockton Police Department-2018 Edward Byrne Memorial Justice Assistant Grant (JAG) Fund.

Referred to Finance

- 264** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$80,433.00
From: U.S. Department of Justice-Office of Justice Programs-2017 Edward Byrne Memorial Justice Assistance Grant (JAG)
To: Brockton Police Department-2017 Edward Byrne Memorial Justice Assistant Grant (JAG).

Referred to Finance

The Council President calls for recess.

Back in session.

LATE FILES

Councillor Monahan motioned to accept three communications and an order as late files and was properly seconded. The motion carried by a hand vote.

Communications:

- 265** Communication from the Treasurer requesting a transfer of \$125,000 from Treasurers Debt-Interest Short Term Notes to Treasurers-Medicare Tax. The transfer is necessary to cover the expected shortfall due through the remainder of the fiscal year.

Accepted and placed on file

- 266** Communication from the Mayor in accordance with the M.G.L , Chapter 44 recommending that the City authorize the transfer of \$125,000 from Treasurers Debt-Interest Short Term Notes to Treasurers-Medicare Tax. The transfer is necessary to cover the expected shortfall due through the remainder of the fiscal year.

Accepted and placed on file

- 267** Communication from the CFO in accordance with Section 5 of Chapter 324 of acts of 1990 certifying the proposed transfer \$125,000 from Treasurers Debt-Interest Short Term Notes to Treasurers-Medicare Tax.

Accepted and placed on file

76.
LATE FILES (Cont'd)

268 Order:

Transfer of \$125,000
From Treasurers Debt-Interest Short Term Notes
To Treasurers-Medicare Tax.

Referred to Finance

Councillor Eaniri takes a moment of personal privilege to announce there will be a Ward 3 meeting on May 29, 2019 at 6:30pm-8pm at the Kennedy Elementary School. As always the meeting is open to the general public and everyone is welcome.

Councillor Sullivan asked for a moment of personal privilege to announce the Trinity Catholic Drama Club will be hosting a musical performance this week. Grades 4-8 on Friday May 31st at 7pm and on June 1st at 3pm at the Cardinal Spellman High School located at 48 Court St. It is Seussical the Musical. He ask if anyone has the time to go and support the kids they have been working really hard and it is only about the an hour to an hour and fifteen minutes long.

Councillor Cruise asked for a moment of silence on the passing of the wife of former colleague and member of the Council and former head of Registrar of Voters of the City, John McGarry. His wife Janet "Jan" McGarry was more than just his wife to the Councillors who knew her. He stated that he doesn't think he ever remembered her without a smile on her face. She was a great City employee as a school nurse who worked with some of the neediest children of the City where she was stationed. She always had a smile and her shoulder for them. Condolences to the McGarry family.

Councillor Cruise also stated that it was the Birthday of colleague Councillor Shirley Asack and wished her Happy Birthday.

Councillor Beauregard asked for a moment of personal privilege to mention two things. She states the summer resource guides came out over the weekend and are available at the library, the parent information center on the other side of Board of Health on Crescent St. and diagonal from the school administrative office, as well as seven other locations and City Hall. There is a ton of things for everyone to do with the kids this summer and they are very optimistic about this summer. She also thinks it's worth mentioning the volunteers for the Memorial day reception that is held every year at the VFW Post 1046 and she wanted to thank them for everything they did.

Councillor Lally asked for a moment of personal privilege to announce a Ward meeting June 19, 2019 at 6:30pm-8pm at the Ashfield Middle School. The City's Chief Financial Officer, Troy Clarkson and School Department Chief Budget Officer Aldo Petronio will be there to talk about budget and what they are doing.

Council President Rodrigues states that next week as they all know the budget hearing will be three days Monday, Tuesday and Wednesday and if needed Thursday but hopefully they will not need Thursday. He also mentions how everyone should have received their budget books. He takes a moment to mention what worries him a little in terms of things that come up during the budget season. He wanted to remind councillors that the hearing is to ask questions of the departments and to get info to share with the public. it's not suppose to be about making speeches and stretching it out as far as they can stretch it. He states he just wants to caution everyone on staying to the point and focus on the departments of the City to make it as easier for both them on the inside and the public to understand what they are talking about when it comes to the budget. He thinks with that they will have a decent budget hearing.

77.

Councillor Sullivan takes a moment to ask the Council president as his capacity as president is he going to follow the same rules as former Council Presidents Eaniri, himself and Cruise did, if when a department head does not appear that night will he be accepting the proxy which he himself doesn't think he should?

Council President states he will not and he made that point very clear to both the City Clerk and Auditor. He also states that he ask of them when the departments heads come before them they should have the courtesy of addressing the Council with info about their departments and as well as for the folks watching at home to give them a sense of what those specific departments actually do. Not to just show up but to actually state what their position is and what the department does for the City. He hopes they will do so and if they don't show up then they will continue without them and those department heads will have to come back in front of Council for appropriations as they move forward.

Councillor Sullivan agrees and thanks the Council president

Adjourned 7:32pm

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.