

128.

A regularly scheduled meeting of the City Council was held on Monday September 9, 2019 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. Councillor Sullivan presiding. The meeting was called to order at 7:07pm with ten members present. Councillor Monahan absent

The Council President stated that Councillor Monahan was under the weather so won't be joining us tonight.

In City Council, September 9, 2019

- 397** Acceptance of the minutes of the August 26, 2019 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

- 398** Reappointment of Daniel Campbell, 16 Belcher Ave., Brockton, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance Committee

- 405** Communication: From the Mayor submitting a letter of resignation of Lawrence Siskind from the Brockton License Commission.

Accepted and placed on file.

- 399** Appointment of Eugene S. Marrow of 128 Healey Terrace, Brockton, MA to the Brockton License Commission to fill the unexpired term of Lawrence Siskind.

Councillor Farwell stated that this appointee is very well known to the council. He has served in a number of positions and the License Commission is one of our most important boards, so he motioned to move under suspension of the rules and act on it and was properly seconded. The motion carried by a hand vote.

Confirmed by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Asack and Monahan absent.

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

HEARINGS

Petition of Hector Sabillon, dba Trader's World Brockton, LLC, 723 Belmont St., Brockton, MA for a Transfer of Second Hand Articles License from 21 Torrey St., Brockton, MA.

No one appeared in favor.

Councillor Farwell stated that he would like this to go to Public Safety, as he has some questions regarding this.

Councillor Cruise motioned to postpone to the end of the meeting and was properly seconded. The motion carried by a hand vote.

Petition of Hector Sabillon, dba Trader's World Brockton, LLC, 723 Belmont St., Brockton, MA for a Transfer of Second Hand Precious Metals and Gems License from 21 Torrey St., Brockton, MA.

No one appeared in favor.

129.
HEARINGS (cont'd)

Councillor Cruise motioned to postpone to the end of the meeting and was properly seconded. The motion carried by a hand vote.

Councillor Farwell through the president to Councillor Eaniri, would he have any objection to those items being referred to Public Safety ?

Councillor Eaniri said he didn't have any objection to that.

Councillor Cruise motioned to close the hearing for item 5 and was properly seconded. The motion carried by a hand vote.

Councillor Cruise motioned to close the hearing for item 6 and was properly seconded. The motion carried by a hand vote.

Councillor Farwell motioned to send items 5 and 6 to Public Safety and was properly seconded. The motion carried by a hand vote.

Councillor Cruise requested that when there is a petition that they get notification Certified mail or Return receipt.

Councillor Asack stepped in at 7:12pm

REPORTS

400 Of the Ordinance Committee for its meeting of August 21, 2019

Accepted and placed on file.

401 Of the Finance Committee for its meeting of September 3, 2019

Accepted and placed on file.

COMMUNICATIONS

406 From the Chief Financial Officer requesting that the City Council authorize the payment of \$43,494.98 from FY20 Finance-Purchase of Services to Rehoboth Solar for the billing period of May 28, 2019 through June 25, 2019. Money was encumbered at the end of Fiscal Year 19, but the final bill was more than the anticipated amount.

Accepted and placed on file.

407 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the payment of \$43,494.98 from FY20 Finance-Purchase of Services to Rehoboth Solar for the billing period of May 28, 2019 through June 25, 2019. Money was encumbered at the end of Fiscal Year 19, but the final bill was more than the anticipated amount.

Accepted and placed on file.

408 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed approval of \$43,494.98 from FY20 Finance-Purchase of Services to Rehoboth Solar.

Accepted and placed on file.

409 From the Law Department requesting that the City Council authorize a transfer in the amount of \$433,324 from Law Department-Purchase of Services to Law Department-Personal Services Other than Overtime. This transfer is necessary due to an error made at budget hearings for the FY20 budget.

130.
COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 410** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the transfer in the amount of \$433,324 from Law Department-Purchase of Services to Law Department-Personal Services Other than Overtime. This transfer is necessary due to an error made at budget hearings for the FY20 budget.

Accepted and placed on file.

- 411** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the transfer of \$433,324 from Law Department-Purchase of Services to Law Department-Personal Services Other than Overtime.

Accepted and placed on file.

UNFINISHED BUSINESS

- 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. (IN CITY COUNCIL, AUGUST 26, 2019 PASSED TO A THIRD READING, BY A HAND VOTE).

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

- 294** Ordinance: An Ordinance Amending Revised Ordinance of the City of Brockton, Chapter 6, Article 1, Section 6-2 Composition That Chapter 6, Article 1, Section 6-2 of the Revised Ordinances of the City of Brockton be amended to increase the number of Fire Department Captains by one (1), from seventeen (17) to eighteen (18), for a limited period of time, subject to a sunset clause. . (IN CITY COUNCIL, AUGUST 26, 2019 PASSED TO A THIRD READING, BY A HAND VOTE).

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

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

- 300** The Zoning request change from industrial to commercial for the properties map of East Ashland Street. Previously voted on by the Planning Board and forwarded to City Clerk and City Council. The proposed amendment; that the following parcels be included in the proposed change 161-094,161-096, 161-097, 161-097R, 161-098, and 161-113. The addition of these properties will protect the existing residential zones from the possibility of any future expanded industrial uses. (POSTPONED until August 21, 2019 and public hearing assigned for August 21, 2019 Finance Committee meeting) (FAVORABLE)

Passed to a third reading by a hand vote

- 298** An Ordinance Amending the Revised Ordinances, Chapter 2, Article I, Section 2-9 relative to Executive Director of Election Commission). (POSTPONED until August 21, 2019 Ordinance Committee Meeting) (UNFAVORABLE)

Failed passage to 3rd reading by a hand vote.

131.

UNFINISHED BUSINESS (Cont'd)

- 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 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. (POSTPONED until August 21, 2019 Ordinance Committee meeting) (FAVORABLE, as amended)

The amendment passed by a hand vote.

Amendment: 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: 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.

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

- 251** Ordered: Pursuant to Article II, section 2-93 of the Revised Ordinances of the City of Brockton, it is referred to the Ordinance Committee the responsibility to undertake a review of the current salary for all positions governed by the Ordinances of the city as well as the proposed creation of any new position. Provided further, the Ordinance Committee shall present any recommended amendments to the Ordinances governing positions and salary levels to the City Council for review and approval. (Relative to salary of Dir. of Human Resources and the creation of the position of Assistant Director of Human Resources). (FAVORABLE, to generate report of Ordinance Committee relative to salaries)

Passed to a third reading, by a hand vote.

- 352** Reappointment of Joe Miranda of 19 Wallace St., Brockton, MA to the Brockton Community Cable Television Board for a three year term. (FAVORABLE)

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

- 353** Reappointment of Kenneth Galligan of 25 Messina Drive, Brockton, MA to the Brockton Zoning Board of Appeals for a three year term. (FAVORABLE)

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

- 385** Ordered: Acceptance and expenditure of grant funds in the amount of \$200,000 From: Commonwealth of Massachusetts-Department of Environmental Protection (MassDEP)- Gap II Grant Funding Program To: City of Brockton Department of Public Works- Gap II Grant Funding Program Grant Fund. (FAVORABLE)

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

132.

UNFINISHED BUSINESS (Cont'd)

- 387** Ordered: Acceptance and expenditure of total grant funds in the amount of \$365,586.00
From: Executive Office of Public Safety and Security/State 911 Department-FY2020 Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants
To: Brockton Police Department-FY2020 Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grant Fund. (FAVORABLE)

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

- 388** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$275,110.27
From: Executive Office of Public Safety and Security/State 911 Department-FY20 State 911 Training Grant
To: Brockton Police Department-FY20 State 911 Training Grant Fund. (FAVORABLE)

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

- 389** Ordered: Acceptance and expenditure of total grant funds in the amount of \$430,000
From: Executive Office of Health and Human Service’s FY20 Safe and Successful Youth Initiative Grant
To: Brockton Police Department-FY2020 FY20 Safe and Successful Youth Initiative Grant Fund. (FAVORABLE)

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

- 396** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$300,000
From: Environmental Protection Agency-Brownfield Assessment Grant
To: City of Brockton Planning and Economic Development- Brownfield Assessment Grant Fund. (FAVORABLE)

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

- 328** Ordered: 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 93 Centre Street, LLC. (FAVORABLE)

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

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

- 329** Ordered: That the City Council authorize the approval of the proposed Housing Development Incentive Program (HDIP) Tax Increment Exemption Agreement (TIE),

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

133.

UNFINISHED BUSINESS (Cont'd)

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

ORDERS

- 402** Order: An Order for the City to Seek Authorization for the Acceptance of Streets in the City of Brockton. Purpose: Common convenience and necessity requires the acceptance of streets in the City of Brockton as public ways for purposes of public access, repairs, snow removal, emergency vehicle access, maintenance, and care of all roads in the City of Brockton.

Referred to Finance and Planning

- 403** Order: Authorization of the payment of \$43,494.98
From: FY20 Finance-Purchase of Services
To: Rehoboth Solar for the billing period of May 28, 2019 through June 25, 2019.

Referred to Finance

- 404** Ordered: Transfer in the amount of \$433,324
From: Law Department-Purchase of Services
To: Law Department-Personal Services Other than Overtime.

Referred to Finance

Council President Sullivan stated that we have voting on Tuesday September 17, 2019. He stated that they usually have Finance Committee on Monday, but as it has been done as a past practice, there will be no Finance Committee meeting on Monday September 16. If there's a need then they will call a later meeting.

Councillor Asack takes a moment of personal privilege to remind everyone that the Brockton Annual Greek Festival will be held at the Anunciation Greek Church, 457 Oak St., Thurs September 19 through Sunday September 22. And is one of the best events of the year. It is located in Ward 7.

She also reminds everyone to save the date September 27 –September 29, at St Theresa's Church , there will be a Lebanese Festival on North Main St.

Councillor Beauregard takes a moment of personal privilege to state that everyone is getting prepared for the Shoe City Festival event on October 5 and they are looking for shoes. The shoe lady, Andrea Burton, will be collecting shoes in any condition, any type, any size to be part of this event you can drop off shoes 8:30am-4:30pm Monday through Friday in the Mayor's Office. She is the director of Community Relations. For more information (508)897-6813.They will be doing all types of craft projects with the shoes. She also stated that for the end of September there will be a Veterans Expo on September 21 at VA Hospital Brockton Campus from 10am -2pm there will be a cookout and live music all free and veterans benefits and other opportunities.

Councillor Nicaastro takes a moment of personal privilege to commend the members of the Brockton Democrat City Committee on the Jean and Paul Sullivan memorial breakfast at VFW Post on N. Quincy St. It was so well attended. They were beyond proud to have U.S. State Senator Edward Markey as the key note speaker. She congratulated the chairman of the City Committee Debra Garland and Sue and Jeff Hayes. They all worked very hard.

Councillor Sullivan thanked her for her endeavors to make it a success.

134.

Councillor Sullivan stated that going forward, we want to adhere to Roberts Rules, so technically, they are not going to call those moments of personal privilege anymore. It's been vetted out by the City Clerk and Legal Counsel and so the councilors can call it councillors recognition. It can be information sharing or could be meeting information.

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.

Adjourned 7:35pm