

135.

A regularly scheduled meeting of the City Council was held on Monday September 23, 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 7:05pm with ten members present. Councillor Derenoncourt absent.

In City Council, September 23, 2019

The Council President recognizes the Mayor in the audience.

- 412** Acceptance of the minutes of the September 9, 2019 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

Councillor Cruise motioned to take items **413-416** collectively and under suspension of the rules and act on those items tonight and was properly seconded. The motion carried by a hand vote.

- 413** Promotion of Firefighter Michael J. Murray to the rank of Fire Lieutenant in the Brockton Fire Department.

- 414** Promotion of Firefighter Michael D. Mahoney to the rank of Fire Lieutenant in the Brockton Fire Department.

- 415** Promotion of Fire Lieutenant John P. McDonald to the rank of Fire Captain in the Brockton Fire Department.

- 416** Promotion of Fire Lieutenant Michael C. McKenna to the rank of Fire Captain in the Brockton Fire Department.

Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Derenoncourt and Eaniri absent.

The Council President recognizes the Firefighters and Fire Lieutenants that were promoted and asks them to stand.

Councillor Cruise motioned to file for reconsideration with the wish that it not prevail on items **413-416** and was properly seconded. Reconsideration failed by a hand vote.

Coucillor Eaniri stepped in at 7:07pm

A two minute recess was called.

Back in session.

- 417** Communication: from the Mayor submitting a letter of resignation of Mark Speizer from the Brockton Conservation Commission.

Accepted and placed on file

- 418** Of Joanne Zygmunt of 12 Welsford Street, Brockton, to fill the Brockton Conservation Commission to fill unexpired term of Mark Speizer.

Councillor Asack motioned to take item **418** under suspension of the rules and act on it tonight and was properly seconded. The motion carried by a hand vote.

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

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APPOINTMENTS (cont'd)

- 429** Communication: from the Mayor submitting a letter of resignation of Bianca Gay from the Brockton Conservation Commission.

Accepted and placed on file

- 430** Of Stephanie Danielson of 603 Summer Street, Brockton, to the Brockton Conservation Commission to fill the unexpired term of Bianca Gay.

The Council President thanked Bianca Gay for being present and for her service.

Councillor Asack motioned to take item **430** under suspension of the rules and act on it tonight and was properly seconded. The motion carried by a hand vote.

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

The Council President thanked Stephanie Danielson for being present and for her service.

- 419** Of Bonnie Sparks of 123 Tilton Avenue, Brockton, to the Brockton Conservation Commission for a three year term to fill a vacant unfilled position.

Councillor Asack motioned to take item **419** under suspension of the rules and act on it tonight and was properly seconded. The motion carried by a hand vote.

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

- 420** Re-appointment of William R. May, Jr. of 61 Oak St., Brockton, MA to the position of Director of Planning and Economic Development for the City of Brockton for a five year term ending June 2024.

Referred to Finance

REPORTS

- 421** Of the Ordinance Committee for its meeting of September 4, 2019.

Accepted and placed on file.

COMMUNICATIONS

- 422** From the Grants Coordinator requesting that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$240,000 from Massachusetts Department of Energy Resources (DOER)-Green Community Competitive Grant to City of Brockton Mayor’s Office-Green Community Competitive Grant Funds. (These funds will be used to fund energy conservation measures in municipal facilities including the Davis Elementary School, Brockton High School, Raymond Elementary School and School Administration Building). The energy conservation measures funded are LED lighting and administrative and technical support.

Accepted and placed on file.

- 423** 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 \$240,000 from Massachusetts Department of Energy Resources (DOER)-Green Community Competitive Grant to City of Brockton Mayor’s Office-Green Community Competitive Grant Funds. (These funds will be used to fund energy conservation measures in municipal facilities including the Davis Elementary School, Brockton High School, Raymond Elementary School and School Administration Building). The energy conservation measures funded are LED lighting and administrative and technical support.

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COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 424** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$240,000 from Massachusetts Department of Energy Resources (DOER)-Green Community Competitive Grant to City of Brockton Mayor's Office-Green Community Competitive Grant Funds.

Accepted and placed on file.

- 437** From the DPW Commissioner requesting that the City Council revise the revised Ordinances of the City of Brockton, Ch. 23-Water, Sewer and Sewage Disposal, Article III-Sewer and Sewerage Disposal to add reference to Best Management Practices and also to amend sections 23-38 through 23-92.

Accepted and placed on file.

- 425** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council amend the Revised Ordinances of the City of Brockton, Ch. 23-Water, Sewer and Sewage Disposal, Article III-Sewer and Sewerage Disposal to add reference to Best Management Practices and also to amend sections 23-38 through 23-92.

Accepted and placed on file.

- 426** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the amendment Revised Ordinances of the City of Brockton, Ch. 23-Water, Sewer and Sewage Disposal, Article III-Sewer and Sewerage Disposal to add reference to Best Management Practices and also to amend sections 23-38 through 23-92.

Accepted and placed on file.

- 427** From the Mayor in accordance with the provisions and stipulations of Section 5B of Ch.40 of the Massachusetts General Laws, hereby recommending the City Council accepts the fourth paragraph of the M.G.L., Ch. 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund to be effective for the fiscal year beginning on July 1, 2019, or take any other action relative thereto. Expenditures from the Stabilization Fund shall be made on the authority and direction of the Mayor with a vote of the City Council.

Accepted and placed on file.

- 428** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed fourth paragraph of the M.G.L., Ch. 40, Section 5B.

Accepted and placed on file.

- 438** From the Executive Director of the Parking Authority in accordance with Section 12-111 of the City Ordinances, requesting that the City Council authorize the Executive Director of the Parking Authority to procure and install parking meters called for in the Parking study conducted by Nelson/Nygaard. No appropriation will be necessary for this purchase. Sufficient funding is available in the capital projects line items of the Parking Meters Revolving Fund.

Accepted and placed on file.

- 439** From the Mayor in accordance with M.G.L., Ch. 44, asking the City Council to approve the request from the Executive Director of the Parking Authority to procure and install parking meters called for in the Parking study conducted by Nelson/Nygaard. Sufficient

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COMMUNICATIONS (cont'd)

funding is available in the capital projects line items of the Parking Meters Revolving Fund.

Accepted and placed on file.

- 440** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the support of the approval of the request from the Executive Director of the Parking Authority to procure and install parking meters called for in the Parking study conducted by Nelson/Nygaard.

Accepted and placed on file.

UNFINISHED BUSINESS

- 376** Order: That sections twenty-six B to twenty-six E, inclusive of chapter one hundred and eleven of the Massachusetts General Laws (M.G.L. c. 111 §§26B-26E) be and hereby is accepted by the City of Brockton in accordance with section twenty-six A of chapter one hundred and eleven of the Massachusetts General Laws (M.G.L. c. 111 §26A). (REFERRED BACK TO FULL CITY COUNCIL)

Councillor Farwell stated that this was sent to Ordinance, but it is not an ordinance matter, so he asks that it be referred to Finance Committee and was properly seconded. The motion carried by a hand vote.

The Council President states that item **376** was erroneously sent to Ordinance and that this is an important order and the mayor has expressed this, so if need be, he will call a Special Meeting to address this, but it will be sent to Finance Committee. There will be a meeting next week and the council can vet it out, they can share it, talk it, but just keep it on their docket, as this is vitally important.

Referred to Finance Committee.

- 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. (IN CITY COUNCIL SEPTEMBER 9, 2019, PASSED TO A THIRD READING BY HAND VOTE)

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

- 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). (IN CITY COUNCIL SEPTEMBER 9, 2019, PASSED TO A THIRD READING BY HAND VOTE)

UNFINISHED BUSINESS (cont'd)

Councillor Farwell stated that there is additional work that needs to be done on item 251, namely generate an ordinance amendment in reference to all the discussion that they had in Ordinance Committee, so he motioned to refer back to Ordinance Committee so that they can work with legislative counsel on it and was properly seconded.

Councillor Cruise on the motion, questioned this was just a report coming out of that committee, do we need to send something else or does it allow enough leeway to discuss all of the issues that they spoke about that night? In other words, the item had no ordinance effect he believes.

Councillor Farwell stated that was correct, there really is no ordinance. They generated a report, which went to all of the members and hopefully that has been read and digested, now we need to actually put forth an ordinance for the ordinance committee to consider and send back to full city council with the specific figures, whatever they may be, for salary adjustments.

Councillor Cruise, from the Council President to the Clerk to the Council, he is thinking that they can't create an ordinance in the Ordinance Committee, correct?

Councillor Farwell stated that is correct.

Councillor Cruise stated that it can be heard in City Council and referred, so it doesn't really do anything if they send it back to Ordinance Committee.

The Clerk to the Council stated that it will give the committee a chance to review their thoughts on what they want to establish and come forth with an ordinance that's acceptable to everyone concerned. He doesn't see where there is a restriction of any type for this to go back to be reconsidered.

Councillor Cruise stated that there is nothing in here that would create an ordinance, they would still have to write an ordinance.

The Clerk to the Council stated that it is still going to be open and will come before the council again once it's amended, and you have a chance to vote for acceptance or denial.

The motion carried by a hand vote with Councillor Beaugard voting in the negative to send back to Ordinance Committee.

ORDERS

- 431** Ordinance: An Ordinance Amending the Revised Ordinances of the City of Brockton, Chapter 23-Water, Sewer and Sewage Disposal, Article III-Sewer and Sewerage Disposal to add reference to Best Management Practices and also to amend sections 23-38 through 23-92.

Referred to Ordinance

- 432** Order: The City accepts the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2019, or take any other action relative thereto.

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ORDERS (cont'd)

Referred to Finance

- 433** Order: To see if the city will dedicate all or a percentage, which may not be less than 25 percent, of the local option excise on retail marijuana sales revenues collected under Massachusetts General Laws Chapter 64N, §3 to the Community Impact Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2020 beginning on July 1, 2019, or take any other action relative thereto.

Referred to Finance

- 434** Order: to see if the city will dedicate all or a percentage, which may not be less than 25 percent, of the community impact fees collected under Massachusetts General Laws Chapter 64N and related Host Community Agreements to the Community Impact Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2020 beginning on July 1, 2019, or take any other action relative thereto.

Referred to Finance

- 435** Ordered: acceptance and expenditure of the total grant funds in the amount of \$240,000
From: Massachusetts Department of Energy Resources (DOER)-Green Community Competitive Grant
To: City of Brockton Mayor's Office-Green Community Competitive Grant Funds.

Referred to Finance

- 441** Ordered: City Council authorize the approval to the Executive Director of the Parking Authority to procure and install parking meters called for in the Parking study conducted by Nelson/Nygaard. Sufficient funding is available in the capital projects line items of the Parking Meters Revolving Fund.

Councillor Beauregard motioned to move under suspension of the rules and act on item **441** tonight and was properly seconded. The Executive Director of the Parking Authority is here to answer questions. It is time sensitive.

Councillor Cruise questioned Mr. Malley if the funds were in Capital Projects line item and there were no appropriation needed.

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

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

- 436** Resolve: to put on notice the owners or operators of Lubras Auto Body, located at 64 Elliot Street, Brockton and the owners or operators of D & G Auto, located at 8 Perkins Street, Brockton, to notify them that a Public Hearing will be held concerning revocation of their licenses.

Referred to Finance

LATE FILES

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

141.
LATE FILES (cont'd)

- 442** Ordered: the lifting of restriction of Parcel ID 096-121, which is the lot next to [16 Battles Street](#), owner Valentino R. Gomes.

Referred to Real Estate

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

- 443** Order: An Order to delete Section 2-141 Wage and Personnel Board in its entirety.

Referred to Ordinance

Councillors' Recognition

Councillor Lally congratulates the 6 new Brockton Police Officers that the clerk swore in and he believes that they will represent the city well and he wished them well.

Councillor Beauregard stated that the downtown Brockton traffic study open house will be held on September 24, 2019 at 7pm in the GAR Room, 2nd. fl. of City Hall. There will be proposals to change the traffic pattern. Everyone can come in with their input. No decisions will be made that night, but you can give your input. This is for residents, businesses and anyone interested. She also stated that the Greek Festival was phenomenal this year. She also stated that the Brockton High School had a collaborative today with Bridgewater State University with computers. They did a ribbon cutting and 2 scholarships were created for future teachers in the name of our late Mayor. She has been asked, by people that are proposing a Neighborhood Watch/Neighborhood Association, the woman's name is Jackie and she is inviting everyone to 23 Electric Ave., on Thursday, September 26, 2019 at 5:30pm and she would love to have residents attend to find out more about creating this.

Councillor Farwell wanted to remind the Councillors that the Ordinance Committee will meet there at 6pm on Thursday, September 26, 2019. He also recognized the Mayor for changing the phone system at City Hall, so now when people call, you will actually get a live human being. Before this, he would call City Hall and try to call the Clerk's Office and would have to go through a whole menu of numbers before getting hold of the Clerk. We live in an impersonal world, texting and emailing, but maybe in municipal government, we can still talk to a person.

Councillor Asack stated that as Councillor Beauregard mentioned, the Greek Festival was very successful, but she would like to remind everyone that the Lebanese Festival is coming up this weekend, Friday, September 27, Saturday the 28th and Sunday the 29th at St. Theresa's Church, located at 343 N. Main St. She hopes everybody will come join her and celebrate some Lebanese heritage and culture.

The Council President just to clarify stated that the change in phone system is throughout the City Hall, all departments, not just the City Clerk's Office. He also stated that he had ten pieces of baklava this past weekend at the Greek Festival.

Councillor Eaniri to Councillor Farwell asked that while he's dishing through all of the City Hall telephone numbers, maybe Councillor Farwell can find out why he is coming up under City Hall and he gets the calls every day. He had 3 calls about a woman that can't find her marriage license and everyone wanting to know where to vote.

Councillor Farwell through the chair stated it is because Councillor Eaniri is an icon here.

Councillor Eaniri stated that the Accounts Committee will meet tomorrow night at 6pm in the Council Committee room.

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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.