

143.

A regularly scheduled meeting of the City Council was held on Tuesday October 15, 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 7:03:pm with ten members present. Councillor Monahan absent.

In City Council, October 15, 2019

Councillor Cruise asks for a moment of silence for 2 wonderful people who are being buried today. Joe Slye, who had worked for the Brockton School Department for 38 years. His daughter, Tracy Holland, works at the School Department. Our thoughts are with his family.

He also asked for a moment of silence for Timmy Monahan, who had a 30 year battle with Barr's disease. He was the son of Councillor Thomas Monahan. Our hearts go out to the Monahan family. He was a great kid. He is missed.

443 Acceptance of the minutes of the September 23, 2019 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

444 Of Eric S. Smith as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

Referred to Finance

445 Re-appointment of William Scharnick, 82 Main Street, P.O. Box 941, Marion, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

446 Reappointment of Carlos Varela, 40 Briarcliff Rd., Brockton to the Brockton Community Cable Television Board for a term of three years, to fulfill the unexpired term ending September 2021.

Referred to Finance

HEARINGS

Petition of Aristides Centeio, 29 Hermon St., Brockton, MA for a Transfer of Garage License located at 12 Riverside Ave., Brockton, MA 02301

The petitioner appeared in favor.

Councillor Nicastro asked if he was aware of the conditions on the license granted to his tenant Armando Mendes?

The petitioner stated that he is aware of the conditions on the license.

Councillor Nicastro stated that the lease is in Mr Gill's name. She needs a copy of the lease in the petitioner's name.

Mr. Centeio stated that he thinks he has this. He will get this to the councilor.

Councillor Nicastro stated that she is ok with this petition, as the petitioner has done everything she has asked.

Hearing held.

Granted by a hand vote.

144.
HEARINGS (cont'd)

Petition of Jaconias De Oliveira, 943 Front St., Weymouth, MA for a Garage License located at 50 Meadowbrook Rd., Unit 5B, Brockton, MA.

Councillor Nicastro motioned to continue the hearing to next full city council meeting and was properly seconded. The motion carried by a hand vote.

Petition of Velasquez Management LLC, Edgar Velasquez, President and manager, 23 Joseph Ln., E. Walpole, MA for a Transfer of Motor Vehicle Repair Mechanical License located at 743 Warren Ave., Brockton, MA.

The petitioner appeared in favor. Attorney Creedon appeared of 71 Legion Pkwy in favor and on behalf of the petitioner. Frantz Joseph, the prior owner was also in favor. Attorney Creedon stated that in August the council approved the Garage License. Deputy Chief Williams inspected the property and the building had issues, about 15. Mr. Williams approved the situation. The Petitioner improved the situation and the minor things that needed to be done. Attorney Creedon stated that the spray booth was still needed but on Motor Vehicle Repair Mechanical License he had no issues. They were asking for the same number of cars and the license said Mon-Fri 8am-7pm and they wanted the hours to be Mon-Fri 7am-7pm; Saturday 7am-6pm. No Sundays. He qualifies by ordinance, as he is reputable.

Councillor Eaniri stated that he had no problem with the transfer. There were issues pertaining to land but the issues have been flushed out. They are not here to talk about land.

Attorney Creedon stated that Mr. Joseph was brought to court 3 times. A survey was done. All 3 cases were dismissed.

Hearing held

Councillor Eaniri motions to grant the license with the following stipulations:

Hours of Operation: Mon-Fri 7am-7pm; Saturday 7am-6pm. No Sundays or holidays. Councillor Eaniri stated that he doesn't want any problems from that property. They need to adhere to the stipulations.

Father John Caine, of Chapel of Our Savior, appeared in opposition. He submitted a letter from Ana Silveira. The letter stated that she believed that she owned the property that belongs to the city and Mr. Velasquez. She asks for their kindness and mercy. She apologized for the inconvenience. She asks to use the property, as she relies on the property to feed her children, one who is now with the U.S. Marines and the other in a seminary in Philadelphia. She asks the City Councillors if they can continue to allow the poor people in her neighborhood, like herself, to continue to use the property to feed their families. They are blessed with a stream of water that provides the water for their crops- crops like corn, tomatoes and squash, that take away any overflow from damaging other properties.

Father Caine stated that he was involved with a community of other pastors, called PAPA, when he was in NY that fed the poor people in the area, which they started and named Garden of Hope that fed the poor. In case they didn't know what to do as Councillors about the situation.

Granted as stipulated by a hand vote.

Petition of Velasquez Management LLC, Edgar Velasquez, President and manager, 23 Joseph Ln., E. Walpole, MA for a Transfer of Motor Vehicle Repair Body License located at 743 Warren Ave., Brockton, MA

The petitioner appeared in favor. Attorney Creedon appeared of 71 Legion Pkwy in favor and on behalf of the petitioner. Frantz Joseph, the prior owner was also in favor.

145.
HEARINGS (cont'd)

Hearing held.

Granted by a hand vote.

Petition of Ed's Total Auto Solutions, LLC, Eduardo Goncalves, 81 Pomona Dr., Brockton, MA for a Transfer of Motor Vehicle Repair Mechanical License located at 347 N. Montello St., Brockton, MA

Councillor Eaniri stepped down.

Petition of Ed's Total Auto Solutions, LLC, Eduardo Goncalves, 81 Pomona Dr., Brockton, MA for a Transfer of Motor Vehicle Repair Body License located at 347 N. Montello St., Brockton, MA

Councillor Lally motioned to postpone the hearing on items **9-10** to the end of the meeting and was properly seconded. The motion carried by a hand vote.

Petitions **9-10** were opened. Councillor Lally stated that it was worked out. They already have stipulations on the property and he would like to make slight changes. He has no issue with the petitions.

No one was in opposition.

Hearing held.

Councillor Farwell asks that the stipulations be read.

Hours of Operation: Mon-Fri 7am-7pm, Sat 7am-6pm, no Sundays or holidays. Up to 17 cars during the day and not more than 10 overnight and a requirement for planting that will be removed. Granted as stipulated.

Councillor Nicastro motioned to continue items **11-13** on the agenda to next full city council meeting and was properly seconded. The motion carried by a hand vote.

Petition of Jason Correia Lopes and Nelson Rocha Lopes, 360 Ferry St., Fall River, MA for a Transfer of Garage License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA

Petition of Jason Lopes and Nelson Lopes dba Classic Auto Body and Repair, 360 Ferry St., Fall River, MA for a Transfer of Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA

Petition of Jason Lopes and Nelson Lopes dba Classic Auto Body and Repair, 360 Ferry St., Fall River, MA for a Transfer of Motor Vehicle Repair Body License located at 50 Meadowbrook Rd., Unit 3, Brockton, MA

REPORTS

447 Of the Ordinance Committee for its meeting of September 26, 2019

Accepted and placed on file.

448 Of the Finance Committee for its meeting of October 7, 2019.

Accepted and placed on file.

COMMUNICATIONS

474 From the Mayor advising that effective October 4, 2019 at 4:30pm, Captain Steven Williamson has been appointed as Acting Police Chief for the City of Brockton pursuant to M.G.L., Ch. 41, Section 61A.

146.
COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 449** From the Superintendent of Parks stating that at the Park Commission meeting of September 12, 2019, the Park Commission had approved the request of a Right of Easement for National Grid and request that the City Council approve the acceptance and ask that the stipulations as presented by the Park Commission be included in any/all easement documents.

Accepted and placed on file.

- 450** From the District Treasurer of the Southeastern Regional School District stating that on September 10, 2019, the Southeastern Regional School Committee voted to revise the FY2020 Budget to reflect the changes made to the Commonwealth's Final Adopted Budget resulting in an increase of \$454 in the Fiscal Year 2020 Budget to \$28,590,008.

The committee also voted no changes in community assessments from the prior certified vote sent to the council in March. This will result in Southeastern being below their net school spending requirements for FY20 by \$44,733. The certified amount to be apportioned to the City of Brockton for its share of capital and operating costs of the Southeastern Regional School District for the current fiscal year (FY20) remains at \$4,051,342.

Accepted and placed on file.

Councillor Eaniri stepped back in.

- 451** From the Director of Planning and Economic Development submitting a report by Alex Bob, Master of City Planning, MA. Institute of Technology, Department of Urban Studies and Planning that provides insight to the relationship between housing development and their impact on municipal and school department finances.

Accepted and placed on file.

- 452** From the DPW Commissioner requesting that the City Council consider implementing a new Ordinance to the Revised Ordinances of the City of Brockton: "Illicit Discharge and Connection Stormwater Ordinance". The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens of the City through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirement of the National Pollutant Discharge Elimination System (NPDES) permit process.

Accepted and placed on file.

- 453** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total appropriation of \$4,900,000 using the form of order with language recommended by Attorney Richard Manley of Locke Lord, LLP, the City's bond counsel, in order to provide funding through borrowing said amount, is to pay costs of the 2019 phase of the City's sewer system rehabilitation project.

Accepted and placed on file.

- 454** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of and borrowing authorization for \$4,900,000 to provide funding to pay costs of the 2019 phase of the City's sewer system rehabilitation project.

Accepted and placed on file.

147.

COMMUNICATIONS (cont'd)

- 455 From the Mayor recommending that the City Council amends the Water Purchase Agreement, which originated on May 22, 2002 and was amended on September 6, 2018, between the City of Brockton and Aquaria, LLC.

Accepted and placed on file.

- 456 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed amendment of the Water Purchase Agreement between the City of Brockton and Aquaria, LLC.

Accepted and placed on file.

- 457 From the Mayor's Office Grants Coordinator requesting authorization to accept and expend total grant funds in the amount of \$25,000 from Massachusetts Office of the Attorney General-Technology To Enrich Community Housing Grant to Mayor's Office-Technology To Enrich Community Housing Grant Fund. These funds will be used to implement new code enforcement software that will ensure safer neighborhoods and allow the Attorney General's Abandoned Housing Initiative to cooperate more closely with city on receivership projects.

Accepted and placed on file.

- 458 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 \$25,000 from Massachusetts Office of the Attorney General-Technology To Enrich Community Housing Grant to Mayor's Office- Technology To Enrich Community

Housing Grant Fund. These funds will be used to implement new code enforcement software that will ensure safer neighborhoods and allow the Attorney General's Abandoned Housing Initiative to cooperate more closely with city on receivership projects.

Accepted and placed on file.

- 459 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of \$25,000 from Massachusetts Office of the Attorney General-Technology To Enrich Community Housing Grant to Mayor's Office- Technology To Enrich Community Housing Grant Fund.

Accepted and placed on file.

- 460 From the BEMA Director requesting that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$4,967.21 from Massachusetts Emergency Management Agency-FFY2018 State Homeland Security Program (SHSP)/CCP Grant to Brockton Emergency Management Agency-FFY2018 State Homeland Grant (SJSP)/CCP Fund. (these funds will be used to purchase a new 10,000 watt generator). No match required.

Accepted and placed on file.

- 461 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 \$4,967.21 from Massachusetts Emergency Management Agency-FFY2018 State Homeland Security Program (SHSP)/CCP Grant to Brockton Emergency Management Agency-FFY2018 State Homeland Grant (SJSP)/CCP Fund. (these funds will be used to purchase a new 10,000 watt generator). No match required.

Accepted and placed on file.

- 462 From the CFO in accordance with Section 5 of Ch. 324 of the acts of 1990, certifying the appropriation of \$4,967.21 from Massachusetts Emergency Management Agency-

COMMUNICATIONS (cont'd)

FFY2018 State Homeland Security Program (SHSP)/CCP Grant to Brockton Emergency Management Agency-FFY2018 State Homeland Grant (SJSP)/CCP Fund.

Accepted and placed on file.

- 463** From the BEMA Director requesting that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$9,997.05 from Massachusetts Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant to Brockton Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant Fund. (these funds will be used to purchase emergency sheltering equipment). No match required.

Accepted and placed on file.

- 464** 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 \$9,997.05 from Massachusetts Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant to Brockton Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant Fund. (these funds will be used to purchase emergency sheltering equipment). No match required.

Accepted and placed on file.

- 465** From the CFO in accordance with Section 5 of Ch. 324 of the acts of 1990, certifying the appropriation of \$9,997.05 from Massachusetts Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant to Brockton Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant Fund.

Accepted and placed on file.

Councillor Lally stepped down.

- 475** From the Grant Coordinator of the Police Department requesting that the City Council authorize the acceptance and expenditure of the total grant funds in the amount of \$12,000 from Massachusetts Department of Public Health, Bureau of Substance Abuse Addiction Services (BSAS)-FY2020 First Responders Naloxone Grant to Brockton Police Department-FY2020 First Responders Naloxone Grant Fund. These funds will be distributed between the police and fire departments to purchase Naloxone, otherwise known as Narcan, and supplies related to the administering of this drug. There is no match required.

Accepted and placed on file.

- 476** 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 to \$12,000 from Massachusetts Department of Public Health, Bureau of Substance Abuse Addiction Services (BSAS)-FY2020 First Responders Naloxone Grant to Brockton Police Department-FY2020 First Responders Naloxone Grant Fund. These funds will be distributed between the police and fire departments to purchase Naloxone, otherwise known as Narcan, and supplies related to the administering of this drug. There is no match required.

Accepted and placed on file.

- 477** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of to \$12,000 from Massachusetts Department of Public Health, Bureau of Substance Abuse Addiction Services (BSAS)-FY2020 First Responders Naloxone Grant to Brockton Police Department-FY2020 First Responders Naloxone Grant Fund.

Accepted and placed on file.

149.

UNFINISHED BUSINESS

- 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. (IN CITY COUNCIL SEPTEMBER 9, 2019, PASSED TO A THIRD READING AS AMENDED)

Councillor Lally stepped back in.

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

Councillor Sullivan stepped down as President and Councillor Cruise stepped in as President Pro Tempe.

- 326** An Ordinance Repealing Article XIX of the Brockton City Ordinances relative to the establishment of the Thatcher Street Overlay District. (UNFAVORABLE)

Failed passage to a third reading, by a roll call vote taken by “yeas” and “nays”; nine members present with three voting in the affirmative. Councillors Asack, Cruise, Eaniri, Farwell, Lally and Nicastro voting in the negative. Councillor Monahan and Sullivan absent.

Councillor Sullivan stepped back in as Council President.

- 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. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present with seven voting in the affirmative. Councillors Beauregard and Nicastro voting in the negative. Councillors Derenoncourt and Monahan absent.

- 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. (FAVORABLE)

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

- 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.
(FAVORABLE)

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

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

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

150.

UNFINISHED BUSINESS (cont'd)

Councillor Lally stepped down.

Councillor Lally stepped back in.

- 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.
(FAVORABLE- with a condition that an answer is given within 1 week in regards to the difference of \$91,590.00; does the city have to make up this difference)

Councillor Nicastro stated that Karen Previl of Finance Office gave her the information that they were requesting in Finance Committee. There is no match required.

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

- 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. (FAVORABLE - with authorization for the City Clerk to set up Public Hearings for November 25, 2019 City Council Meeting to revoke the licenses).

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

ORDERS

- 466** Ordered: The Department of Public Works would like to request that the City Council consider implementing a new Ordinance to the Revised Ordinances of the City of Brockton: "Illicit Discharge and Connection Stormwater Ordinance"

Referred to Ordinance

- 467** Ordinance: An Ordinance amending Article II, Section 2-91 of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Section 2-91 of Chapter II is hereby amended by striking out section "e" in its entirety and replacing it. (Relative to Committee on Real Estate)

Referred to Ordinance

- 468** Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, approve the request of a Right of Easement for National Grid as approved by the Park Commission in its meeting of September 12, 2019, as stipulated.

A one minute recess was called.

Back in session.

Referred to Finance and Planning

- 469** Ordered: that sum of \$4,900,000 is appropriated to pay costs of sewer system rehabilitation work, including, but not limited to, projects designed to address sources of exfiltration, infiltration and inflow, and sections of undersized pipe, and for the payment of all 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, §§7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

Referred to Finance

151.
ORDERS (cont'd)

- 470** Ordered: That the City Council amends the Water Purchase Agreement, which originated on May 22, 2002 and was amended on September 6, 2018, between the City of Brockton and Aquaria, LLC.

Referred to Finance

- 471** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$25,000
From: Massachusetts Office of the Attorney General-Technology To Enrich Community Housing Grant
To: Mayor's Office- Technology To Enrich Community Housing Grant Fund.

Councillor Lally motioned to move under suspension of the rules on item **471** and was properly seconded. The motion carried by a hand vote.

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

- 472** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$4,967.21
From: Massachusetts Emergency Management Agency-FFY2018 State Homeland Security Program (SHSP)/CCP Grant
To: Brockton Emergency Management Agency-FFY2018 State Homeland Grant (SJSP)/CCP Fund.

Councillor Farwell motioned to move under suspension of the rules on item **472** and was properly seconded. The motion carried by a hand vote.

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

- 473** Ordered: Acceptance and expenditure of the total grant funds in the amount of \$9,997.05
From: Massachusetts Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant
To: Brockton Emergency Management Agency-FFY2018 Emergency Management Performance Competitive Grant Fund.

Referred to Finance

- 478** Ordered: Acceptance and expenditure of the total grant funds in the amount of to \$12,000
From: Massachusetts Department of Public Health, Bureau of Substance Abuse Addiction Services (BSAS)-FY2020 First Responders Naloxone Grant
To: Brockton Police Department-FY2020 First Responders Naloxone Grant Fund.

Referred to Finance

LATE FILES

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

Ordered: That pursuant to the provisions of M.G.L., Ch. 268A, the City Council hereby designates the position of Outside Counsel to the City Law Department and the City Clerk's Office as a Special Municipal Employee.

Referred to Finance

Councillors' Recognition

Councillor Eaniri reminds everyone that there will be a Public Safety meeting held on October 21, 2019 at 6:15pm, which is next Monday.

152.

Councillor Farwell stated that there will be an Ordinance Committee Wednesday, October 23, 2019 at 6pm. He realizes that there will be a Mayoral debate that evening but hopes that they will be concluded in time for those who wish to go to the Mayoral debate. The Stormwater Management Ordinance which the DPW has asked the council to consider, has a time sensitive issue on it and if we don't act on it and we don't have our stormwater management policies and procedures in effect, according to Commissioner Rowley, We could have some issues with the state or the USEPA. That and a couple of other matters need to be on that agenda. He has cleared the date with Legal Counsel, Attorney Resnick for 6pm, here in the Council Chambers on the 23rd of October for the Ordinance Committee.

Adjourned: 7:51pm

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.