

**153.**

A regularly scheduled meeting of the City Council was held on Monday October 28, 2019 in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, 45 School St., Brockton, MA. Councillor Eaniri presiding. The meeting was called to order at 7:06pm with nine members present. Councillors Monahan and Sullivan absent.

**\*Revised**

In City Council, October 28, 2019

**479** Acceptance of the minutes of the October 15, 2019 City Council meeting.

Accepted and placed on file.

**APPOINTMENTS**

**480** Communication: from the Mayor submitting a letter of resignation from David Zaff from the Brockton Conservation Commission.

Accepted and placed on file.

**481** Of Lucia Cerci of 33 Dover St., Unit 130, Brockton to the Conservation Commission to fill the unexpired term of David Zaff ending March 2020.

Referred to Finance

**REPORTS**

**482** Of the Ordinance Committee for its meeting of October 2, 2019

Accepted and placed on file.

**483** Of the Public Safety Committee for its meeting of October 21, 2019

Accepted and placed on file.

**484** Of the Finance Committee for its meeting of October 21, 2019

Accepted and placed on file.

**485** Of the Ordinance Committee for its meeting of October 23, 2019

Accepted and placed on file.

**UNFINISHED BUSINESS**

Petition of Jaconias De Oliveira, 943 Front St., Weymouth, MA for a Garage License located at 50 Meadowbrook Rd., Unit 5B, Brockton, MA. (IN CITY COUNCIL OCTOBER 15, 2019, CONTINUED TO NEXT FULL CITY COUNCIL MEETING)

Miguel Barsola and Fred Barsola appeared in favor. They are owners of the condo adjacent to the property and are pleased with the work Mr. De Oliveira has done to the property and believe he is a good businessman.

**154.**  
**UNFINISHED BUSINESS (cont'd)**

No one was in opposition.

Hearing held.

Councillor Nicaastro stated that Mr. De Oliveira is present. She has met with him and his wife twice. Currently there are 3 condos changing hands at 50 Meadowbrook Rd. Mr. De Oliveira's petition is not a transfer, as there was never a garage license at this location. All that is available for him to apply for at this time is the garage license. What has been discovered during the pendency of this matter, is that the property at 50 Meadowbrook Rd. is zoned Industrial and Industrial does not include a Garage or Auto Repair Shop until or unless they get a variance. She confirmed this with Mr. Nessralla, the City Solicitor and he told her to pass on this information. She made the petitioner aware of this on Oct 18.

The Council President stated that there will be no granting of licenses for that address according to City Solicitor Attorney Nessralla, until or unless a variance is approved.

Hearing closed.

Councillor Farwell motioned to table and was properly seconded. The motion carried by a hand vote.

Councillor Nicaastro motioned to take items **9-11** collectively 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 . (IN CITY COUNCIL OCTOBER 15, 2019, CONTINUED TO NEXT FULL CITY COUNCIL MEETING)

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 . (IN CITY COUNCIL OCTOBER 15, 2019, CONTINUED TO NEXT FULL CITY COUNCIL MEETING)

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. (IN CITY COUNCIL OCTOBER 15, 2019, CONTINUED TO NEXT FULL CITY COUNCIL MEETING)

Councillor Nicaastro motioned to postpone the 3 hearings to November 25, 2019 City Council meeting, because the petitioners are out of the country at this time and they have requested that the hearings be postponed until second council meeting in November, 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. (FAVORABLE)

Passed to a third reading by a hand vote.

**444** Appointment of Eric S. Smith as a Special Police Officer of the City of Brockton for a one year term ending January 2020. (FAVORABLE)

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

**UNFINISHED BUSINESS (cont'd)**

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE/FINANCE) (REFERRED TO PLANNING- an email from the Director of Planning and Economic Development stated that the Planning Department would not have jurisdiction over the property, so there is no recommendation).

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

- 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. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 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. (PLANNING BOARD SUGGESTED THAT BEFORE FURTHER ACTION IS TAKEN ON THIS MATTER, THAT A COMMITTEE TO INCLUDE MEMBERS OF THE CITY COUNCIL, DPW, LAW DEPARTMENT AND PLANNING DEPT. BE FORMED TO FURTHER ASSESS THE COST TO THE CITY OF BROCKTON/PLANNING) (UNFAVORABLE/FINANCE)

Failed adoption by a roll call vote taken by "yeas" and "nays"; nine members present and two voting in the affirmative. Councillors Asack, Cruise, Eaniri, Farwell, Lally, McGarry, and Nicastro voting in the negative. Councillors Monahan and Sullivan absent.

- 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. (FAVORABLE)

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

**156.**

**UNFINISHED BUSINESS (cont'd)**

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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" (FAVORABLE TO DRAFT ORDINANCE)

Recommendation to draft an ordinance was adopted by a hand vote.

- 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.(FAVORABLE)

Passed to a third reading, by a hand vote.

Councillor Farwell wanted to speak before the councilors voted on the 2 petitions, he likes to explain why he votes the way he does and part of the reason that they license various types of businesses is to have an accounting as to who they are, how they operate and for consumer protection. This particular applicant has had 2 civil actions brought against him and he owes approximately \$89,000 to people. Given that and given that the judgement was after a full court hearing, not an allegation, and because of consumer protection, he is going to vote no on this. Particularly when we are going to be dealing with second hand articles and precious metal and gems, it just seems to him that it calls for additional scrutiny by the council and those kind of outstanding judgments, in his opinion, do not lend itself well to him voting for it for approval.

Councillor Asack wanted to make a comment in consideration as to what Councillor Farwell has stated, she stated that Councillor Farwell was the chair of Public Safety and she serves on the Public Safety Committee and she would like people at home to know that this applicant came before the committee and this applicant has been in business for over 20 years. It is nothing that is new and all there doing is a transfer of a license from one location to another. The councilors take into consideration why we support certain businesses and one of the reasons she did support this, is they want business owners to stay in business to be able to pay off their debt. If we don't help them to stay in business, how will they pay off their debts to society?

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. (FAVORABLE)

**UNFINISHED BUSINESS (cont'd)**

Granted by a roll call vote taken by “yeas” and “nays”; nine members present with five voting in the affirmative. Councillors Beauregard, Derenoncourt, Farwell, and Nicaastro voting in the negative. Councillors Monahan and Sullivan absent.

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. (FAVORABLE)

Granted by a roll call vote taken by “yeas” and “nays”; nine members present with five voting in the affirmative. Councillors Beauregard, Derenoncourt, Farwell, and Nicaastro voting in the negative. Councillors Monahan and Sullivan absent.

**ORDERS**

**486** Ordinance: An Ordinance Amending Article II of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Sections 4-21 through Sections 4-28 of Chapter IV is hereby amended as follows: Sec. 4-20~~1~~. - Definitions. (Relative to Certificate of Fitness)

Referred to Ordinance

**487** Ordinance: An Ordinance Amending Article III of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Sections 4-40 of Chapter IV is hereby amended by adding the following: Sec. 4-40.1 PROBLEM PROPERTIES TASK FORCE

Referred to Ordinance

**488** Ordinance: An Ordinance Amending Article III of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Sections 2-186 of Chapter II is hereby amended by adding the following: Sec. 2-186. - Assistant city solicitor.

Referred to Ordinance

**489** Ordinance: An Ordinance Amending Article III of the City Ordinances Be it Ordained by the City Council of the City of Brockton as follows: That Sections 2-127 of Chapter II is hereby amended by adding the following: Sec. 2-127. - Pay plan.

Referred to Ordinance

**490** Resolve: to invite a representative from the Justice Center of Southeast Massachusetts, to present to the city council proposals currently being reviewed in this state legislative session in the Joint Judiciary Committee the HOMES ACT and CEC Bill.

Referred to Finance

Councillor’s Recognition

**LATE FILES**

Councillor Beauregard motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

Communications:

**158.**  
**LATE FILES (cont'd)**

**491** From the Mayor's Office Grants Coordinator requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$336,520 from Executive Office of Energy and Environmental Affairs (EEA)-Parkland Acquisitions and Renovations for Communities (PARC) Grant to Mayor's Office- Parkland Acquisitions and Renovations for Communities (PARC) Grant Fund. These funds will be used for the John L. O'Donnell playground. The total cost of the project is \$523,600 with the required match of \$157,080 to come from Community Development Block Grant Funds (CDBG)

Accepted and placed on file

**492** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$336,520 from Executive Office of Energy and Environmental Affairs (EEA)-Parkland Acquisitions and Renovations for Communities (PARC) Grant to Mayor's Office- Parkland Acquisitions and Renovations for Communities (PARC) Grant Fund. These funds will be used for the John L. O'Donnell playground. The total cost of the project is \$523,600 with the required match of \$157,080 to come from Community Development Block Grant Funds (CDBG)

Accepted and placed on file

**493** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure of the grant award in the amount of \$336,520 from Executive Office of Energy and Environmental Affairs (EEA)-Parkland Acquisitions and Renovations for Communities (PARC) Grant to Mayor's Office- Parkland Acquisitions and Renovations for Communities (PARC) Grant Fund.

Accepted and placed on file

**494** Ordered: An Resolution To File And Accept Grants With And From The Commonwealth Of Massachusetts, Executive Office Of Energy And Environmental Affairs For The Parkland Acquisitions And Renovations To John L. O'Donnell Playground.

Referred to Finance

Councillor Nicastro motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

**495** Resolve: To invite Mr. Robert Jenkins, in his capacity as Executive Director of the Brockton Redevelopment Authority ("BRA"), to present to the City Council updated information on the BRA's construction of the Municipal Parking Garage including the construction schedule, budget, and currently expected completion date, and any other related information.

Referred to Finance

Councillor Cruise motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

**496** Ordinance: Be it ordained by the Brockton City Council an Ordinance establishing the City of Brockton Stormwater Management Manual for best practices for the Illicit Discharge and Connection Stormwater Ordinance to establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. This ordinance shall be

**159.**  
**LATE FILES (cont'd)**

adopted by incorporation of the City of Brockton, Massachusetts Stormwater Management Manual as a new ordinance in the City Brockton Ordinances forthwith.

Referred to Ordinance

Councillor's recognition

The Council President stated that as Council President Sullivan stated last meeting, there will be no Finance Committee meeting this week.

The Council President also stated that the next City Council meeting will be on Tuesday, November 12, 2019, as November 11 is a holiday. He also stated that the Accounts Committee will meet tomorrow, October 29 in the Council Committee room at 6pm.

Councillor Farwell stated that the council had some items referred to Ordinance Committee and they will meet after the election. One interesting item referred to Ordinance Committee is the Assistant City Solicitor issue. Adding Assistant Solicitors, he did not realize it, but he probably should have, that Assistant Solicitors don't have to live in the city. They are specifically exempt by Sec. 2-186 of the City Ordinances, so if we are going to go forward and create new positions, we have to get a handle on residency. It really is a fragmented approach to what the voters decided they want. We've got some department heads who are in a union and have to live in the city for a certain period of time and then can live anywhere they want. We have collective bargaining which has exempted certain employees after a certain amount of time and we have other department heads like the City Clerk who is mandate to stay here and basically, what we've done is take the entry level lower paid people who do not have seven years of experience and we mandate that they live in the city, which is the public's right but all other people seem to have an escape mechanism and he is uncomfortable with it. Uncomfortable with creating more Assistant City Solicitor positions which would handle very sensitive legal issues for the best interest of the city and you don't have to live here, so whether it's an ordinance or resolve, he thinks it's something the council needs to bring forth after the election. Find out where we stand and level with the people. Even though they voted for this, what they thought they voted for really does not exist and he is troubled by it. It isn't a political statement, but if they are going to add more people, residency ought to be part of the equation.

Council President Eaniri stated that when they do have an Ordinance meeting relative to the Assistant City Solicitor position, he wants City Solicitor Nessler to be invited, as well as Assistant City Solicitor Sean Murphy, as he has been working alongside the mayor on those particular items. He is more abreast of the ordinance.

Councillor Nicastro announced that the Real Estate Committee will meet on Wednesday, October 30, 2019 at 5pm in the Council Committee room.

Adjourned: 7:46pm

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.

