

160.

A regularly scheduled meeting of the City Council was held on Tuesday November 12, 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 7:04pm with ten members present. Councillor Monahan absent.

In City Council, November 12, 2019

A moment of silence was called for the veterans who served our country that gave the ultimate sacrifice and also for George Hersey, Brockton resident, veteran of WWII and Pearl Harbor survivor that passed away last week. The services will be this week. Our thought and prayers are with him and his family. He was a true hero.

The Council President recognized two of our newer colleagues that will be sworn in in January 6; Attorney Rita Mendes, Councillor-At-Large and Attorney Jeffrey Thompson, Councillor, Ward 5. He asks the two councilors to join them up on the stage. He thanked all of the people that ran and he applauded all of the councilors that got re-elected. He will be leaving the council to go on a different endeavor, but as Mayor-elect, he will be working with each and every one of the councilors. We are all in this together to better Brockton. It doesn't matter if you are a councilor, School Committee member or the Mayor. He is really proud of his colleagues on the council, the new additions to the council and the Mayor. Tina Cardoso will also be joining them as well.

Councillor Cruise congratulates the Council President as being elected Mayor of the City of Brockton.

President Sullivan stated that Ward 2 Councillor Monahan, indicated to him by email, that he unfortunately, couldn't attend the meeting tonight.

497 Acceptance of the minutes of the October 28, 2019 City Council meeting.

Accepted and placed on file.

The Council President stated that Councillor Monahan had contacted him to let him know that and he couldn't make it tonight to the council meeting.

HEARINGS

Petition of SMG Commercial, Steven Glass, 62 Old South Main St., Middleton, MA for a Transfer of a Garage License located at 50 Meadowbrook Rd., Unit 7

Attorney Jake Creedon appeared in favor on behalf of the petitioner. He stated that they are transferring the garage license to Steven Glass, but they need to do another transfer in the near future to the current owners. Mr. Glass was not aware that it needed to be transferred to him and now to the new owner. He stated that Deputy Williams has been to the property twice; once for the transfer of the used car license and once for this application. The licenses are current and good until April 30, 2020. Steven Glass appeared in favor. He stated that his lawyer didn't inform him that he had to transfer license to new owner. Norman and Elizabeth Berkowitz appeared in favor.

No one in opposition.

Hearing held.

Granted by a hand vote with the following stipulations:

Applicants agree that at all times during the term of these Licenses, the businesses they operate will comply with all city, state and federal laws and regulations.

Hours of Operation: 8:00am-7:00pm M-F, 8:00am-1:00pm Sat, closed Sundays & legal holidays.

Hours of Operation will be posted outside using a minimum of two (2) inch letters.

161.
HEARINGS (cont'd)

All outside storage of auto parts and/or debris is prohibited.

All outside storage of vehicles is prohibited along street on Meadowbrook Road side of property after hours of operation listed above.

All vehicles associated with this business must be parked off street.

All vehicle repair work must only be undertaken inside Unit #7 garage building.

A total of 25 parking spaces (13 for repairs and 12 for related auto sales covered by separate license) are shown on the parking plan prepared by Land Surveyors Inc. dated 7-26-19, which was submitted with the application; said spaces must be properly striped with four (4) inch wide stripes including cross hatched sections.

Signage posted on building will mark Applicant's parking spaces as set forth in #8 above.

No wrecked, damaged or dismantled motor vehicles or parts thereof will be placed or stored outside at any time.

Applicant acknowledges employing an appraiser as required by MA state law. 12. Any dumpster will be properly fenced per Ordinance and/or state law and shown on plan provided with application.

Vending machines will not be placed outside the building.

All vehicles for repair by the Applicants/License Holder will be stored solely at the licensed premises.

Applicants agree that no illegality will take place on the licensed premises.

Upon acceptance of these Licenses, the Applicants/License Holders acknowledge that any violation of the condition set forth above is punishable by a fine of \$360 per offense per day, and will be the reason for revocation of this license.

Petition of ICC Inc dba Insurance Collision Center, Inc., Admilson Santos, Tr., of 8 Cushing Ave., Apt. 1, Boston, MA for a Transfer of a Motor Vehicle Repair Mechanical License located at 50 Meadowbrook Rd., Unit 7

Attorney Jake Creedon appeared in favor on behalf of the petitioner. Norman Berkowitz is transferring the property to the petitioners. He states that Councillor Nicastro has come up with stipulations for the three licenses and the petitioners agree to the stipulations. Admilson Santos, Elizabeth Berkowitz and Steven Glass appeared in favor.

Hearing held.

Granted as stipulated in previous petition, by a hand vote.

Petition of ICC Inc dba Insurance Collision Center, Inc., Admilson Santos, Tr., of 8 Cushing Ave., Apt. 1, Boston, MA for a Transfer of a Motor Vehicle Repair Body License located at 50 Meadowbrook Rd., Unit 7

Attorney Jake Creedon appeared in favor on behalf of the petitioner. Norman Berkowitz appeared in favor, as well as Admilson Santos, Elizabeth Berkowitz and Steven Glass.

Hearing held.

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

Granted as stipulated in previous petition, by a hand vote.

REPORTS

498 Of the Real Estate Committee for its meeting of October 30, 2019

Accepted and placed on file.

162.

COMMUNICATIONS

499 From the Interim Superintendent of Schools requesting a supplemental appropriation to the School Department's FY2020 Net School Spending Budget in the amount of \$2,258,845, which represents the Chapter 70 increase in the final FY20 Cherry St. net of the Charter & School Choice revenue and expenses. Also requesting a supplemental appropriation to the School Department's FY20 Non-net School Budget in the amount of \$6,178,493 which represents the amount originally requested for this school year and is needed to continue the busing services for the students of Brockton Public Schools and the New Heights Charter School.

Accepted and placed on file.

500 From the Mayor in accordance with the provisions of M.G.L., recommending an appropriation of \$2,258,845 from: Unappropriated Estimated Receipts-For FY20 of the General Fund (Increase in Chapter 70 Aid) to: Net School Spending, and Further appropriate \$1,178,496 from Net School Spending to: Non Net School Spending

Accepted and placed on file.

501 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$2,258,845 from: Unappropriated Estimated Receipts-For FY20 of the General Fund (Increase in Chapter 70 Aid) to: Net School Spending, and Further appropriate \$1,178,496 from Net School Spending to: Non Net School Spending

Accepted and placed on file.

502 From the Acting Chief of Police requesting authorization to expend grant monies related to the FY2019 Law Enforcement-Based Victim Specialist Program from the Office of Justice Programs/Office for Victims of Crime in the amount of \$270,000.00

Accepted and placed on file.

503 From the Mayor in accordance with the provisions of M.G.L., recommending that the City Council authorize the acceptance and expenditure in the amount of \$270,000 from U.S. Department of Justice-Office of Justice Programs-Office for Victims of Crime-FY2019 Law Enforcement-Based Victim Specialist Program Grant to City of Brockton Police Department-FY2019 Law Enforcement-Based Victim Specialist Program Grant Fund. (These funds will be used to fund the salary and fringe benefits of a victim advocate for the Brockton Police Department for three years. The award will also be used to purchase a laptop, printer, filing cabinet, and office supplies for the advocate and funds will allow for the department to enter into a procurement contract with Family and Community Resources, Inc., to provide services to domestic violence victims). No match required.

Accepted and placed on file.

504 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure in the amount of \$270,000 from U.S. Department of Justice-Office of Justice Programs-Office for Victims of Crime-FY2019 Law Enforcement-Based Victim Specialist Program Grant to City of Brockton Police Department-FY2019 Law Enforcement-Based Victim Specialist Program Grant Fund.

Accepted and placed on file.

505 From the Mayor in accordance with the provisions of M.G.L., recommending the transfer of \$4,500,000 from: Health Insurance Employee Benefits to: Non Net School Spending

Accepted and placed on file.

163.
COMMUNICATIONS

- 506** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$4,500,000 from: Health Insurance Employee Benefits to: Non Net School Spending

Accepted and placed on file.

- 507** From the Mayor in accordance with the provisions of M.G.L., recommending the following appropriation of \$790,000 from: Unappropriated Estimated Receipts-for FY20 of the General Fund to: Non Net School Spending \$500,000, Police Department-Purchase of Services-Other Contracted Services (for the purchase of new police cruisers for the Traffic Division) \$150,000, Public Property-Purchase of Services-Other Contracted Services (for a feasibility and design study for the Little Red School house at Brockton High School) \$50,000, War Memorial-Purchase of Services-Other Contracted Services (for office renovations) \$30,000, Finance Department-Department Repair/Equipment (for renovations and move of the Finance Department) \$30,000, Animal Control-Purchase of Services-Other Contracted Services (for a design study for a new building) \$30,000

Accepted and placed on file.

- 508** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$790,000 from: Unappropriated Estimated Receipts-for FY20 of the General Fund to Various Departments.

Accepted and placed on file.

- 509** From the DPW Commissioner requesting that the City Council authorize the acceptance and expenditure in the amount of \$68,000 from Massachusetts Department of Environmental Protection (MASSDEP)-Sustainable Materials Recovery Program Grant to Department of Public Works-Refuse Division-Sustainable Materials Recovery Program Grant Fund. (These funds will be used for the City's Solid Waste and Recycling Program). No Match required.

Accepted and placed on file.

- 510** From the Mayor in accordance with the provisions of M.G.L., recommending that the City Council authorize the acceptance and expenditure in the amount of \$68,000 from Massachusetts Department of Environmental Protection (MASSDEP)-Sustainable Materials Recovery Program Grant to Department of Public Works-Refuse Division-Sustainable Materials Recovery Program Grant Fund. (These funds will be used for the City's Solid Waste and Recycling Program). No Match required.

Accepted and placed on file.

- 511** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure in the amount of \$68,000 from Massachusetts Department of Environmental Protection (MASSDEP)-Sustainable Materials Recovery Program Grant to Department of Public Works-Refuse Division-Sustainable Materials Recovery Program Grant Fund.

Accepted and placed on file.

- 512** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommend that the City Council authorize the total appropriation of \$5,457,233 using the form of order with language as 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 the following costs:
- | | |
|--|-----------|
| Cemetery Department-Capital:
(for a cemetery expansion) | \$650,000 |
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164.
COMMUNICATIONS (cont'd)

Fire Department-Capital (for 2 fire pumper trucks)	\$1,260,000
Information Technology-Capital (for Information Technology software, computer equipment, radio dispatch, microwave and GIS)	\$448,000
Department of Public Works-Water Division-Capital (for US Filter CPL Treatment Plant, Water Main Replacement Program)	\$1,126,233
Parks & Recreation-Capital (for various capital items)	\$1,973,000

Accepted and placed on file.

- 513** 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 \$5,457,233, to provide funding to pay the following costs:

Cemetery Department-Capital: (for a cemetery expansion)	\$650,000
Fire Department-Capital (for 2 fire pumper trucks)	\$1,260,000
Information Technology-Capital (for Information Technology software, computer equipment, radio dispatch, microwave and GIS)	\$448,000
Department of Public Works-Water Division-Capital (for US Filter CPL Treatment Plant, Water Main Replacement Program)	\$1,126,233
Parks & Recreation-Capital (for various capital items)	\$1,973,000

Accepted and placed on file.

- 514** From the Acting Chief of the Police Department requesting authorization to accept and expend additional sub-recipient grant award in the amount of \$13,380.64 from Plymouth County District Attorney's Office-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant to Brockton Police Department-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant Fund. (These sub-recipient grant funds will pay for overtime incurred by detectives of the Brockton Police Department conducting night light rides with Parole, Adult Probation, and Juvenile Probation Officers. These funds will also be used for overtime incurred when detectives and/or officers of the BPD conduct hot spot patrols and other activity required by the Plymouth County DA's office). There is no match required.

Accepted and placed on file.

- 515** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of additional sub-recipient grant award in the amount of \$13,380.64 from Plymouth County District Attorney's Office-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant to Brockton Police Department-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant Fund. (These sub-recipient grant funds will pay for overtime incurred by detectives of the Brockton Police Department conducting night light rides with Parole, Adult Probation, and Juvenile Probation Officers. These funds will also be used for overtime incurred when detectives and/or officers of the BPD conduct hot spot patrols and other activity required by the Plymouth County DA's office). There is no match required.

Accepted and placed on file.

- 516** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure of additional sub-recipient grant award in the amount of

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COMMUNICATIONS (cont'd)

\$13,380.64 from Plymouth County District Attorney's Office-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant to Brockton Police Department-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant Fund.

Accepted and placed on file.

- 517** From the Mayor's Office Director of Social Services requesting that the City Council authorize the appropriation of the state legislative earmark in the amount of to \$50,000 from Department of Public Health's Bureau of Substance Addiction Services-Legislative Earmark Funding to Mayors Office- Legislative Earmark Funding Fund. (These funds will be used for the Champion Plan). Since February 2016 the Champion Plan has helped 795 individuals and made 1285 placements into treatment providing follow up services. No match required.

Accepted and placed on file.

- 518** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of the state legislative earmark in the amount of to \$50,000 from Department of Public Health's Bureau of Substance Addiction Services-Legislative Earmark Funding to Mayors Office- Legislative Earmark Funding Fund. (These funds will be used for the Champion Plan). Since February 2016 the Champion Plan has helped 795 individuals and made 1285 placements into treatment providing follow up services. No match required.

Accepted and placed on file.

- 519** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of the state legislative earmark in the amount of to \$50,000 from Department of Public Health's Bureau of Substance Addiction Services-Legislative Earmark Funding to Mayors Office- Legislative Earmark Funding Fund.

Accepted and placed on file.

- 520** From the DPW Commissioner requesting that the City Council authorize the acceptance and expenditure in the amount of \$5,000 from Massachusetts Department of Environmental Protection (MASSDEP)-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant to Department of Public Works-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant Fund. (These funds will be used to purchase 1 Battery Electric Vehicle).

Accepted and placed on file.

- 521** From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure in the amount of \$5,000 from Massachusetts Department of Environmental Protection (MASSDEP)-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant to Department of Public Works-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant Fund. (These funds will be used to purchase 1 Battery Electric Vehicle).

Accepted and placed on file.

- 522** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance and expenditure in the amount of \$5,000 from Massachusetts Department of Environmental Protection (MASSDEP)-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant to Department of Public Works-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant Fund.

Accepted and placed on file.

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UNFINISHED BUSINESS (cont'd)

- 534** From the Mayor appointing Ralph Cirelli effective November 7, 2019, as Interim Commissioner of Buildings and Public Properties for a period of 60 days for the City of Brockton pursuant to M.G.L., Ch. 41, Section 61A.

Accepted and placed on file.

- 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) (IN CITY COUNCIL, OCTOBER 28, 2019, PASSED TO A THIRD READING BY 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.

- 443** Order: An Order to delete Section 2-141 Wage and Personnel Board in its entirety. (FAVORABLE) (IN CITY COUNCIL, OCTOBER 28, 2019, PASSED TO A THIRD READING BY HAND VOTE)

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

- 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) (IN CITY COUNCIL, OCTOBER 28, 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 Monahan absent.

- 173** Ordered: The City of Brockton grants to 28 Petronelli LLC an easement over Petronelli Way (formerly Ward Street) to maintain the existing balconies, so long as the balconies exist, on the premises known as 28 Petronelli Way, Brockton, MA. And further that the City Council authorizes the Mayor to execute the "Grant of Easement and Agreement" and to take other actions as necessary to carry out the terms, purposes and conditions of the same. (FAVORABLE)

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

- 379** Ordered: that the Mayor and/or Real Estate Custodian be authorized to accept on behalf of the City of Brockton a parcel of land containing approximately 1.4121 acres, located at and known as Plot 3, 0 Bridge Street, more particularly described as Parcel Identification Number : 128-337. (FAVORABLE)

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

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

Councillor Nicastro states that she serves as chair of Real Estate and at the meeting at the end of October this was approved by a vote of 4 to 1, and she was the dissenting voter and she will be a dissenting voter tonight. She wanted to point out that the Abutter's Lot

UNFINISHED BUSINESS (cont'd)

Program was passed by the City Council in July of 1998 to provide abutting land owners with the first opportunity to acquire an abutting parcel that the city acquired by tax title.

The purpose of this was to reclaim vacant lots to beautify ones space and to make the city neighborhoods healthier and happier places to live. At that time, the state delegation and some of the City Councillors were very concerned with density and the increasing density of houses. So they created this program. This property was one of the first properties to go into this program. She supports leaving it in the Abutter's Lot Program. Her comments are not personal and we have to live with the consequences of what we do and she believes in the integrity of this program. It is a great idea. It should continue. To lift this restriction kind of guts the program and we're going to have the floodgates open with everyone else trying to take their property out of the Abutter's Lot Program. There was a mistake made, as is often the case in Brockton. There was no enforcement. The Abutter's Lot Program requires that someone who obtains a lot through the program, has to incorporate it into their deed, so that the property they acquire becomes part of a single parcel. Since she has come onto the council, they see repeatedly where that has not happened. Homeowners are not doing it and unfortunately there is no enforcement by the City of Brockton. It's too bad, because this lot should've been incorporated into the existing lot of the person who owns it and that would've been the end of this. So she is speaking out and hoping that this lifting of the restriction will fail.

Councillor Asack stated that the lot is in Ward 7 and she wanted to remind everyone that this lot has been before the numerous times in request to lift the restriction. They have researched it and worked with the Law Department and the Assessors Office and when, now Mayor Rodrigues was Councillor Rodrigues, and he was Chair of the Real Estate Committee, they voted to lift the restriction and he actually gave the person a dollar amount for the purchase. She has served on the Real Estate Committee now for numerous years and this lot was not part of the Abutter's Program, the program is a 3,000 square feet requirement. This lot is over 5,000 square feet. They tried to find out why a restriction was placed on it. They weren't able to get any information on it. She has worked with the Clerk's Office and the Law Office. It's just a large size lot to keep empty. The owner has worked with them in trying to have this restriction lifted. She hopes her colleagues will support this. To leave this lot empty just doesn't make any sense. The owner lives next door to it and he is looking to beautify it. He keeps it clean and keeps it in order. They have researched it and found no reason for the restriction. Councillor Charlie Logan put the order in, but he isn't around to ask why. It is up to her colleagues as to how they vote, but they need the correct information. It was not part of the Abutter's Lot Program.

Councillor –At-Large McGarry stated that he was on the Council in 1998. The conversation did trigger some memories, through the council to the Chair to the Councillor of Ward 4. At that time, the issue was on lot sizes and 5,000 square feet were grandfathered at that time. Those that were not a part of a property or being held by a family and were being built on and developers were going around trying to find any 5,000 square foot lot that was grandfathered to build on, we were trying to adhere to the newer zoning changes if a lot size at that time and to beautify and keep some green space, because anyone at that time was trying to build anything that they could on any size lot that was in the legal limit. If it was done by Councillor Logan back at that time, he's sure he had great reasons to put that property in. He was always on top of that. He was always involved with the D.W. Field Projects and was very conservation conscious and very involved in those different issues. He wanted to provide a little historical background as to what was going on around 1998 and what the thought of the council was. They were trying to protect green space in the city.

Councillor Farwell stated that this has been before us before and in 2002 our colleagues made an informed decision to sell this lot for \$3,400 with a deed restriction. The owner who took possession of that land did so willingly and agreed to the deed restriction, was very happy to pay the taxes all these years on a mere \$3,400 valuation on the land, but now wants them to release the deed restriction, because he dare says that a house lot in

UNFINISHED BUSINESS (cont'd)

Brockton is worth anywhere from \$80,000 to \$100,000, so they will have sold him a piece of property which he now wants to convert over to a buildable lot and make a substantial profit. He hasn't read and he has absolutely no evidence that the council back in 2002 did the wrong thing. It seems to him that them as councilors, should honor the work and the decisions made by prior councils, unless there is some overwhelming public reason why they shouldn't do so. This to him, and he is going to call it the way he sees it is pure favoritism. Think of the people who might've purchased that lot if they thought it was going to be buildable, but instead they put a deed restriction on it. He understands that there have been meetings with the Law Department and he has spoken with the solicitor and the councilor is not a lawyer but the solicitor is concerned about unjust enrichment. That if you put restrictions on a lot that negated those people that might've bid on that lot and all of the other people that have purchased lots from the city who have a deed restriction, they want the same benefit. They would like to come forward perhaps and have those restrictions lifted. So, he does not see how this benefits the city. He is willing to pay, he thinks the figure is \$22,000, is that the going price for negating the work of a prior council? Is that what they're all about? He ran on no favoritism and he's not about to vote tonight to turn around and let a gentleman who bought a lot for \$3,400 and we lift the restriction and he might turn around and sell it for \$100,000. He's just not going to do it.

Councillor Sullivan questioned the members of the Real Estate Committee, if Attorney Nessralla provide any documents or participate in that hearing?

Councillor Asack stated that he had. He sent a communication and a letter to the chair, but he wasn't present at the meeting. She understands how everyone feels, but this is by no means favoritism on her behalf. She does not know the person that wants to purchase it just that he is a constituent of her ward. With all due respect, she respects the current councillors and past councilors, but she believes it is their job to do their research and do what's right. To her, to have a lot this size right off of N. Main St., it's not in a neighborhood, she doesn't know how long it is going to stay empty for. Her decision is made after much research, talking to different department heads, she is voting for this. Every councilor has to make their own decision and no disrespect to Councillor Charlie Logan that has passed. Maybe as councilors this will teach us when we make decisions or put restrictions, we should make sure it is well explained why we did it.

Councillor Eaniri stated that he sits as a member of the Real Estate Committee and he wasn't involved last year, because he wasn't on the committee, but this year he is. When they met with the gentleman and his Attorney Jake Creedon, they discussed the situation at hand and he heard information coming to the councilor from Ward 7, he does not find a problem with this. He takes a little offense hearing now that they are showing favoritism. It seems like if we're not showing favoritism, then it's said we're working deals behind closed doors. He was accused of doing that some time ago from a couple of councilors. That doesn't help us when I think we are trying to do something in the best interest of the city. He understands things happen and in the future things might come back and bite him, and they will say it happened 17 years ago in Ward 3 and it did when he was councilor. But now we're talking about something different where the gentleman wants to purchase this property and build a home for his family and Councillor Asack can verify that. He doesn't believe that the gentleman is out to make a buck. He is trying to take care of his family. With that being said, he is going to support it and he believes he is doing what is in the best interest for the people of the city. Keep in mind there are grandfathered lots such as one on Wyoming Ave. that has no backyard or front yard and there's a house on it. That is what happened 30 or 40 years ago they let this happen, now we're looking at this. The committee was working in the best of the city.

Councillor Lally stated that he is a member of the Real Estate Committee and he will be voting for this. He doesn't think any of the committee knew Mr. Gomes before this case started. It wasn't a case of, oh we know you, so we'll help you. It was a case of a prior council making a decision and this council having its own decision to make. Do we stick with that decision or do we overturn it. We have the ability to overturn it. It isn't a slap in

UNFINISHED BUSINESS (cont'd)

the face to past council, if they do something as this body, this legislative council. Times change, things evolve. If you tell him that things this council has done is locked in forever and ever, well he's 22 and he would have nothing to look forward to. In all seriousness, this is a very large space, not something that you would typically find in the Abutter's Lot Program. These are problems that re throughout the city and as Ward 4 councillor has said that we should not have. They were supposed to be merged, but they were not .As Councillor Eaniri stated, he is doing this for his family. He didn't fly in here from the middle of nowhere to profiteer one moment here and gone the next. He thinks it has merit. If they need to revisit these lots then they can on a case by case basis or in general, that might be something that they have to do. It's not something as a body that they can shy away from. Just as the past council who created it, it is their responsibility.

Councillor Nicastro stated that the day of the Real Estate meeting Solicitor Nessralla and John O'Donnell did not support this. Our ordinance section 2-302 which sets forth the Abutter's Lot Program, says in A. regulations for the program shall be promulgated and periodically published and rules and regulations shall be approved by the Mayor and City Council . At this time all we have is this ordinance. Maybe it's time for the council to make some rules and regulations to lay out parameters or reasons that are serious enough to consider lifting the lot restrictions.

Councillor Farwell we're here to do what is best for the City of Brockton. For those there that support this, explain to him how selling a piece of property to someone for \$3,400 and then taking the deed restriction off of the property making it worth \$80,00 to \$100,000 benefits the public. And all of this talk about he wants to do something for his family, is there any restriction that it has to be maintained or owned by this person or could he put it up for sale? There's nothing preventing this gentleman from selling this property as a buildable lot if you lift the restriction. So where is the public benefit? Where are we protecting the interest of taxpayers? We sold it for \$3,400, now we're going to make it worth \$100,000 or \$80,000 and that's a good deal for the people who live here. Because it was their property when we sold it. It wasn't the City Council's property, it wasn't the Mayor's property. It was owned by the City of Brockton and the people who live here. So forgive him for being a little passionate, but he can see a deal when he has it right in front of him.

Councillor Asack stated that she doesn't want to go on and on about this, because, once again, this has been going on for two years, but right now for tax revenues for the City of Brockton, it is not bringing much tax revenue. If the restriction is lifted and he pays the difference in the taxes over all these years, which is a figure that came from the Assessor's Office, he will be able to put a multifamily and it will bring in more tax revenue to the City of Brockton. Maybe that's how he's giving back to the City of Brockton. Going back to the Assessor and Solicitor not being in favor, is because we have the situation throughout the city and it will cause other property owners to ask that the restriction be lifted. Because of our fears to deal with the situation, shouldn't be a reason to penalize the property owner. He owns the property next door to the lot and maintains it. Whichever way it goes, she has no problem supporting it, because she has done her homework and research.

Councillor Sullivan, as a point of information, some of the council members have been there awhile, and Jim D'Ambrose, former City Solicitor, and Philip Nessralla, current Solicitor as well as Mark Gildea, former legal counsel for the city and former Councillor Paul Studenski had an issue with this same situation; someone getting the deed restriction lifted and then flipping the property. It had been discussed. That being said, does anyone who is not on the Real Estate Committee, need the amendment read?

The amendment is read. The amendment passed by a hand vote.

Adopted, as amended, by a roll call vote taken by "yeas" and "nays"; ten members present with five voting in the affirmative. Councillors Farwell, McGarry, Nicastro and Sullivan voting in the negative. Councillors Cruise and Monahan absent.

170.
ORDERS

523 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, for consideration of One Dollar (\$1.00) to construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an "Underground Electric Distribution System" located in, through, under, over, across and upon a parcel of land situated on the northerly side of Lincoln Street and southerly side of Church Street being designated as Lot 51 on the City of Brockton's Tax Assessors Plat 110.

Referred to Finance

524 Ordered: That the Mayor and/or Treasurer/Collector be authorized to execute any and all documents necessary to convey the property consisting of 2,009 square feet, located and known as Plot 16-3, 0 Centre Street, Parcel ID: 152-022 to Gregory Jameau, 65 Manchester Street, Brockton MA 02301 for the purchase price of One Thousand Dollars (\$1,000.00). Said property to be sold under the Abutter Lot Program and to be sold with a permanent non-buildable restriction. Said property shall also merge with abutting lot of the purchaser.

Referred to Real Estate

525 Ordered: Acceptance and expenditure in the amount of \$270,000
From: U.S. Department of Justice-Office of Justice Programs-Office for Victims of Crime-FY2019 Law Enforcement-Based Victim Specialist Program Grant
To: City of Brockton Police Department-FY2019 Law Enforcement-Based Victim Specialist Program Grant Fund.

Referred to Finance

526 Ordered: Appropriation of \$2,258,845
From: Unappropriated Estimated Receipts-For FY20 of the General Fund (Increase in Chapter 70 Aid)
To: Net School Spending, and Further Appropriate \$1,178,496
From: Net School Spending
To: Non Net School Spending

Referred to Finance

527 Ordered: Transfer of \$4,500,000
From: Health Insurance Employee Benefits
To: Non Net School Spending

Referred to Finance

528 Ordered: Appropriation of \$790,000
From: Unappropriated Estimated Receipts-for FY20 of the General Fund
To: Various Departments

Referred to Finance

529 Ordered: Acceptance and expenditure in the amount of \$68,000
From: Massachusetts Department of Environmental Protection (MASSDEP)-Sustainable Materials Recovery Program Grant
To: Department of Public Works-Refuse Division-Sustainable Materials Recovery Program Grant Fund.

Referred to Finance

171.
ORDERS (cont'd)

- 530** Ordered: Acceptance and expenditure of additional sub-recipient grant award in the amount of \$13,380.64 from Plymouth County District Attorney's Office-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant
To: Brockton Police Department-FY17 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) Grant Fund.

Referred to Finance

- 531** Ordered: Appropriation of the state legislative earmark in the amount of to \$50,000
From: Department of Public Health's Bureau of Substance Addiction Services-Legislative Earmark Funding
To: Mayors Office- Legislative Earmark Funding Fund.

Referred to Finance

Councillor Farwell questioned item #530, should it be FY2017?

The Council President stated that the communications stated 2017 and they will address this in Finance Committee.

- 532** Ordered: that sum of \$5,457,233 is appropriated to pay various capital costs as set forth, including the payment of all costs incidental and related thereto: to Cemetery Department-\$650,000, Fire Department-\$1,260,000, Information Technology Total-\$448,000, Water Department Total-\$1,126,233 and Parks and Recreation Total-\$1,973,000

Referred to Finance

- 533** Ordered: Acceptance and expenditure in the amount of \$5,000
From: Massachusetts Department of Environmental Protection (MASSDEP)-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant
To: Department of Public Works-Massachusetts Electric Vehicle Incentive Program (MASSEVIP) Grant Fund.

Referred to Finance

LATE FILES

Councillor Eaniri motioned to accept 2 late files and act on them tonight and was properly seconded. The motion carried by a hand vote.

- 535** From the Mayor in accordance with the provision of M.G.L., recommending that the City Council rescind the following appropriation if \$150,000 that was in City Council and approved on July 22, 2019, From Available Funds-Free Cash To School Department \$150,000 (in order to fund a complete feasibility study for the Huntington Therapeutic Day School).The purpose of rescinding the order is due to guidelines set by the Department of Revenue. He asks that it be taken under suspension of the rules, so the appropriation can be approved before setting the tax rate.

Accepted and placed on file.

- 536** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the rescinding proposed appropriation of \$150,000 From Available Funds-Free Cash To School Department \$150,000

Accepted and placed on file.

172.
LATE FILES (cont'd)

537 Ordered: That the City Council rescind the following appropriation of \$150,000 that was in City Council and approved on July 22, 2019,
From: Available Funds-Free Cash
To: School Department \$150,000

538 From the Mayor in accordance with the M.G.L., Ch. 44, recommending the following appropriation of \$150,000 from: Unappropriated Estimated Receipts-for FY20 of the General Fund to School Department (in order to fund a complete feasibility study for the Huntington Therapeutic Day School).

Accepted and placed on file.

539 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$150,000 from Unappropriated Estimated Receipts-for FY20 of the General Fund to School Department

Accepted and placed on file.

540 Ordered: Appropriation of \$150,000
From: Unappropriated Estimated Receipts-for FY20 of the General Fund
To: School Department

Councillor Eaniri motioned to act on item # **540** tonight and was properly seconded. The motion carried by a hand vote.

Councillor Cruise questioned if those were 2 orders?

The Council President stated that the first order was a rescission and the second was an appropriation.

The Clerk to the Council explained that the money that they wanted to take from one fund should have been a different fund, so they want to rescind the order and take it from another fund. The amount is the same, as well as the purpose.

A roll call vote was needed regarding the Order rescinding the money.

Councillor Cruise asked where the rescission was from, what fund?

The Council President stated that the original Order stated that it was from Free Cash.

Councillor Cruise asked if they were returning it to Free Cash.

The Clerk to the Council stated, yes as they are not going to use it.

Councillor Cruise was confused on this, because in his 14 years as being a councilor they were never asked to rescind and order of an appropriation. They would just leave it there and not use it.

Councillor Farwell stated that the Department of Revenue certifies Free Cash every year. They don't want us to take money out of it, because they're in the process of certifying it. It was a technical error by the CFO to put Free Cash. It should've been Unappropriated Receipts and the only reason he knows that is he happened to engage in a conversation with the Auditor about a range of things and she said that this would be coming before the council. He kind of knew that from prior experience.

Councillor Cruise on the motion, do we really have a need for the rescission, or can they vote to appropriate the funds and get more information from the CFO relative to the rescission? He is not comfortable with something that they have never done in 14 years.

173.
LATE FILES (cont'd)

He stated that the first order shouldn't interfere with the second order. He would like to have a conversation with the CFO regarding the rescission.

Councillor Cruise motioned to refer order **#537** to Finance Committee and was properly seconded. The motion carried by a hand vote.

Order **# 540** was adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councillor Monahan absent.

Councillors' Recognition

The Council President thanked everyone that participated in the Veteran's Day Parade. Mayor Rodrigues is a Veteran of the U.S. Navy, our new colleague Jeffery Thompson, is a veteran of the U.S. Navy. Dave Farrell, Director of Veteran's Affairs, did a great job as always. He thanked the Jr. ROTC and the Brockton High Band. It was very fitting to have it at the War Memorial Building. Years past we didn't have it there. It was a great day.

Councillor Eaniri requested that on Monday December 9 City Council meeting, that at the conclusion that it's time for us to have an Executive Session to have a follow-up to know where we're at on the Lopes case. The Council President can make a list of the people he wants invited.

The Council President thanked Councillors Beauregard and Derenoncourt for running for office and thanked them for their public service. He also thanked the State Representatives, Claire Cronin Gerry Cassidy and Michele DuBois. He was fortunate enough to go to the Statehouse last week and meet for a half hour with the Speaker of the House and the three Reps. He made it clear to the Speaker that we need additional funding here in Brockton as we move forward.

Councillor Asack motioned to file for reconsideration on item **#442** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Adjourned: 8:07pm

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.