

192.

A regularly scheduled meeting of the City Council was held on Monday December 9, 2019 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. Councilor Sullivan presiding. The meeting was called to order at 7:05pm with ten members present. Councilor Cruise absent.

In City Council, December 9, 2019

The Council President recognizes Mayor Rodrigues and that he had a presentation that would be taken out of order.

Mayor Rodrigues presented citations to members of the Brockton Police Department, who last Tuesday saved a young boy's life from the frigid conditions. The boy could have died were it not for the bravery of our Police Department. Recognized were Officer Sandy Fonseca, Officer William Stafford and Police Canine Gerry and his handler.

President Sullivan added his appreciation to all recognized on behalf of the entire City Council stating these actions exemplify the brave men and women serving the Brockton Police Department.

Councilor Asack arrived at 7:10PM

582 Acceptance of the minutes of the November 25, 2019 City Council meeting.

Accepted and placed on file

APPOINTMENTS

583 Reappointment of Lohan S.O. Moreira as Constable in the City of Brockton for a term of three years.

Referred to Finance

HEARINGS

Petition of ADDP Realty LLC, Alexander Ponomarenko of 7 Ledgeville Avenue, Foxboro, MA for a Transfer of a Garage License located at 2017 Main St., Brockton, MA

John and James Santilli appeared on behalf of the petitioner appeared in favor. Mr. Santilli turned in certified mail receipts.

Councilor Nicastro asked a question regarding the body license. Mr. Santilli stated he was not aware and could only speak to the garage license. Councilor Nicastro stated she would give her contact information so this can be discussed further.

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

Hearing held.

License transfer granted by a hand vote.

Petition of Auto Center Sales & Service, Inc., Alexander Ponomarenko of 7 Ledgeville Avenue, Foxboro, MA for a Transfer of a Motor Vehicle Repair Mechanical License located at 2017 Main St., Brockton, MA (previous owner Alan Veracka, Veracka Motors, Inc.)

John and James Santilli appeared on behalf of the petitioner appeared in favor.

Councillor Nicastro stated that she has no opposition with this petition, but stated when the license is up for renewal in April, she will contact the petitioners regarding proposed changes.

193.
HEARINGS (cont'd)

The address for the petitions is changed from 2017 Main St. to 2074 Main St., due to a scrivener's error.

Hearing held.

License transfer granted by a hand vote.

REPORTS

584 Of the Finance Committee for its meeting of December 2, 2019

Accepted and placed on file

Councilor Nicastro stepped down.

COMMUNICATIONS

585 From the Chief of the Fire Department requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$572,727.27 from Federal Emergency Management Agency (FEMA)-FY2020 Assistance to Firefighters Grant to Brockton Fire Department- FY2020 Assistance to Firefighters Grant Fund. (These funds will be used to purchase a new Fire Engine Truck to replace Engine Company 5). There is a required 10% match in the amount of \$57,272.73 to be appropriated from Ambulance Receipts to Fire Department-Capital.

Accepted and placed on file

Councilor Nicastro returned.

586 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 \$572,727.27 from Federal Emergency Management Agency (FEMA)-FY2020 Assistance to Firefighters Grant to Brockton Fire Department- FY2020 Assistance to Firefighters Grant Fund. (These funds will be used to purchase a new Fire Engine Truck to replace Engine Company 5). There is a required 10% match in the amount of \$57,272.73 to be appropriated from Ambulance Receipts to Fire Department-Capital.

Accepted and placed on file

587 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 \$572,727.27 from Federal Emergency Management Agency (FEMA)-FY2020 Assistance to Firefighters Grant to Brockton Fire Department- FY2020 Assistance to Firefighters Grant Fund. There is a required 10% match in the amount of \$57,272.73 to be appropriated from Ambulance Receipts to Fire Department-Capital.

Accepted and placed on file

588 From the DPW Commissioner requesting to accept monies awarded under the Clean Water State revolving Fund Program (CWSRF) from the Massachusetts Department of Environmental Protection in the amount of \$150,000. The City is required to contribute \$50,000 as matching funds, which will be taken from consulting in the Operations Budget and another \$50,000 of in-kind services as a requirement of this grant.

Accepted and placed on file

589 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 \$150,000 from Massachusetts Department of Environmental Protection-Clean Water

194.
COMMUNICATIONS (cont'd)

State Revolving Fund (CWSRF) Grant fund. The grant funds are for the Development of the City's Asset plan for Stormwater Management.

Accepted and placed on file

590 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 \$150,000 from Massachusetts Department of Environmental Protection-Clean Water State Revolving Fund (CWSRF) Grant fund.

Accepted and placed on file

591 From the DPW Commissioner wanting to implement the restructuring of the water rates and establish water and sewer user fees. These changes are necessary to address infrastructure needs throughout the City, as well as reimburse the General Fund.

Accepted and placed on file

592 From the Mayor, as recommended by the CFO and DPW Commissioner, request that Schedule B, so called "Sewer Charges and Fees" of Article III, "Sewer and Sewage Disposal", Chapter 23, Division II, "Rates and Changes", of the Revised Ordinances of the City of Brockton be amended.

Accepted and placed on file

593 From the CFO, recommending adopting the amendments by the Mayor's request that Schedule B, so called "Sewer Charges and Fees" of Article III, "Sewer and Sewage Disposal", Chapter 23, Division II, "Rates and Changes", of the Revised Ordinances of the City of Brockton.

Accepted and placed on file

594 From the City Auditor certifying that the balance of the Ambulance Receipts Reserve Fund as of November 21, 2019 is \$370,832.68

Accepted and placed on file

595 From the Chief of the Fire Department requesting a transfer from the Ambulance Receipts Account for \$25,713.20 to Vehicle Repair and Maintenance. The Fire Department has received an insurance check in the amount of \$31,079. This is the difference to purchase a new vehicle for the Fire Department. The previous vehicle was totaled in a motor vehicle accident.

Accepted and placed on file

596 From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total appropriation of \$25,713.20 From Ambulance Receipts To: Fire Department-Purchase of Services In order to purchase a new vehicle)

Accepted and placed on file

597 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed appropriation of \$25,713.20 From Ambulance Receipts To: Fire Department-Purchase of Services

Accepted and placed on file

195.
UNFINISHED BUSINESS (cont'd)

Councilor Monahan motioned to take items **600 & 602** out of order and was properly seconded. Motioned carried by a hand vote.

Councilor Farwell motioned for the suspension of rules and was properly seconded. Motion carried by a hand vote.

Councilor McGarry motioned for the suspension of rules and was properly seconded. 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 adopted by incorporation of the City of Brockton, Massachusetts Stormwater Management Manual as a new ordinance in the City Brockton Ordinances forthwith. (FAVORABLE AS AMENDED) (IN CITY COUNCIL, NOVEMBER 25, PASSED TO THIRD READING AS AMENDED)

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

- 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 (FAVORABLE AS AMENDED) (IN CITY COUNCIL, NOVEMBER 25, PASSED TO THIRD READING AS AMENDED)

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

- 488** 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-~~201~~. - Definitions. (Relative to Certificate of Fitness) (FAVORABLE AS AMENDED) (IN CITY COUNCIL, NOVEMBER 25, PASSED TO THIRD READING AS AMENDED)

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

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 (POSTPONED FROM NOVEMBER 25, 2019)

Jason Lopes and Alvin DePina appeared on behalf of the petitioner in favor.

Councilor Nicastro thanked the petitioners for working with her and stated she supports this.

Hearing held.

Transfer granted by a hand vote.

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 (POSTPONED FROM NOVEMBER 25, 2019)

Jason Lopes and Alvin DePina appeared on behalf of the petitioner in favor.

196.
UNFINISHED BUSINESS (cont'd)

Councilor Nicastro stated she was aware the co-owner was out of the country. She stated that all agreed to the following stipulations for the mechanical license that will be signed after the hearing.

1. 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.
2. Hours of Operation: 8:00am -7:00pm M-F, 8:00-1:00 Sat., closed Sundays & legal holidays.
3. Hours of Operation will be posted outside using a minimum of two inch letters.
4. All outside storage of auto parts and/or debris is prohibited.
5. All outside storage of vehicles is prohibited on Meadowbrook Road side of property after hours of operation listed above.
6. All vehicles associated with this business must be parked off street.
7. All vehicle repair work must only be undertaken inside Unit#3 garage building.
8. The 13 parking spaces shown on the parking plan submitted with application must be properly striped with four inch wide stripes including cross hatched sections.
9. Signage will be posted on each of the 13 parking spaces shown on parking plan indicating "Parking for <Business Name> and included two spaces dedicated solely for use by employees of Applicant's business.
10. No bonding or spray painting of vehicles will be performed on site unless and until Brockton Fire Department approves a completed paint booth in writing.
11. No wrecked, damaged or dismantled motor vehicles or parts thereof will be placed or stored outside at any time.
12. Any dumpster will be properly fenced per Ordinance and/or State law and shown on plan provided with application.
13. Vending machines will not be placed outside of the building.
14. Further, this license is specifically conditioned upon the Property Owner obtaining and maintaining a Garage License.
15. Upon acceptance of these Licenses, the Applicant/License Holder acknowledges 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.

Councilor Nicastro stated that any future transfer must go through this same application process.

Hearing held.

Transfer granted with stipulations attached by a hand vote.

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 (POSTPONED FROM NOVEMBER 25, 2019)

Jason Lopes and Alvin DePina appeared on behalf of the petitioner in favor.

Councilor Nicastro stated the body license would have the same stipulations as the previous mechanical license and was in support of this transfer.

197.

UNFINISHED BUSINESS (cont'd)

Hearing held.

Transfer granted with stipulations attached by a hand vote.

Councilor Nicastro stepped down.

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 Plot 110. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilors Cruise and Nicastro absent.

574 Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, For consideration of One (\$1.00) Dollar, hereby grants to Massachusetts Electric Company, the perpetual right and easement to install, 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 upon a parcel of land situated on the westerly side of Warren Avenue, Brockton, Massachusetts. And further that the City Council authorizes the Mayor to execute the "Grant of Easement" 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"; nine members present and all voting in the affirmative. Councilors Cruise and Nicastro absent.

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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilors Cruise and Nicastro absent.

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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councilors Cruise and Nicastro absent.

Councilor Nicastro returned.

571 Ordered: Acceptance and expenditure of a donation in the form of two (2) buses
From: Brockton Area Transit (BAT)
To; City of Brockton-Fire Department (total estimated value of \$7,600) (FAVORABLE)

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

198.

UNFINISHED BUSINESS (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. (FAVORABLE)

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

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. (FAVORABLE)

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

530 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. (FAVORABLE)

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

580 Ordered: that the City Council dedicate the following percentage, which may not be less than 25 percent, of the local option excise on retail marijuana sales revenues collected under M.G.L., Ch. 64N ss 3 to the Community Impact Stabilization Fund established under M.G.L., CH. 40, Sec. 5B effective for FY2020 beginning July 1, 2019, or take any other action relative thereto. (FAVORABLE AS AMENDED)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and nine voting in the affirmative. Councilor Nicastro voted in the negative. Councilors Cruise absent.

527 Resolve: to invite the chair of the Brockton Retirement Board (William Farmer) to inform the city council on any updates and any changes retirees should expect and any new policies implemented. (FAVORABLE)

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

ORDERS

598 Ordinance: That Schedule B, so called “Sewer Charges and Fees” of Article III, “Sewer and Sewage Disposal”, Chapter 23, Division II, “Rates and Changes”, of the Revised Ordinances of the City of Brockton be amended.

Councilor Farwell stated a point of parliamentary inquiry that he didn’t believe there was sufficient time to process this matter and asked if it would be in order to table this and refile after January.

President Sullivan stated there are two options, to refer order to ordinance committee where it would die at the end of the legislative session or to table the matter.

Referred to Ordinance

199.
ORDERS (cont'd)

599 Ordered: That the Mayor be authorized to accept, on behalf of the City of Brockton, a parcel of land consisting of 2,609 square feet, more or less, located at 700 Oak Street, owned by Brockton Oak Street LLC, more particularly described as "Parcel A" as shown on "Plan of Land, Oak Street, Brockton, MA" dated January 11, 2019 and recorded with the Plymouth County Registry of Deeds in Plan Book 63, Page 661 on June 28, 2019. Said conveyance will correct an encroachment of the city sidewalk upon the property owned by Brockton Oak Street LLC.

Referred to Finance

600 Ordered: acceptance and expenditure of the total grant funds in the amount of \$572,727.27
From: Federal Emergency Management Agency (FEMA)-FY2020 Assistance to Firefighters Grant
To: Brockton Fire Department- FY2020 Assistance to Firefighters Grant Fund.

Deputy Chief Albanese from Brockton Fire Department was available for questions regarding the grant. The grant was written to replace Engine Co. 5 on the West side from 1996 and stated looking to do this quickly since the grant needs to be closed with a year of when the award was granted.

President Sullivan made a point of information during the budget process, it was budgeted for two fire trucks and this grant would be used for purchasing a third truck.

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise absent. Councilor McGarry motion for reconsideration with the hope that it would not prevail and was properly seconded. Reconsideration failed by a hand vote.

601 Ordered: Acceptance and expenditure of the grant award in the amount of \$150,000 from Massachusetts Department of Environmental Protection-Clean Water State Revolving Fund (CWSRF) Grant fund.

Referred to Finance

602 Ordered: total appropriation of \$25,713.20 From Ambulance Receipts To: Fire Department-Purchase of Services In order to purchase a new vehicle)

Deputy Albanese stated this grant was to be used to equipment on a command vehicle that was involved in an accident. Insurance covered the replacement of the vehicle, but did not cover the equipment (lights,sirens,lettering) The vehicle has already been purchased, this is needed for completion.

Adopted by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor Cruise absent. Councilor McGarry motion for reconsideration with the hope that it would not prevail and was properly seconded. Reconsideration failed by a hand vote.

603 Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the Presidential Primary will be held on Tuesday, March 3, 2020 in various designated polling places.

Councilor Beauregard motioned for the suspension of rules since this matter was time sensitive and was properly seconded. Motion carried by a hand vote.

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and nine voting in the affirmative. Councilor Nicastro voted in the negative. Councilors Cruise absent.

Executive Session- for the purpose of discussing pending legal matters of the City of Brockton

200.

President Sullivan stated that Executive Session would be postponed to a later date.

Councilor’s Recognition

Councilor Eaniri stated there would be a Accounts meeting at December 01,2019 at 5:30PM in the Council committee room.

Councilor Nicastro stated the next Real Estate meeting will be December 16, 2019 at 6:00PM in the Council committee room.

Councilor Beauregard commended all volunteers for their dedication and hard work on the Holiday Parade to make it a success. She also commended Lynn Smith for her annual mobilizing “The Night Before Christmas.” She added that Brockton continues to lose our WWII veterans with the passing of who she called Bert, who was 94 and until two years

ago continued to volunteer at the kids’ road races and Jingle Bell run. He had received two purple hearts and we thank him for his service. She also thanked everyone for their condolences from the passing of her mother.

President Sullivan asked for a moment of silence in honor of Councilor Beauregard’s mother.

Mayor Rodrigues reminded all that the upcoming 125th Gala for City Hall will be on Saturday, December 14th stating the building will be transformed into a party place. Tickets are still available.

President Sullivan stated that all councilor elects must be here for the next meeting for a caucus to choose the next Council President and to select slots for seat assignments.

Meeting adjourned at 7:50PM

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.