

In City Council, December 9, 2019

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

APPOINTMENTS:

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

HEARINGS:

3. 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
4. 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.)

REPORTS:

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

COMMUNICATIONS:

6. 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.
7. 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.
8. 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.
9. 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.
10. 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 State Revolving Fund (CWSRF) Grant fund. The grant funds are for the Development of the City's Asset plan for Stormwater Management.
11. 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.

12. 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.
13. 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.
14. 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.
15. From the City Auditor certifying that the balance of the Ambulance Receipts Reserve Fund as of November 21, 2019 is \$370,832.68
16. 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.
17. 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)
18. 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

UNFINISHED BUSINESS:

19. 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)
20. 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)
21. 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) (FAVORABLE AS AMENDED) (IN CITY COUNCIL, NOVEMBER 25, PASSED TO THIRD READING AS AMENDED)

22. 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)
23. 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)
24. 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)
25. 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)
26. 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)
27. 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)
28. 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)
29. 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)
30. 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)
31. 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)

32. 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)
33. 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)
34. 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)

ORDERS:

35. 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.
36. 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.
37. 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.
38. 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.
39. Ordered: total appropriation of \$25,713.20 From Ambulance Receipts To: Fire Department-Purchase of Services In order to purchase a new vehicle)
40. 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.

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

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.