

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding. The meeting was called to order at 8:00pm with eleven members being present.

In City Council May 11, 2015

Councillor Sullivan motioned to take item **#240** under suspension of the rules and was properly seconded. The motion carried by a hand vote.

The clerk read item **#243** before reading item **#240**

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. Councillor Asack motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Michael Williams thanked the councillors, Mayor, his wife Michelle and his daughter Amanda, friends and Chief Francis for the opportunity to serve as Fire Chief.

A two minute recess was called.

Back in session

Councillor Sullivan motioned to take items **#228-236** collectively and was properly seconded. The motion carried by a hand vote.

APPOINTMENTS

- 228** Of Joe Miranda to the rank of Police Officer in the Brockton Police Department.
- 229** Of Jonathan Correia to the rank of Police Officer in the Brockton Police Department.
- 230** Of Evans Joseph to the rank of Police Officer in the Brockton Police Department.
- 231** Of Franck Coulanges to the rank of Police Officer in the Brockton Police Department.
- 232** Of David Luu to the rank of Police Officer in the Brockton Police Department.
- 233** Of Isaiah Callahan to the rank of Police Officer in the Brockton Police Department.
- 234** Of Ryan Quirk to the rank of Police Officer in the Brockton Police Department.
- 235** Of Jose Rodrigues to the rank of Police Officer in the Brockton Police Department.
- 236** Of Derek Scully to the rank of Police Officer in the Brockton Police Department.

Referred to Finance

- 237** Of Robert Miller, 81 Lester Rd., Brockton as a member of the Cable Advisory Board for a three year term ending May 2017

Referred to Finance

- 238** Of Mozart St. Cyr, 104 Tribou St., Brockton as a member of the Cable Advisory Board for a three year term ending May 2017.

APPOINTMENTS (cont'd)

Referred to Finance

- 239** Of Reginald Thomas, 161 Kevin Rd., Brockton as a member of the Planning Board for a five year term ending May 2020.

Referred to Finance

- 240** Of Michael F. Williams as Chief of the Brockton Fire Department effective May 11, 2015.

HEARINGS

Petition of Trinity Brockton Phase One Limited Partnership and Trinity Brockton Four Phase One Limited Partnership for a Garage license located at 50 Centre St.

Matt Zahler of Trinity Financial appeared in favor.

Councillor DeNapoli stated that this was for the apartments on Centre St.

Councillor Sullivan stated that he was in opposition to the granting, due to the fact that part of the agreement was that Trinity would take care of the Korean War Memorial. He stated that the condition is deplorable and that they breached the representation.

Matt apologized and stated that they have made efforts, but due to the weather they are behind and they are going to be renovating that area in the next month or so.

Councillor DuBois stated that they were promised that it would be kept up. Her uncle died in Korea and they need to clean it up.

Matt asked that they grant the garage license, so that tenants can park there.

Councillor Sullivan motioned that they clean it up and then they can get the license and was properly seconded.

Councillor Stewart questioned the stipulation.

A two minute recess was called.

Back in session

Councillor Sullivan rescinded his motion

Councillor DeNapoli motioned to postpone and was properly seconded. The motion failed by a roll call vote taken by "yeas" and "nays"; eleven members present with five voting in the affirmative. Councillors Asack, Barnes, Cruise, Monahan, Stewart and Studenski voting in the negative.

Councillor Studenski stated that the people need to park there. They would be penalizing the residents, not the owners by doing that. There should be a compromise. He is a veteran also and understand it need to be corrected.

Councillor DeNapoli on the motion asked where the tenants are parking now? Matt stated that they were parking in the garage.

Councillor Sullivan motioned that there be a stipulation that the license will not be issued until the area is cleaned up. Granted, as stipulated, by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

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REPORTS

- 241** Of the Finance Committee for its meeting of May 4, 2015

Accepted and placed on file.

- 242** Of the Ordinance Committee for its meeting of May 5, 2015

Accepted and placed on file.

COMMUNICATIONS

- 243** From Richard Francis submitting a letter of resignation as Chief of Fire Department effective May 9, 2015.

Accepted and placed on file.

- 244** From Paul Morin resigning from the planning board effective April 30, 2015.

Accepted and placed on file.

- 245** From the Superintendent of Parks submitting the approval from the Park Commission's meeting of September 11, 2014 for a donation of two Memorial Benches for the D.W. Field Park. This request was presented by D.W. Field Park Association. All costs associated with these Memorial Benches including installation would be incurred by D.W. Field Park Association. They are submitting this approval to the City Council for their final approval.

Accepted and placed on file.

- 246** From the Mayor recommending that the City Council authorize the acceptance of two (2) Memorial Benches for the D.W. Field Golf Course from D.W. Field Park Association to City of Brockton Park Commission. All costs associated with this Memorial Bench including installation would be incurred by D.W. Field Park Association.

Accepted and placed on file.

- 247** From the CFO in Accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance of the donation of two (2) Memorial Benches for the D.W. Field Golf Course from D.W. Field Park Association to the Brockton Park Commission.

Accepted and placed on file.

- 248** From the Superintendent of Parks submitting the approval from the Park Commission's meeting of March 11, 2015 for a donation of a Memorial Bench for the D.W. Field Golf Course. This request was presented by Dave Moynihan. All costs associated with the Memorial Bench including installation would be incurred by Dave Moynihan. They are submitting this approval to the City Council for their final approval.

Accepted and placed on file.

- 249** From the Mayor recommending that the City Council authorize the acceptance of a Memorial Bench for the D.W. Field Golf Course from Dave Moynihan to City of Brockton Park Commission. All costs associated with this Memorial Bench including installation would be incurred by Dave Moynihan.

Accepted and placed on file.

- 250** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance of the donation of a Memorial Benches for the D.W. Field Golf Course from Dave Moynihan to City of Brockton Park Commission.

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COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 251** From the Executive Director of the Parking Authority requesting a transfer:
- | | |
|---|----------|
| From: Parking Authority Meter Reserve | \$7,200 |
| Personal Services-PT Salaries Other than OT | \$10,000 |
| To: Parking Authority-Snow Removal | \$17,200 |
- (in order to fund the shortfall in snow removal for Fiscal 2015).
These expenses were incurred in snow plowing, sanding and snow removal from the city-owned and leased lots and the Adams Parking Garage, and represent the total balance outstanding for FY2015.

Accepted and placed on file.

- 252** From the Mayor in accordance with M.G.L., Ch. 44, recommending a transfer:
- | | |
|---|----------|
| From: Parking Authority Meter Reserve | \$7,200 |
| Personal Services-PT Salaries Other than OT | \$10,000 |
| To: Parking Authority-Snow Removal | \$17,200 |
- (in order to fund the shortfall in snow removal for Fiscal 2015).
These expenses were incurred in snow plowing, sanding and snow removal from the city-owned and leased lots and the Adams Parking Garage.

Accepted and placed on file.

- 253** From the CFO in Accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer from Parking Authority Meter Reserve and Personal Services PT Salaries Other than Overtime to Parking Authority-Snow Removal

Accepted and placed on file.

- 254** From the DPW Commissioner requesting an appropriation of \$2,025,724 in order to expend funds under the provisions of M.G.L., Chapter 90 FY2016 awarded to the City of Brockton for the purpose of the design and construction costs necessary for approved projects. Further requesting that the order and authorization designate the DPW Commissioner to carry out the work to be performed under the conditions of the Commonwealth of Massachusetts Standard Contract Form.

Accepted and placed on file.

- 255** From the Mayor, in accordance with M.G.L., Ch. 90, Section 34, recommending an appropriation of \$2,025,724 from Available Funds-Brockton's Chapter 90 apportionment for Fiscal 2016 to Highway Transportation Project Funds FY16 (Chapter 90 Projects) to provide funding for the purpose of the design and construction costs necessary for approved projects. Further requesting that the order and authorization designate the DPW Commissioner to carry out the work to be performed under the conditions of the Commonwealth of Massachusetts Standard Contract Form.

Accepted and placed on file.

- 256** From the CFO in Accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$2,025,724 from Available Funds-Brockton's Chapter 90 apportionment for Fiscal 2016 to Highway Transportation Project Funds FY16 (Chapter 90 Projects)

Accepted and placed on file.

UNFINISHED BUSINESS

- 156** Ordinance: An Ordinance amending Chapter 2 of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 2, Article 111, Division 5, Section 2-186. Assistant City Solicitor. (FAVORABLE AS AMENDED)

The amendment passed by a hand vote. Passed to a third reading as amended.

- 224** Transfer of \$275,000
From: Treasurer's Debt-Service
To: Treasurer/Tax Collector-Medicare Tax.
This transfer is necessary to cover the expected shortfall through the remainder of the fiscal year due to cuts to the budget request and because of payroll and overtime costs which were higher than the medicare tax budget anticipated.
(FAVORABLE)

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

- 159** Ordered: That in accordance with Chapter 23, Section 30 (f) (6) of the Revised Ordinances of the City of Brockton, the City Council approves the Brockton Water Commission recommended a 30% increase, - a 15% water rate increase effective July 1, 2015 and another 15% increase effective July 1, 2016. The increase will address the current needs of the Water Division including but not limited to Capital Projects, EPA/DEP Mandates and Aquaria Contract Services as well as personal services. (UNFAVORABLE)

Failed adoption by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the negative.

ORDERS

- 257** Ordinance: An Ordinance amending Ch. 23 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 23, Section 30 (f) (6) water rate increases

Referred to Ordinance

- 258** Ordinance: An Ordinance amending Ch. 23 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 23, Section 30 (f) (6) water rate schedule

Referred to Ordinance

- 259** Ordinance: An Ordinance amending Ch. 27 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton in regards to Chapter 40Q of the M.G.L.

Referred to Ordinance and Planning

- 260** Ordinance: An Ordinance amending Ch. 27 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 27 is hereby amended by amending the Zoning District Map for various plots on Brockton Assessor's Map 181.

Referred to Ordinance and Planning

- 261** Ordered: The DPW Commissioner is authorized to issue 3 single-family sewer connections total, one to each of the following parcels: a,b,c Claremount Ave. (formerly plots 4-5-6-7-8-9 Claremount Ave)

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ORDERS (cont'd)

Referred to Finance

- 262** Ordered: That the City Council authorize the acceptance of two (2) Memorial Benches for the D.W. Field Golf Course From: D.W. Field Park Association To: City of Brockton Park Commission. All costs associated with this Memorial Bench including installation would be incurred by D.W. Field Park Association.

Referred to Finance

- 263** Ordered: That the City Council authorize the acceptance of a Memorial Bench for the D.W. Field Golf Course From: Dave Moynihan To: City of Brockton Park Commission. All costs associated with this Memorial Bench including installation would be incurred by Dave Moynihan.

Referred to Finance

- 264** Ordered: That the City Council of the City of Brockton petitions the Great and General Court under the provisions of Section 8 of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts for an Act as follows: An Act authorizing the City of Brockton to impose a local sales tax on certain sales of medical marijuana.

Referred to Finance

- 265** Appropriation of \$2,025,724
From: Available Funds-Brockton's Chapter 90 apportionment for Fiscal 2016
To: Highway Transportation Project Funds FY16 (Chapter 90 Projects)
(to provide funding for the purpose of the design and construction costs necessary for approved projects).

Referred to Finance

- 266** Transfer of \$17,200
From: Parking Authority Meter Reserve \$7,200
Personal Services-PT Salaries Other than OT \$10,000
To: Parking Authority-Snow Removal \$17,200
(in order to fund the shortfall in snow removal for Fiscal 2015).

Referred to Finance

- 267** Ordered: That the restriction that Plot 25 Ames Street containing about 8,550 sq. ft. as shown on Plan no. 164 on file in the office of the Assessor shall be a non-build able lot

Councillor DuBois wanted to make sure that allof the wording was in item **#267**

Referred to Real Estate

LATE FILES

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

Communications:

- 272** From the Executive Director of the Parking Authority requesting a transfer of \$2,000 from Parking Authority-Personal Services-PT Salaries Other than OT to Parking Authority-Purchase of Services-Electricity
(In order to fund the shortfall due to higher than anticipated costs for Fiscal 2015).

Accepted and placed on file.

LATE FILES (cont'd)

- 273** From the Mayor in accordance with M.G.L., Ch. 44, recommending a transfer of \$2,000 from Parking Authority-Personal Services-PT Salaries Other than OT to Parking Authority-Purchase of Services-Electricity
(In order to fund the shortfall due to higher than anticipated costs for Fiscal 2015).

Accepted and placed on file.

- 274** From the CFO in Accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$2,000 from Parking Authority-Personal Services-PT Salaries Other than OT to Parking Authority-Purchase of Services-Electricity

Accepted and placed on file.

Order:

- 275** Transfer of \$2,000
From: Parking Authority-Personal Services-PT Salaries Other than OT
To: Parking Authority-Purchase of Services-Electricity
(In order to fund the shortfall due to higher than anticipated costs for Fiscal 2015).

Referred to Finance

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

Communications:

- 268** From the Director of Veteran Services requesting a transfer totaling \$9521
From: Veteran's Service-Purchase of Services \$8321
Veteran's Service-Overtime \$1200
To: Veteran's Service-Goods and Supplies
(In order to fund the anticipated needs of Brockton veterans for the remainder of Fiscal Year 2015).

Accepted and placed on file.

- 269** From the Mayor in accordance with M.G.L., Ch. 44, recommending a transfer totaling \$9521
From: Veteran's Service-Purchase of Services \$8321
Veteran's Service-Overtime \$1200
To: Veteran's Service-Goods and Supplies
(In order to fund the anticipated needs of Brockton veterans for the remainder of Fiscal Year 2015).

Accepted and placed on file.

- 270** From the CFO in Accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer totaling \$9521
From: Veteran's Service-Purchase of Services \$8321
Veteran's Service-Overtime \$1200
To: Veteran's Service-Goods and Supplies

Accepted and placed on file.

Order:

- 271** Transfer totaling \$9521
From: Veteran's Service-Purchase of Services \$8321
Veteran's Service-Overtime \$1200

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LATE FILES (cont'd)

To: Veteran's Service-Goods and Supplies
(In order to fund the anticipated needs of Brockton veterans for the remainder of Fiscal Year 2015).

Referred to Finance

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

Communications:

- 276** From the Director of Personnel verifying that based on the current review of the current Personnel Department Personnel Employee Benefits; Unemployment Compensation the appropriation has a surplus of \$225,000

Accepted and placed on file.

- 277** From the Police Chief requesting a Capital Request of \$200,000 to cover the first year funding of a three year Shotspotter contract which would expand the area of coverage and additional four square miles.

Accepted and placed on file.

- 278** From the Mayor in accordance with M.G.L., recommending a transfer of \$200,000 from Personnel Dept-Personnel Employee Benefits: Unemployment Compensation to Police Department-Capital Projects (in order to pay the first year cost of software/hardware and installation for the shotspotter system expansion).

Accepted and placed on file.

- 279** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$200,000 from Personnel Dept-Personnel Employee Benefits: Unemployment Compensation to Police Department-Capital Projects

Accepted and placed on file.

Order:

- 280** Transfer: of \$200,000
From: Personnel Dept-Personnel Employee Benefits: Unemployment Compensation
To: Police Department-Capital Projects
(in order to pay the first year cost of software/hardware and installation for the shotspotter system expansion).

Referred to Finance

Councillor Barnes takes a moment of personal privilege to state that on Friday, May 15, 2015 is Bay State Bike Week. Meet at 7am at the BAT bus station on Commercial St.

Council President states that the next Finance Committee Meeting will be held on Monday, May 18, 2015 and the next Council Meeting will be held on Tuesday, May 26, 2015, due to the Memorial Day holiday.

The President has been having budget discussions with the Mayor and will probably know by May 22, 2015. The councillors should plan for the hearings to be the first week of June.

Councillor DuBois takes a moment of personal privilege to state that the election hours are 7am-8pm on Tuesday, May 12, 2015 and hopes everyone gets out to vote.

Councillor Monahan takes a moment of personal privilege to state that there will be a ward 2 meeting this Wednesday at 7pm at George's Café.

Executive Session – pending Brockton Power litigation strategy Brockton Power et al v. City of Brockton et al United States District Court Docket 1:12-cr-11047 LTS

Councillor Sullivan motioned to go into executive session to discuss strategy with respect to pending litigation, as an open meeting may have a detrimental effect or impact on the litigating position of the public body and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

Council President Eaniri reiterates that a motion was made and properly seconded to go into executive session and was properly seconded, and a roll call vote was taken and the motion carried by a roll call vote and that an open meeting may have a detrimental effect or impact on the litigating position of the public body. He also stated that that ends the public part of the meeting and they will not return from the executive session.

Adjourned 8:42pm