

A regular meeting of the City Council was held in the Council Chambers with Councillor Cruise presiding. The meeting was called to order at 8:00pm with eleven members being present. The meeting was held on February 16, 2016, due to inclement weather, in place of February 8, 2016 meeting postponement.

In City Council, February 8, 2016

The Council President stated that the next City Council meeting would be on February 22, 2016.

APPOINTMENTS

- 45** Of Raoul Sanon of 288 West Chestnut Street, Brockton, as a Constable in the City of Brockton for a term of three years.

Referred to Finance

- 46** Of Elliot "Edward" Miller, 104 Menlo St. #1, as a Member of the Brockton Diversity Commission for a three year term ending in February 2019.

Referred to Finance

- 47** Of Edward Downie, 42 Cushing Ave., as a Member of the Brockton Diversity Commission for a three year term ending in February 2019.

Referred to Finance

- 48** Of Jacob Tagger, 122 Intervale Street, as a Member of the Brockton Diversity Commission for a three year term ending in February 2019.

Referred to Finance

- 49** Of Adriano Cabral, 19 West Park St. #3, as a Member of the Brockton Diversity Commission for a three year term ending in February 2019.

Referred to Finance

- 50** Of Maria de Pina Monteiro, 109 Drew Ave., to the Commission on Women's Issues for a three year term ending in February 2019.

Referred to Finance

- 51** Of Patricia Sanon-Eliassaint, 82 Sawtell Ave., to the Commission on Women's Issues for a three year term ending in February 2019.

Referred to Finance

- 52** Of Leona Martin, 101 Breer Circle, to the Commission on Women's Issues for a three year term ending in February 2019.

Referred to Finance

- 53** Of Nichole A. Gatling, 551 Pine Grove Dr., to the Commission on Women's Issues for a three year term ending in February 2019.

Referred to Finance

- 54** Of Kimberly Zouzoua, 53 Gordon Street, to the Commission on Women's Issues for a three year term ending in February 2019.

Referred to Finance

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REPORTS

- 55** Of the Finance Committee for its meeting of February 1, 2016

Accepted and placed on file

COMMUNICATIONS

- 56** From the Director of Social Services requesting the appropriation of a grant award in the amount of \$425,000 from the Massachusetts Department of Public Health's Bureau of Substance Abuse Service Grant to the City of Brockton Mayor's Office Substance Grant Fund. The funding is from February 1, 2016 –September 29, 2020. to prevent/reduce prescription drug misuse among high school age youth. There is no grant match from the city.

Accepted and placed on file

- 57** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of the grant award in the amount of \$425,000 from the Massachusetts Department of Public Health's Bureau of Substance Abuse Service Grant to the City of Brockton Mayor's Office Substance Grant Fund.

Accepted and placed on file

- 58** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$425,000 from the Massachusetts Department of Public Health's Bureau of Substance Abuse Service Grant to the City of Brockton Mayor's Office Substance Grant Fund

Accepted and placed on file

- 59** From the Director of Social Services requesting the acceptance and expenditure of an additional \$70,000 from the Massachusetts Department of Public Health's Bureau of Substance Abuse Services: Massachusetts Opioid Abuse Prevention Collaborative Grant to Mayor's Office. (To help support pre-approved strategies of the Massachusetts Opioid Abuse Prevention Collaborative Grant).

Accepted and placed on file

- 60** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of \$70,000 from the Massachusetts Department of Public Health's Bureau of Substance Abuse Services: Massachusetts Opioid Abuse Prevention Collaborative Grant to Mayor's Office- Massachusetts Opioid Abuse Prevention Collaborative Grant Fund.

Accepted and placed on file

- 61** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of an additional \$70,000 grant award to the previously accepted Massachusetts Department of Public Health's Bureau of Substance Abuse Services: Massachusetts Opioid Abuse Prevention Collaborative Grant to Mayor's Office- Massachusetts Opioid Abuse Prevention Collaborative Grant Fund.

Accepted and placed on file

- 62** From the DPW Commissioner requesting the acceptance and expenditure of the MassDEP Massachusetts Electric Vehicle Incentive Program (MassEVIP) Grant in the amount of \$15,000.

Accepted and placed on file

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COMMUNICATIONS (cont'd)

- 63** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of \$15,000 from Massachusetts Department of Environmental Protection (MassDEP) Mass Electric Vehicle Incentive Program (MassEVIP) Grant to DPW Refuse Division-Ordinary Maintenance Services-Department Equipment Lease: Mass Electric Vehicle Program Grant Fund.

Accepted and placed on file

- 64** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$15,000 from Massachusetts Department of Environmental Protection (MassDEP) Mass Electric Vehicle Incentive Program (MassEVIP) Grant to DPW Refuse Division-Ordinary Maintenance Services-Department Equipment Lease: Mass Electric Vehicle Program Grant Fund.

Accepted and placed on file

- 65** From the Emergency Management Director requesting that the City Council authorize the acceptance and expenditure of the FY15 EMPG Grant in the amount of \$22,460 from the Commonwealth of Massachusetts Emergency Management Agency FY15 EMPG Grant to BEMA-EMPG Grant Fund (this funding will be used to purchase operational equipment for BEMA, as well as the Emergency Operation Center).

Accepted and placed on file

- 66** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$22,460 from the Commonwealth of Massachusetts Emergency Management Agency FY15 EMPG Grant to BEMA-EMPG Grant Fund (this funding will be used to purchase operational equipment for BEMA, as well as the Emergency Operation Center).

Accepted and placed on file

- 67** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$22,460 from the Commonwealth of Massachusetts Emergency Management Agency FY15 EMPG Grant to BEMA-EMPG Grant Fund

Accepted and placed on file

- 68** From the Chief of the Fire Department requesting to accept and expend a total of \$14,452.00 from the Commonwealth of Massachusetts Executive Office of Public Safety. (for Fire Safety Education Program for Student Awareness of Fire Education Grant -\$10,937.00, and Senior Awareness of Fire Education Grant-\$3,515).

Accepted and placed on file

- 69** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$14,452.00 from the Commonwealth of Massachusetts Department of Public Safety-FY2016 Student Awareness of Fire Education (S.A.F.E.) Grant \$10,937.00 to Brockton Fire Dept.-FY16 Student Awareness of Fire Education (S.A.F.E.) Grant Fund, and From Commonwealth of Massachusetts Department of Public Safety-FY2016 Senior Awareness of Fire Education (S.A.F.E.) Grant - \$3,515.00 to Brockton Fire Dept.-FY16 Senior Awareness of Fire Education (S.A.F.E.) Grant Fund -\$3,515.00 (for Fire Safety Education Program).

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COMMUNICATIONS (cont'd)

Accepted and placed on file

- 70** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$14,452.00 from the Commonwealth of Massachusetts Department of Public Safety-FY2016 Student Awareness of Fire Education (S.A.F.E.) Grant

Accepted and placed on file

- 71** From the Chief of the Fire Department requesting a transfer of \$150,000 from Education Incentive (to supplement Overtime spending, due to vacations and vacant positions as well as unpredictable weather events, to maintain all Companies through the remainder of Fiscal Year 2016).

Accepted and placed on file

- 72** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$150,000 from Fire Department-Personal Services Other than Overtime to Personal Services-Overtime (to supplement Overtime spending, due to vacations and vacant positions as well as unpredictable weather events for the remainder of the winter season, to maintain all Companies through the remainder of Fiscal Year 2016).

Accepted and placed on file

- 73** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$150,000 from Personal Services Other than Overtime to Personal Services-Overtime

- 74** From the Chief of Police requesting authorization to expend grant monies related to the Executive Office of Health and Human Service's FY16 Safe and Successful Youth Initiative Grant in the amount of \$125,000

Accepted and placed on file

- 75** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$125,000 from Massachusetts Executive Office of Health and Human Services (EOHSS) FY16 Safe & Successful Youth Initiative Grant to Brockton Police Department: FY16 Safe & Successful Youth Initiative Grant Fund. (for services for a targeted group of youth ages 17-24).

Accepted and placed on file

- 76** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$125,000 from Massachusetts Executive Office of Health and Human Services (EOHSS) FY16 Safe & Successful Youth Initiative Grant to Brockton Police Department: FY16 Safe & Successful Youth Initiative Grant Fund.

Accepted and placed on file

- 77** From the City Auditor certifying that the balance of the Stabilization Fund as of February 2, 2016 is \$3,394,830.57

Accepted and placed on file

- 78** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$104,000 from Stabilization Fund to Public Property-Personal Service Other than Overtime \$98,000 and to Public Property Overtime-\$6,000 (in order to provide funding for the labor costs to be incurred in

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COMMUNICATIONS (cont'd)

FY16 for the two proposed collective bargaining agreements between the city and Brockton Building and Construction Trades for the period of July 1, 2013 through June 30, 2016.

Accepted and placed on file

- 79** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$104,000 from Stabilization Fund to Public Property-Personal Service Other than Overtime and to Public Property Overtime for the purpose of funding the labor cost items of the FY13 to FY16 collective bargaining agreement with the Brockton Building and Construction Trades for FY16 ONLY. This is a conditional certification for FY16 ONLY because for FY17 and beyond this cost will exacerbate the budgeting imbalance described in his FY16 budget letter and in the credit reports of Moody's and Standard and Poor.

Accepted and placed on file

- 80** From the Mayor in accordance with M.G.L., recommending that the City Council authorize the appropriation of \$400,000 From Stabilization Fund to:
DPW Water-PS Other than OT \$188,000.00,
DPW Water-Overtime \$61,000.00
DPW Sewer-PS Other than OT \$114,000.00
DPW Sewer –Overtime \$37,000.00
(in order to provide funding for the labor costs to be incurred in FY16 for the two proposed collective bargaining agreements between the city and the Mass Laborers' District Council

Accepted and placed on file

- 81** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$400,000 from Stabilization Fund to
DPW Water-PS Other than OT \$188,000.00
DPW Water-Overtime \$61,000.00
DPW Sewer-PS Other than OT \$114,000.00
DPW Sewer –Overtime \$37,000.00
(for the purpose of funding the labor cost items of the FY 2013 to FY 2016 collective bargaining agreement with the Public Employees Local Union 1162 Water and Sewer, for FY16 ONLY.
This is a conditional certification for FY16 ONLY because for FY17 and beyond this cost will exacerbate the budgeting imbalance described in his FY16 budget letter and in the credit reports of Moody's and Standard and Poor.

Accepted and placed on file

UNFINISHED BUSINESS

- 22** Appointment of Adius Pierre of 69 Oakdale Street, Brockton, as a member of the Cemeteries Board of Trustees for a five year term ending in January 2021.
(FAVORABLE)

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

- 23** Appointment of Stephen Pina of 67 Debbie Road, Brockton, as a member of the Brockton Park Commissioners for a five year term ending in January 2021.
(FAVORABLE)

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

UNFINISHED BUSINESS (cont'd)

- 24** Appointment of Craig Pina of 21 Bassett Road, Brockton, as a member of the Planning Board for a five year term ending in January 2021.
(FAVORABLE AS AMENDED)

The amendment passed by a hand vote. Confirmed as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present with ten voting in the affirmative. Councillor Beauregard voting in the negative.

- 28** Appointment of Tony Branch of 25 Montello Ext., Brockton as a Member of the Brockton Diversity Commission for a three year term ending in January 2019.
(FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 29** Appointment of Pelege Marcellin of 175 Prospect Street, Brockton as a Member of the Brockton Diversity Commission for a three year term ending in January 2019. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 30** Appointment of Lenell Silva of 207 Country Club Lane, Brockton as a Member of the Brockton Diversity Commission for a three year term ending in January 2019. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 31** Appointment of Janet Trask of 121 Longwood Avenue, Brockton as a Member of the Brockton Diversity Commission for a three year term ending in January 2019. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 32** Appointment of Maria Do Canto of 8 Cary Street, Brockton as a Member of the Brockton Diversity Commission for a three year term ending in January 2019. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 43** Ordered: That the City hereby adopts the Old Colony Region Natural Hazard Mitigation Plan as this jurisdiction’s Hazard Mitigation Plan, and resolves to execute the actions in the Plan.
(FAVORABLE)

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

ORDERS

- 82** Ordered: That the Mayor be authorized to execute a Development Agreement between the City of Brockton and **Eagle Advertising, LLC**, a Massachusetts Limited Liability Company, having a usual place of business at 323 Manley Street, West Bridgewater, MA 02379, for an electronic advertising board with digital copy, to be located at 405 Westgate Drive, Brockton

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ORDERS (cont'd)

Referred to Finance

- 83** Appropriation of \$425,000
From: the Massachusetts Department of Public Health's Bureau of Substance Abuse Service Grant
To: the City of Brockton Mayor's Office Substance Grant Fund.
The funding is from February 1, 2016 –September 29, 2020. This funding will go out to bid for a coalition to manage. (The goal of this initiative is to prevent/reduce prescription drug misuse among high school age youth).

Referred to Finance

- 84** Appropriation of an additional \$70,000
From: the Massachusetts Department of Public Health's Bureau of Substance Abuse Services: Massachusetts Opioid Abuse Prevention Collaborative Grant
To: Mayor's Office-Massachusetts Opioid Abuse Prevention Collaborative Grant Fund. (To help support pre-approved strategies of the Massachusetts Opioid Abuse Prevention Collaborative Grant through Highpoint Treatment Center's Brockton Opioid Abuse Prevention Collaborative Grant that works with communities of Brockton, Whitman-Hanson, East Bridgewater and Rockland). These additional grant funds increase the current FY16 maximum obligation from \$100,000 to \$170,000.

Referred to Finance

- 85** Appropriation of \$15,000
From: Massachusetts Department of Environmental Protection (MassDEP) Mass Electric Vehicle Incentive Program (MassEVIP) Grant
To: DPW Refuse Division-Ordinary Maintenance Services-Department Equipment Lease: Mass Electric Vehicle Program Grant Fund.
(For the purpose of leasing 2 battery electric vehicles to be used by city inspectors and city personnel and will be visible within the City).

Referred to Finance

- 86** Appropriation of \$22,460
From: the Commonwealth of Massachusetts Emergency Management Agency FY15 EMPG Grant
To: BEMA-EMPG Grant Fund (this funding will be used to purchase operational equipment for BEMA, as well as the Emergency Operation Center).

Referred to Finance

- 87** Appropriation: totaling \$14,452.00
From: the Commonwealth of Massachusetts Department of Public Safety-FY2016 Student Awareness of Fire Education (S.A.F.E.) Grant -\$10,937.00
To: Brockton Fire Dept.-FY16 Student Awareness of Fire Education (S.A.F.E.) Grant Fund, and
From Commonwealth of Massachusetts Department of Public Safety-FY2016 Senior Awareness of Fire Education (S.A.F.E.) Grant -\$3,515.00 to Brockton Fire Dept.-FY16 Senior Awareness of Fire Education (S.A.F.E.) Grant Fund -\$3,515.00

Referred to Finance

- 88** Appropriation of \$150,000
From: Fire Department-Personal Services Other than Overtime
To: Fire Department-Personal Services-Overtime
(to supplement Overtime spending, due to vacations and vacant positions as well as unpredictable weather events for the remainder of the winter season, to maintain all Companies through the remainder of Fiscal Year 2016).

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ORDERS (cont'd)

Referred to Finance

- 89** Appropriation: of \$125,000
From: Massachusetts Executive Office of Health and Human Services (EOHSS)
FY16 Safe & Successful Youth Initiative Grant
To: Brockton Police Department: FY16 Safe & Successful Youth Initiative Grant
Fund.

Referred to Finance

- 90** Appropriation: Totaling \$104,000
From: Stabilization Fund
To: Public Property-Personal Service Other than Overtime \$98,000,
and To: Public Property Overtime-\$6,000
(in order to provide funding for the labor costs to be incurred in FY16 for the two
proposed collective bargaining agreements between the city and Brockton
Building and Construction Trades for the period of July 1, 2013 through June 30,
2016). **(Conditional certification from CFO)**

Referred to Finance

- 91** Appropriation: Of \$400,000
From Stabilization Fund
To: DPW Water-PS Other than OT \$188,000.00,
DPW Water-Overtime \$61,000.00
DPW Sewer-PS Other than OT \$114,000.00
DPW Sewer –Overtime \$37,000.00
(in order to provide funding for the labor costs to be incurred in FY16 for the two
proposed collective bargaining agreements between the city and the Mass
Laborers' District Council on behalf of the Public Employees Local Union 1162
Water and Sewer, for the period of July 1, 2013 through June 30, 2016.
(Conditional certification from CFO)

Referred to Finance

- 92** Resolved: That representatives from the City's Board of Health, Building
Department, and School Department be invited to appear before a Committee of
this Council to provide information and discuss the current usage and locations of
automated external defibrillators (AED) in City and School properties in order to
provide a safe and healthy environment for employees, students, and residents.

Referred to Finance

Councillor Sullivan asked for a moment of personal privilege to state that there
will be a Councillor At Large meeting that will meet quarterly on February 25,
2016 at 6pm at the North Middle School, 108 Oak St. he also stated that we was
going to fast track a resolve that he filed regarding the Ganley Building as part of
a college collaborative. He encourages the councilors to sign onto this.

Councillor Lally asked for a moment of personal privilege to state that he will be
having a Ward meeting on February 24, 2016 at 7pm at the Brookfield
Elementary. He also stated that on Saturday March 5, 2016, there will be a
Lithuanian Heritage day. There is a mass that begins at 4pm at St. Michaels
Church at 87 N. Main St., Avon.

Councillor Studenski asked for a moment of personal privilege to state that there
will be a Ward 4 meeting on February 25, 2016 at 7pm at the Davis School. The
main focal point will be the Rt. 24 corridor.

Councillor Eaniri asked for a moment of personal privilege to commend the
workers who were out on Main St. over the weekend with freezing temperatures.

Councillor Sullivan makes a motion to go into executive session pursuant to M.G.L., Ch. 30A, Section 21 subsection 3 to discuss strategy with respect to pending litigation involving the Brockton Power v. City of Brockton et. al. case as an open meeting may have a detrimental effect on the litigating position of the City Council 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.

The Council President declared that for the public information the Council will not reconvene in open session and they will reconvene in the committee room.

Executive Session to discuss litigation strategy regarding the pending case Brockton Power, et al v. City of Brockton et al United States District Court Docket 1:12-cr-11047 LTS

Adjourned 8:29pm