

A regular meeting of the City Council was held in the Council Chambers with Councilor Cruise presiding. The meeting was called to order at 8:05 pm with 10 members being present. Councilor Barnes absent.

In City Council, August 22, 2016

Council President Cruise asks the Council to allow the Clerk to have a moment of personal privilege before the start of the meeting. The Clerk to the Council came before the Council to clarify the condition of licenses in the City of Brockton.

445 Acceptance of the City Council Minutes of July 25, 2016

Accepted and placed on file

APPOINTMENTS:

446 Reappointment of William Scharnick, as a Constable in the City of Brockton for a term of three years

Referred to Finance

PETITIONS:

Of Celia Insurance Agency to suspend an awning at 84 West Elm St.

Referred to Public Safety

REPORTS:

447 Of the Finance Committee for its meeting of August 15, 2016

Accepted and placed on file

UNFINISHED BUSINESS:

340 Ordinance: An Ordinance Amending Chapter II of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter II. Administration, Sec. 2-28. is hereby amended effective January 1, 2018.

Ordained by a roll call vote taken by “yeas” and “nays”; 10 Members present and all voting in the affirmative. Councilor Barnes absent.

243 Ordinance: An Ordinance Amending Chapter VIII of the Revised Ordinances of the City of Brockton by adding a Section Required Commercial Premises to Provide and Maintain Litter Receptacles.

Ordained by a roll call vote taken by “yeas” and “nays”; 10 Members present and all voting in the affirmative. Councilor Barnes absent.

410 Loan Order \$900,000.00 is appropriated to pay costs of developing a municipal and schools facilities master plan, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City, with the approval of the Mayor, is authorized to borrow said amount under the pursuant to M.G.L. c. 44, &7(21) and &7(22) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. (THE CFO’S CERTIFICATION IS A CONDITIONAL CERTIFICATION -PROVIDED THAT THE CITY WILL APPROPRIATE ITS PRESENT UNUSED TAX LEVY CAPACITY WHICH CURRENTLY EXCEEDS

(Unfinished Business Cont'd)

\$3 MILLION, TO PAY THE ANNUAL DEBT SERVICE COSTS WHEN IT COMES DUE.)

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present and all voting in the affirmative. Councilor Barnes absent.

- 411** Loan Order \$6,600,000.00 is appropriated to pay costs designing and constructing sewer mains and related appurtenances, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City, with the approval of the Mayor, is authorized to borrow said amount under the pursuant to M.G.L. c. 44, &7(1) and/or &8(15), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any borrowing pursuant to this order may be undertaken through the facilities of the Massachusetts Clean Water Trust (the “Trust”), and to that end, any appropriate official off the City is authorized to enter into one or more loan and security agreements with the Trust and one or more project regulatory agreements with the Massachusetts Department of Environmental Protection, as may be required in connection with any financing though the Trust. Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. (THE CFO’S CERTIFICATION IS A CONDITIONAL CERTIFICATION provided that the City Council be willing to periodically increase rates so that the sewer enterprise fund remains fully self-sufficient.)

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present and all voting in the affirmative. Councilor Barnes absent.

- 412** Loan Order \$1,100,000.00 is appropriated to pay costs designing and making sewer flow metering improvements, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City, with the approval of the Mayor, is authorized to borrow said amount under the pursuant to M.G.L. c. 44, &7(1) and/or &8(15), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any borrowing pursuant to this order may be undertaken through the facilities of the Massachusetts Clean Water Trust (the “Trust”), and to that end, any appropriate official off the City is authorized to enter into one or more loan and security agreements with the Trust and one or more project regulatory agreements with the Massachusetts Department of Environmental Protection, as may be required in connection with any financing though the Trust. Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require. (THE CFO’S CERTIFICATION IS A CONDITIONAL CERTIFICATION, provided that the city council is willing to periodically increase rates so that the sewer enterprise fund remains fully self-sufficient.)

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present and all voting in the affirmative. Councilor Barnes absent.

- 413** Loan Order \$4,000,000 is appropriated to pay costs of making energy efficiency improvements to the City’s street lighting system, including associated design and engineering services, the conversion of standard lighting devices to LED devices, fixture upgrades and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the City, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, &7(3B), or pursuant to any other enabling authority, and to issue bonds or notes of the City

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(Unfinished Business Cont'd)

therefor. Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

Adopted by a roll call vote taken by "yeas" and "nays"; 10 members present and all voting in the affirmative. Councilor Barnes absent.

Councilor Moises motions to read items 11 and 12 on the agenda collectively and was properly seconded. Motion carries by hand vote.

402 Appropriation of \$18,000.00 from Unappropriated Estimated Receipts – Ordinary Revenue FY2017 to Council On Aging- Personal Services- Other than Overtime, to provide funding for an additional part – time staff position in FY2017.

439 Appropriation of \$9,000.00.
From: Un-appropriated Estimated Receipts- Ordinary Revenue FY2017
To: Council on Aging Personal Services Other Than Overtime.
(To allow the hiring of a full time staff assistant for the final three quarters of the Fiscal Year.)

Items 11 and 12 read collectively.

Adopted by a roll call vote taken by "yeas" and "nays"; 10 members present and all voting in the affirmative. Councilor Barnes absent.

Councilor Moises motions for reconsideration to not prevail and was properly seconded. Motion carried by hand vote. Reconsideration failed for items 11-12

405 Appropriation of \$75,000 from Unappropriated Estimated Receipts – Ordinary Revenue FY2017 to DPW Water Commission – Water Enterprise Fund – Desalination Charges to provide additional funding for up to 15 days of purchase of desalinated water during the summer at the full contractual amount. The funds will allow the city to exercise a sustained, full test of the system.

The question is on the amendment. Passed by hand vote.

Adopted, as amended, by a roll call vote taken by "yeas" and "nays"; 10 members present and all voting in the affirmative. Councilor Barnes absent.

437 Ordered: That pursuant to the provisions of M.G.L. ch. 44, sec. 53A, the City Council hereby authorizes the acceptance and expenditure of the donation from CDM Smith made to the Department of Public Works. The list of donated items is going to be discarded by CDM Smith.

Adopted by a roll call vote taken by "yeas" and "nays"; 10 members present and all voting in the affirmative. Councilor Barnes absent.

438 Ordered: That pursuant to the provisions of M.G.L. Ch. 44, sec. 53A, the City Council hereby authorizes the acceptance and expenditure of the donation of \$8,668.98 from Brophy and Phillips to: City of Brockton-Planning and Economic Development Department to replace the existing swing set and slide/climbing equipment at the Ashfield School.

Adopted by a roll call vote taken by "yeas" and "nays"; 10 members present and all voting in the affirmative. Councilor Barnes absent.

Councilor Lally motions for reconsideration to not prevail and was properly seconded. Motion carried by hand vote. Reconsideration failed.

Councilor Farwell speaks and states he opposes the following three items numbered 16, 17, and 18 due to the fact M.G.L. requires that these must be completed prior to the start of the new FY2017. On procedural grounds he suggests voting in the negative.

- 397** Order: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of the Animal Control Revolving Fund, not to exceed \$5,000.00, for Fiscal Year 2017 for the sole purpose of receiving deposits for the spaying or neutering of animals with expenditures restricted to the care of animals, such expenditures to be at the direction of the Director of Animal Control.

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present with 8 voting in the affirmative and Councilors Farwell and Sullivan voting in the negative. Councilor Barnes absent.

Councilor Sullivan speaks and also states he believes the items Councilor Farwell mentioned should be voted in the negative due to specific legal guidelines and if voting yes it is not abiding M.G.L. thus he will be voting no as well.

- 396** Order: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment the K9 Unit Revolving Fund for FY17, for the sole purpose of helping to fund the cost in connection with the K9 Unit of the Brockton Police Department. The K9 Unit Revolving Fund shall receive the receipts of the sale of canines born to the existing K9 Unit. Expenditures from the K9 Unit Revolving Fund shall be made at the direction of the Chief of Police, provided that not more than five thousand dollars (\$5,000) may be so expended from the K9 Unit Revolving Fund during FY17

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present with 8 voting in the affirmative and Councilors Farwell and Sullivan voting in the negative. Councilor Barnes absent.

- 398** Order: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment approves the re-authorization of the Police Department-Closed Cases Revolving Fund for FY2017, for the sole purpose of spending by the Police Chief for ordinary maintenance expenses of the police department. The Police Department Closed Cases Revolving Fund shall receive monies in police possession from closed cases. Expenditures from the Police Department-Closed Cases Revolving Fund shall be made at the direction of the Police Chief provided that not more than \$35,000 may be so expended from the fund during FY17. (FAVOABLE)
Resolve: That the Brockton City Council opposes lifting the cap on Commonwealth Charter Schools.

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present with 8 voting in the affirmative and Councilors Farwell and Sullivan voting in the negative. Councilor Barnes absent.

- 440** Appropriation of \$25,000.
From: The Executive Office of Housing and Economic Development
Commonwealth Community Compact Grant Program.
To: City of Brockton Planning and Economic Development-Commonwealth Community Compact Grant Fund.

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present and all voting in the affirmative. Councilor Barnes absent.

- 443** Resolve: That the City’s CFO and Treasurer appear before the Finance Committee to discuss the practice and procedure of credit-card authorization and usage by certain City employees.

Councillor Sullivan motions to send to Accounts Committee and was properly seconded. Motions carries by hand vote.

- 441** Resolve: That the Brockton City Council opposes lifting the cap on Commonwealth Charter Schools.

Adopted by a roll call vote taken by “yeas” and “nays”; 10 members present and all voting in the affirmative. Councilor Barnes absent.

ORDERS:

- 448** An Ordinance Amending Revised Ordinances of the City of Brockton, Chapter 5.5 and Accepting Massachusetts General Law Chapter 40U in its entirety

Referred to Ordinance

- 449** An Ordinance Amending Ch. II of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Ch. 2, Administration, Art. VI. Boards, Commissions, Etc., Division 9. Brockton Commission on Women’s Issues, Sec. 2-530. Membership and Appointment.

Referred to Ordinance

- 450** An Ordinance Amending Ch. XIV of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 14 is hereby amended by adding the following new section: Sec. 14-17.6 Fireworks.

Referred to Ordinance

- 451** Ordered: That a portion of Hammond Street, laid out by the Board of Mayor and Alderman on October 17, 1888, and accepted by the Common Council on October 17, 1888, extending from East Street easterly to a point one hundred fifty five and two hundredths feet (155.02’) west of Thatcher Street, be and the same is hereby discontinued or abandoned.

Referred to Finance and Planning

- 452** Order: That Chapter 40U of the Massachusetts General Laws be and hereby is accepted by the City of Brockton in accordance with G.L. c. 40U, Section 2.

Referred to Ordinance

- 453** Order: An Order adopting a Fuel Efficient Vehicle Policy as part of the Massachusetts Green Communities Initiative: Fuel Efficient Vehicle Policy.

Referred to Finance

- 454** Ordered: That the Public Safety Committee of the City Council shall perform an audit of current licenses issued by the Council, review the restrictions (if any) on those licenses, and evaluate related ordinances which affect Code Enforcement.

Referred to Finance

- 455** Resolve: Invited guests from Father Bill's & MainSpring to present their next project at 682 N. Main St. and discuss the state of homelessness overall in the city of Brockton.

Referred to Finance

Meeting adjourned 8:40 PM.