

A regular meeting of the City Council was held in the Council Chambers with Councillor Cruise presiding. The meeting was called to order at 8:02pm with 10 members being present. Councillor Sullivan absent.

In City Council, April 22, 2013

Councillor Cruise asked for a moment of silence for Sean Collier, the Police Officer that passed away due to an act of violence.

HEARINGS

Petition of Marwan El Zailah for a Garage license located at 9 Packard St., Brockton.

Councillor Petti stepped in at 8:03pm.

Councillor Stewart stepped in at 8:03pm.

Marwan El Zailah appeared in favor. No one was in opposition. Hearing held. Councillor Studenski motioned to grant the license and was properly seconded. The motion carried by a hand vote.

Petition of Zailah, Inc. DBA Mario's Car Care for a Motor Vehicle Repair Mechanical license located at 9 Packard St., Brockton.

Marwan El Zailah appeared in favor. No one was in opposition. Hearing held. Councillor Studenski motioned to grant the license with the following stipulations and was properly seconded.

Stipulations:

Hours of Operation Monday-Friday 8am to 6pm; Saturday 8am-2pm

No Sundays

No cars out front over night

No car parts, oil, rubbish outside

No pay phones or vending machines outside

Granted with stipulations, by a hand vote.

Petition of Dominator Diesel, Inc., for a Motor Vehicle Repair Mechanical license located at 20B Terminal Place.

Steven Desmarais appeared in favor. No one was in opposition. Councillor Studenski stated that codes are enforced, so he should make sure he adheres to them. Hearing held. Councillor Studenski motioned to grant the license with the following stipulations and was properly seconded.

Hours of Operation Monday through Friday 8am-7pm,

Saturday 8am-7pm. No Sundays

No parking out front day or night

Limit of 4 cars inside overnight

No oil, rubbish, car parts, etc. outside

No pay phones or vending machines outside

Granted with stipulations, by a hand vote.

Petition of 660 Pleasant Street, LLC for an Underground Storage license located at 660 Pleasant St., Brockton.

Mahendra Patel appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote.

PETITIONS

Councillor Cruise stepped down as president and Councillor Brophy stepped in as president.

Of Timeless Antiques, Watch and Jewelry for a renewal of Second Hand Precious Metals and Gems located at 1208 Belmont St.

Referred to Public Safety

Of Sterling Jewelers, Inc., DBA Kay Jewelers for a renewal of Second Hand Precious Metals and Gems located at 200 Westgate Dr.

Referred to Public Safety

Of Sterling Jewelers, Inc., DBA Belden Jewelers for a renewal of Second Hand Precious Metals and Gems located at 200 Westgate Dr.

Referred to Public Safety

Of George Hajnasr DBA Nasr Jewelers for a renewal of Second Hand Precious Metals and Gems located at 39 Torrey St., Suite 1.

Referred to Public Safety

REPORTS

- 207** Of the Finance Committee for its meeting April 16, 2013

Accepted and placed on file

COMMUNICATIONS

- 208** From the Chief of Police requesting authorization to expend grant monies related to Executive Office of Public Safety & Security's FY13 Senator Charles E. Shannon Community Safety Initiative Grant.

Accepted and placed on file

- 209** From the Mayor recommending that the City Council authorize the acceptance and appropriation of the grant award in the amount of \$414,500 from Executive Office of Public Safety & Security (EOPSS) FY13 Shannon Community Safety Initiative Grant to City of Brockton Police Department.

Accepted and placed on file

- 210** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed acceptance and appropriation of the award in the amount of \$414,500 from Executive Office of Public Safety (EOPSS) FY13 Shannon Community Safety Initiative Grant to City of Brockton Police Department.

Accepted and placed on file

- 211** From the Director of Community and Social Services requesting authorization to accept and expend \$325,000 for the Safe and Successful Youth Initiative (SSYI) from the Executive Office of Health and Human Services (EOHHS). This funding will be used for a coordinated strategy focused on "proven risk" youth ages 14-24 and their families to reduce youth violence. There is no match.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 212** From the Mayor requesting authorization to accept and expend \$325,000 from Commonwealth of Massachusetts-Executive Office of Health and Human Services-Safe and Successful Youth Initiative (SSYI) Grant to City of Brockton Police Department. This funding will be used for a coordinated strategy focused on “proven risk” youth ages 14-24 and their families to reduce youth violence.

Accepted and placed on file

- 213** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed acceptance and appropriation of the award in the amount of \$325,000 from Commonwealth of Massachusetts-Executive Office of Health and Human Services-Safe and Successful Youth Initiative (SSYI) Grant to City of Brockton Police Department.

Accepted and placed on file

- 214** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and appropriation of the award of \$84,762 from the Department of Environmental Protection Grant for Silver Lake and Jones River, **but only under the conditions that the city is not subsequently by the State to (1) reduce the amount of withdrawals of water from Silver Lake below the amounts authorized by the city’s Administrative consent order with the state; (2) replace the amount of current withdrawals from Silver Lake with more expensive desalinated water, or (3) reduce the registered rights for Silver Lake.**

Councillor Studenski stepped down.

Accepted and placed on file

UNFINISHED BUSINESS

- 116** 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: Ch. 2-127. Pay Plan. (FAVORABLE)(IN CITY COUNCIL, APRIL 8, 2013, PASSED TO A THIRD READING)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Studenski and Sullivan absent.

- 167** Ordinance: An Ordinance Amending the Revised Ordinances of the City of Brockton, Chapter 6, Article 1, Section 6-2. Composition. (FAVORABLE)(IN CITY COUNCIL, APRIL 8, 2013, PASSED TO A THIRD READING)

Councillor Studenski stepped back in.

Councillor DuBois asked the clerk to read the Ordinance.

Ordained by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Sullivan absent.

- 118** Ordinance: An Ordinance Amending Revised Ordinances of the City of Brockton, Chapter 2, Article 111, Division 2, Section 2-127 Chapter 2, Article III, Division 2, Section 2-127 (Annual Salary Schedule) Compensation Grade L4, Classification Title Asst. City Solicitor (f.t.) and Chapter 2, Article 111, Division 5, Section 2-186, to provide as follows: Section 2-186. Assistant City Solicitor. (FAVORABLE) (IN CITY COUNCIL, APRIL 8, 2013, PASSED TO A THIRD READING AS AMENDED)

UNFINISHED BUSINESS (cont'd)

A brief recess was called.

Back in session.

The ordinance failed ordination by a roll call vote taken by “yeas” and “nays”; ten members present with six voting in the affirmative. Councillors DeNapoli, DuBois, MacMillan and Stewart voting in the negative. Councillor Sullivan absent.

- 195** Ordered: That the City Council approves the amendment of the existing Railroad South Economic Opportunity Area. (FAVORABLE)

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

- 196** Appropriation totaling: \$41,850
From: Personnel Employee Benefits
To: SEIU LOCAL 888, Brockton Department Heads Unit. (FAVORABLE)

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

Councillor Cruise stepped back in as president.

- 197** Appropriation: \$4,000
From: Commonwealth of Massachusetts Department of Public Health
To: Fire Department-FY13 Massachusetts Decontamination Unit Grant
(These funds are to be used to man the upkeep of the Mass Decontamination Units and purchase supplies for the units)(FAVORABLE)

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

- 198** Appropriation: \$37,118
From: Parking Meter Reserve Fees account
To: Parking Authority Snow Removal
(In order to cover the shortfall in FY13 plowing, sanding and removal of snow for the Parking Authority)(FAVORABLE)

Councillor Brophy stepped out.

Councillor Brophy stepped back in.

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

- 199** Appropriation: \$7,000
From: Treasurer’s purchase of Services-Printing
To: Treasurer’s Personal Services-Overtime
(In order to cover the expected overtime costs for the remainder of fiscal year)
(FAVORABLE)

Councillor Brophy stepped out.

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Brophy and Sullivan absent.

UNFINISHED BUSINESS (cont'd)

- 200** Appropriation totaling \$10,000
 From: Public Property-Purchase of Services-Buildings Supplies \$5,000
 and
 Public Property-Purchase of Services-Heating/Air Condition
 Supplies \$5,000
 To: Public Property-Personal Services-Overtime
 (In order to cover the unexpected expenses for emergency calls during the
 evenings and weekends) (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Brophy and Sullivan absent.

Councillor Brophy stepped back in.

- 204** Ordered: That the City Council accepts and expends the grant award in the amount of \$84,762.00
 From: Commonwealth of Massachusetts Department of Environmental Protection Sustainable Water Management Initiative Grant-BPR-2012-06 Silver Lake and Jones River Fish Passage and Water Supply Management Project
 To: City of Brockton. (FAVORABLE)

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

Amendment:

“The City of Brockton shall be under no obligation and there shall be no requirement to implement any of the Contractor’s recommendations, proposals, or concepts. Any such implementation shall be in the City of Brockton’s sole and absolute discretion, without limitation or restriction. The City of Brockton may choose to not implement the Contractor’s recommendations, proposals, or concepts for any reason, and in doing so it may elect to consider only its own interests and will not be required to consider the effect of any such decision on the other towns, the Department or other third party under this agreement.”

The amendment passed by a hand vote.

Councillor Brophy stated that he had concerns regarding the order. And he won’t vote for it.

Councillor Monahan stepped down.

Councillor Monahan stepped back in.

Councillor DuBois stated that the grant is for a study of water usage and how to manage the water better.

Councillor Stewart stated that he was voting in favor for the order.

Adopted as amended, by a roll call vote taken by “yeas” and “nays”; ten members present with eight voting in the affirmative. Councillors Brophy and Cruise voting in the negative. Sullivan absent.

Councillor DuBois motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 201** Resolve: That the City Council hereby authorizes a Tax Increment Financing (TIF) Plan encompassing the property described as Assessor’s Map 163, Route 041R, Plot 6A, Route 042 Plot 7, Route 263 Plot 6-1 and Route 264 Plot 6-2; 32 North Manchester Street. (FAVORABLE AS AMENDED)

UNFINISHED BUSINESS (cont'd)

The amendment passed by a hand vote.

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

- 205** Resolve: Therefore the City Council does hereby resolve that it supports the pending legislation S.621, SD864 relating to Condominium complexes.
(FAVORABLE)

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

- 88** Resolved: That the City Council expresses its support for fair and uniform medical treatment at all Veteran Medical Centers. (FAVORABLE)

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

- 166** Resolved: That the City Council expresses its support for the proposed legislation to strengthen the laws relative to illegal apartments and directs that a copy of this Resolve be forwarded to each Member of the City’s Legislative Delegation.
(FAVORABLE AS AMENDED)

Councillor DuBois questioned the amendment.

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

ORDERS

- 215** Ordered: That the DPW is authorized to issue 1 single family home sewer connection for the plot adjacent to #_ Sprague Street (Plot#) owned by Attorney David S. Reservitz.

Councillor DuBois motioned to amend the order and was properly seconded. The motion carried by a hand vote.

Amendment: Move to amend the order by deleting David S. Reservitz and inserting Julius Seyller of 30 Sprague Street” and inserting the number “0” after the “#” symbol and before Sprague Street.

The amendment passed by a hand vote. Councillor DuBois motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote.

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

- 216** Ordered: That the DPW is authorized to issue 1 single family home sewer connection for the plot 0 Merton Street owned by Attorney Joseph L. Grimaldi.

.Councillor DuBois motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote.

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ORDERS (cont'd)

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

Councillor Dubois motioned to file for reconsideration with the wish that it not prevail on items **215** and **216** and was properly seconded. Reconsideration failed by a hand vote.

- 217** Appropriation of: \$414,500
From: Executive Office of Public Safety & Security (EOPSS) FY13 Shannon Community Safety Initiative Grant
To: City of Brockton Police Department.

Referred to Finance.

- 218** Appropriation of: \$325,000
From: Commonwealth of Massachusetts-Executive Office of Health and Human Services-Safe and Successful Youth Initiative (SSYI) Grant
To: City of Brockton Police Department
(This funding will be used for a coordinated strategy focused on “proven risk” youth ages 14-24 and their families to reduce youth violence)

Referred to Finance.

- 219** Resolve: Whereas, in the opinion of the Mayor and the City Council of the City of Brockton the public convenience and necessity of the inhabitants of the City require that the described parcel of land be taken as a Permanent Easement for the purpose of constructing a sidewalk from certain owners of land abutting Jon Drive.

Councillor DuBois spoke regarding the resolve. She stated that it would provide safe routes to school by providing sidewalks to Brookfield School.

Referred to Finance.

- 220** Resolve: Whereas, in the opinion of the Mayor and the City Council of the City of Brockton the public convenience and necessity of the inhabitants of the City require that the described parcel of land be taken as a Temporary Construction Easement in order to construct a sidewalk within the existing public street layout of Jon Drive and of Sully Road.

Referred to Finance.

Councillor MacMillan takes a moment of personal privilege to state that tomorrow night there will be a Ward 7 meeting at 7pm in the North Junior High School cafeteria. The topic will be the shooting near the playground.

Councillor Monahan takes a moment of personal privilege to state that there will be an Ordinance Committee meeting on April 29, 2013 at 6:30pm.

Councillor Brophy takes a moment of personal privilege to thank everyone who participated in the Keep Brockton Beautiful Day. He also thanked Heights Crossing for providing the cookout and Allied Waste for picking up the trash.

Councillor Cruise stated that the next Finance Committee meeting will be on May 6, 2013.

Adjourned at 8:50pm