

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

In City Council, January 27, 2014

APPOINTMENTS

Councillor Eaniri motioned to take items **60-62** collectively and under suspension of the rules and was properly seconded. The motion carried by a hand vote.

60 Of Nicholas J. Tropeano to the rank of Fire Lieutenant in the Brockton Fire Department.

61 Of Jeffrey R. Svirtunas to the rank of Fire Captain in the Brockton Fire Department.

62 Of Scott G. Albanese to the rank of Deputy Fire Chief in the Brockton Fire Department.

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

Councillor Eaniri motioned to file for reconsideration on items **60-63** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

A one-minute recess was called

Back in session

63 Of Michael Asack as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

Referred to Finance

Councillor Cruise motioned to take items **64-71** collectively and was properly seconded. The motion carried by a hand vote.

64 Of Julie Mystrall as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

65 Of Brett Baker as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

66 Reappointment of Daniel Vaughn as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

67 Reappointment of Kevin A. Smith as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

68 Reappointment of Thomas A. DeChellis as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

69 Reappointment of Janet Frizzell-Hancock as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

70 Reappointment of Theodore Hancock as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

71 Reappointment of Jason Mosley as a Special Police Officer of the City of Brockton for a one year term ending January 2015.

APPOINTMENTS (cont'd)

Referred to Finance

- 88** Appointment of John O'Donnell, 30 Rock Meadow Drive, Brockton, MA to the position of Member, Board of Assessors, City of Brockton, for a term of three years expiring January 2017

Referred to Finance

REPORTS

- 72** Of the Finance Committee for its meeting of January 21, 2014

Accepted and placed on file

COMMUNICATIONS

- 73** From the Police Chief requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security's FY14 Senator Charles E. Shannon Community Safety Initiative Grant in the amount of \$450,000.00

Accepted and placed on file

- 74** From the Mayor recommending that the City Council authorize the acceptance and appropriation of the grant award in the amount of \$450,000 from Executive Office of Public Safety & Security (EOPSS) FY2014 Shannon Community Safety Initiative Grant to City of Brockton Police Department. The match for this grant consists of in-kind services.

Accepted and placed on file

- 75** 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 \$450,000 from Executive Office of Public Safety & Security (EOPSS) FY2014 Shannon Community Safety Initiative Grant to City of Brockton Police Department Grant Fund

Accepted and placed on file

Councillor Cruise stepped down

- 76** From the Police Chief requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security/Highway Safety Division's FY2014 Traffic Enforcement Grant

Accepted and placed on file

- 77** From the Mayor recommending that the City Council authorize the appropriation and expenditure of the grant award in the amount of \$12,000 from Massachusetts Executive Office of Public Safety & Security (EOPSS)/Highway Safety Division FY2014 Traffic Enforcement Grant to City of Brockton Police Department-EOPSS FY14 Traffic Enforcement Grant Fund

Accepted and placed on file

- 78** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of the award of \$12,000 from Massachusetts Executive Office of Public Safety & Security (EOPSS)/Highway Safety Division FY2014 Traffic Enforcement Grant to City of Brockton Police Department-EOPSS FY14 Traffic Enforcement Grant Fund

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 79** From the Police Chief requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security/Highway Safety Division's FY2014 Sustained Enforcement (STEP) Grant Program

Accepted and placed on file

Councillor Cruise stepped back in.

Councillor DuBois questioned the appropriation regarding the Police Department.

The legal counsel for the city stated that Chief Gomes would still be chief until Friday.

- 80** From the Mayor recommending that the City Council authorize the appropriation and expenditure of the grant award in the amount of \$51,400 from Massachusetts Executive Office of Public Safety & Security (EOPSS)/ Highway Safety Division FY2014 Sustained Enforcement (STEP) Grant to City of Brockton Police Department-EOPSS FY14 Traffic Enforcement Grant Fund

Accepted and placed on file

- 81** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of the award of \$51,400 from Massachusetts Executive Office of Public Safety & Security (EOPSS)/ Highway Safety Division FY2014 Sustained Enforcement (STEP) Grant to City of Brockton Police Department-EOPSS FY14 Traffic Enforcement Grant Fund

Accepted and placed on file

- 86** From the Mayor in accordance with M.G.L., Chapter 44, recommending that the City Council approve the ordinance which would amend Article XIX of the Revised Ordinances of the City of Brockton. The purpose of this ordinance amendment is to provide additional means of administering management flexibility for the police department through a civilian department head, in lieu of the chief, should the position of chief become vacant. The intent of the ordinance also is to accomplish this with appropriate city council involvement through approval of the appointment and by limiting any term to one year, unless there were a subsequent reappointment and council approval

Accepted and placed on file

Councillor DeNapoli stepped down.

- 87** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed approval of the amendment to the Revised Ordinances of the City of Brockton by establishing the position of Commissioner of Police.

Accepted and placed on file

UNFINISHED BUSINESS

- 45** Appropriation of \$2,000.00
From: Massachusetts Department of Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant (SMRP)
To: Refuse Department-Recycling Containers Grant Fund
(to purchase an industrial grade paper shredder for residential use at the City of Brockton Recycling Depot at 300 Oak Hill Way.
(FAVORABLE)

Councillor DeNapoli stepped back in.

UNFINISHED BUSINESS (cont'd)

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

- 46** Appropriation totaling \$14,404.00:
 From: Commonwealth of Mass Department of Public Safety-FY2014 Student Awareness of Fire Education (S.A.F.E.) Grant
 To: Brockton Fire Dept.-FY14 Student Awareness of Fire Education (S.A.F.E.) Grant Fund- -\$10,786.00
 and,
 From: Commonwealth of Mass Department of Public Safety-FY2014 Senior Awareness of Fire Education (S.A.F.E.) Grant
 To: Brockton Fire Dept.-FY14 Senior Awareness of Fire Education (S.A.F.E.) Grant Fund -\$3,618.00
 This is a non-matching grant with no cost to the City. (The Fire Department intends to use these Grant funds for the Fire Safety Education Program).
 (FAVORABLE)

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

- 49** Appropriation totaling: \$608,223
 From: Massachusetts Executive Office of Public Safety and Security Community Policing Grant
 To: City of Brockton Police Department-EOPSS FY14 Community Policing Grant Fund.
 (These funds will be used for overtime, for community policing beats, activities, call taker replacement; detective investigations; ride alongs, quality of life/impact shifts and grant fiscal management services)
 (FAVORABLE)

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

- 53** Transfer of totaling: \$155,400
 From: Police
 Full Time \$133,000
 Shift Differential \$9,400
 Weekend \$13,000
 To: Police Overtime
 (This transfer is necessary to cover anticipated overtime expenditures projecting that they will continue at the same pace as they have to date)
 (FAVORABLE)

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

- 50** Appropriation of: \$109,982.65
 From: Executive Office of Elder Affairs-FY2014 Formula Grant
 To: Council on Aging-Elder Affairs Grant Fund.
 This grant is to be used for salaries including overtime, energy, department equipment and repair, printing, office supplies and registrations, memberships and subscriptions. (FAVORABLE)

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

UNFINISHED BUSINESS (cont'd)

- 51** Appropriation of: \$11,000
 From: City Lots
 To: Building & Grounds
 (In order to fund the cleanup of an oil spill in the Marketplace Lot, including removal and disposal of hazardous materials and professional services to close the case with MassDEP) (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 52** Transfer of: \$4,860
 From: City Lots
 To: Building & Grounds
 (In order fund the replacement of the video recorder used for surveillance of the Lincoln Street Parking Lot) (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- Councillor Studenski motioned to refer item **56** back to Finance and was properly seconded. The motion carried by a hand vote.
- 56** Transfer of \$20,295
 From: Personnel Department-Personnel Employee Benefits (Unemployment Insurance)
 To: Law Department-Personal Services other than Overtime.
 (This transfer is to provide funding for an additional position of part time assistant city solicitor). (UNFAVORABLE)
- 54** Transfer of: \$3,950
 From: City Garage
 To: Building & Grounds
 (To fund the repairs of the lighting at the Adams Garage) (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 40** Order: Rules and Regulations governing motor vehicles for hire under Chapter 159A for the carrying of passengers. (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 41** Order: Assessors to act as agents of City Council in matter of apportionment of betterments. (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 42** Order: Clerk to give notice of hearings before Council (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 43** Order: Regulations governing the operation of hawkers and peddlers within the City of Brockton. (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

UNFINISHED BUSINESS (cont'd)

- 44** Order: Pawnbrokers are to deliver a list of purchased/pawned articles to the Chief of Police. (FAVORABLE)

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

ORDERS

- 85** Ordinance: An Ordinance Amending Article XIX of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: I. Chapter 19. Police Department

Referred to Ordinance

Councillor Eaniri takes a moment of personal privilege to state that the next Ordinance Meeting will be held on Feb 4 2014 at 6pm

Councillor DuBois questioned if item **85** could also be referred to Public Safety?

The legal counsel for the city stated that the ordinance can only be referred to one committee at a time. When it comes back from Ordinance Committee, it can be referred to Public Safety, if she wanted to make that motion.

- 82** Appropriation: of: \$450,000
From: Executive Office of Public Safety & Security (EOPSS) FY2014 Shannon Community Safety Initiative Grant
To: City of Brockton Police Department.

Referred to Finance

- 83** Appropriation: of: \$12,000
From: Massachusetts Executive Office of Public Safety & Security (EOPSS)/Highway Safety Division FY2014 Traffic Enforcement Grant
To: City of Brockton Police Department-EOPSS FY14 Traffic Enforcement Grant Fund

Referred to Finance

- 84** Appropriation: of: \$51,400
From: Massachusetts Executive Office of Public Safety & Security (EOPSS)/Highway Safety Division FY2014 Sustained Enforcement (STEP) Grant
To: City of Brockton Police Department-EOPSS FY14 Traffic Enforcement Grant Fund

Referred to Finance

- 89** Resolved: That the Executive Director of the Board of Health be invited to appear before a committee of this Council to discuss possible regulations relative to frying oil management and disposal systems and restaurant operations management technology that would protect the public from a spill such as was recently discussed by the Council and that would increase employee safety.

Councillor Asack spoke on the Resolve.

Referred to Finance

- 90** Resolved: That the new ownership of the Brockton Rox be invited to appear before a committee of this Council to discuss the plans to revitalize the ballpark and the baseball team.

Councillor Barnes spoke on the Resolve.

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ORDERS (cont'd)

Referred to Finance

- 91** Resolved: That Representatives from the Coalition for Social Justice, the Green Justice Coalition, and the local utility companies come before the Finance Committee to discuss and outline the protocols, purpose, and desired goals associated with proposed energy initiatives and opportunities within the Commonwealth; to discuss the viability of increasing residential, small business, and municipal energy efficiency programs outreach in the City of Brockton; and to report sufficient program data to allow for assessment of the program's effectiveness, and to grant municipal officials access to said detailed program data

Council President stated that he would like item **91** to go on the second agenda in February, February 18, 2014. This is a Tuesday, due to the holiday.

Referred to Finance

LATE FILES

Councillor DuBois motioned to accept two late files and was properly seconded. The motion carried by a hand vote.

- 92** Resolved: that Mayor Carpenter, Captain Gomes, a representative of the Police Supervisors Union be invited to the next Finance Committee meeting (2/3/2014) to discuss the plan for transition in the position and in the department. Further, please submit the letter of agreement that was brokered between the Mayor, Police Supervisors Union, and Mr. Gomes to the City Clerks office.

Referred to Finance

- 93** Resolved: that Mayor Carpenter be invited to the next Finance Committee meeting (2/3/2014) to enumerate the number and staff positions that are currently in need of reappointment and discuss his plan for reappointing each staff position that is currently overdue for reappointment including, but not limited to, the positions of Building Commissions, DPW Commissioner, and Treasurer/Collector.

Referred to Finance

Councillor Cruise motioned to accept three communications and an order as late files and was properly seconded. The motion carried by a hand vote.

- 94** Communication: From the Personnel Director verifying that based on review of the current Personnel Department, Personnel Employee Benefits, Unemployment Compensation appropriation has a surplus of \$15,000 in addition to the \$50,000.

Accepted and placed on file

- 95** Communication: from the Mayor in accordance with M.G.L., recommending that the City Council authorize the transfer of \$35,295 from Personnel Department, Personnel Employee Benefits (Unemployment Insurance) to Law Department- Personal Services other than Overtime, in order to provide funding for an additional position of Full Time City Solicitor. This request is a substitution for the request of \$20,295 for funding for a Part Time City Solicitor as requested by my letter of January 7, 2014, received in council January 20, 2014 and referred to Finance Committee, and recommended unfavorably in Finance on January 21, 2014. Asking that this SUBSTITUTE REQUEST be accepted and adopted under suspension of the rules.

Accepted and placed on file

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LATE FILES (cont'd)

- 96** Communication: from the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$35,295. This is a substitute request for the \$20,295 request dated January 7, 2014.

Accepted and placed on file

- 97** Transfer: of \$35,295
From: Personnel Department, Personnel Employee Benefits (Unemployment Insurance)
To: Law Department-Personal Services other than Overtime
(in order to provide funding for an additional position of Full Time City Solicitor).

Referred to Finance

Councillor Monahan takes a moment of personal privilege to state that tomorrow, Tuesday January 28, 2014, there will be a tax abatement workshop at the Main Library from 5:30pm-7:30pm.

Council President Sullivan asks for a moment of silence for Mr. Jose Sulaiman, who passed away. He was the World Boxing Council Chief and was very instrumental in bringing the Rocky Marciano Statue to the city.

Adjourned at 8:38pm