

A regular meeting of the City Council was held in the Council Chambers with Councillor Sullivan presiding. The meeting was called to order at 8:01pm with eleven members being present.

In City Council, April 14, 2014

Councillor Asack asked for a moment of silence for Ed Matta that passed away.

Councillor Studenski asked for a moment of silence for Firefighter Bruce Duquette that passed away.

The Council President stated that Finance Committee meeting will be on Tuesday, April 22, 2014 at 7pm, due to the holiday on Monday.

Councillor Studenski motioned to take items **220-227** collectively and was properly seconded. The motion carried by a hand vote.

Councillor Barnes questioned the motion.

**APPOINTMENTS**

- 220** Appointment of Kenneth Galligan of 25 Messina Dr., to the Brockton Zoning Board of Appeals for a three year term ending March 2017.
- 221** Appointment of Robert J. Pelaggi of 87 Westfield Dr., as an alternate to the Brockton Zoning Board of Appeals for a three year term ending March 2017.
- 222** Appointment of Peter Marciano of 12 Lorraine Ave., as an alternate to the Brockton Zoning Board of Appeals for a three year term ending March 2017.
- 223** Reappointment of Stephen Bernard of 130 Highland St., to the Brockton Zoning Board of Appeals for a three year term ending March 2017.
- 224** Appointment of Mark Norwood of 101 Summer Street West, to the Brockton Conservation Commission for a three year term ending April 2017.
- 225** Appointment of Peter Tsokanis of 16 Marlene Ave., to the Planning Board for a five year term ending April 2019.
- 226** Reappointment of James Casieri of 37 Stafford Lane, to the position of Superintendent of Building for the City of Brockton for a three year term ending April 2017.
- 227** Reappointment of Martin S. Brophy of 15 Morse Avenue, to the position of Treasurer/Tax Collector for the City of Brockton for a term of three years ending April 2017.

Referred to Finance

**PETITIONS**

Of Carlos Lana to obtain a sign permit at 567 N. Main St.

Referred to Public Safety

**HEARINGS**

Petition of K&S Auto Sales, Inc., for a Motor Vehicle Repair Mechanical & Body license located at 97 Manley St.

Councillor Eaniri motioned to continue next council meeting and was properly seconded. The motion carried by a hand vote.

**REPORTS**

- 228** Of the Public Safety for its meeting of April 2, 2014

**REPORTS (cont'd)**

- 228** Of the Public Safety for its meeting of April 2, 2014

Accepted and placed on file.

- 229** Of the Finance Committee for its meeting of April 7, 2014

Accepted and placed on file.

**COMMUNICATIONS**

- 230** From the District Treasurer of the Southeastern Regional School District submitting the budget for FY2015

Accepted and placed on file.

- 231** From the Superintendent the Southeastern Regional School District requesting a vote to approve the establishment of a Stabilization Fund according to Massachusetts General Laws c.71, ss16 G1/2 for the Southeastern Regional Vocational Technical School District.

Accepted and placed on file.

- 232** From the Interim Chief of Police requesting to accept a motor vehicle donated to the Brockton Police Department by North End Motors. The vehicle has a Kelly Blue book value of \$2,837 and will be used only in an official law enforcement capacity, primarily for narcotics investigations and surveillance.

Accepted and placed on file.

- 233** From the Mayor recommending that the City Council authorize the acceptance of a vehicle donation which has a Kelly Blue book value of \$2,837 from North End Motors to City of Brockton Police Department. The vehicle will be used only in official law enforcement capacity, primarily for narcotics and investigations and surveillance.

Accepted and placed on file.

- 234** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance of the donation of a vehicle from North End Motors to the Brockton Police Department.

Accepted and placed on file.

- 235** From the Director of Social Services and Safe Corners Street Outreach requesting the City Council accept the Safe and Successful Youth Initiative (SSYI) grant from the Executive Office of Health and Human Services (EOHHS) in the amount of \$228,510.50 through June 30, 2014. This money will be used for programming at 90 Main Street, GED classes, subsidized job placements, case management, outreach services, faith based home visits and therapy at the Plymouth County House of Corrections. There is no required match from the City.

Accepted and placed on file.

- 236** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the acceptance and expenditure of the grant award in the additional amount of \$228, 510.50 from Commonwealth of Massachusetts Executive Office of Health and Human Services (EOHHS)-Safe and Successful Youth Initiative (SSYI) Grant to Office of the Mayor-Safe and Successful Youth Initiative (SSYI) Grant Fund. These grant funds will be used for programming at 90 Main Street, GED classes, subsidized job placements, case management, outreach services, faith based home visits and therapy at the Plymouth County House of Corrections.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 237** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of an additional \$228, 510.50 from Executive Office of Health and Human Services (EOHHS)- Safe and Successful Youth Initiative (SSYI) Grant to Office of the Mayor-Safe and Successful Youth Initiative (SSYI) Grant Fund.

Accepted and placed on file.

- 238** From the Chief Financial Officer informing the City Council \$15,900 is available for transfer from Personal Services because of an unfilled vacancy in a budget position in the Finance Department.

Accepted and placed on file.

- 239** From the Mayor in accordance with M.G.L., Ch. 44 recommending a transfer of \$15,900 from Finance Department Personal Services other than overtime to Mayor's Personal Services-other than overtime in order to fund a budgeting shortfall. This funding will allow the Mayor's Office to avoid any further staff furloughs subsequent to Friday, April 25, 2014.

Accepted and placed on file.

- 240** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$15,900 from Finance Department Personal Services other than overtime to Mayor's Personal Services-other than overtime.

Accepted and placed on file.

- 241** From the Executive Director of the Parking Authority requesting transfers totaling \$38,691.00 to Snow Removal; \$8691.00 from Part Time Salaries and \$30,000.00 from the Parking Authority Reserve Account (in order to fund the shortfall in snow removal for Fiscal 2014. 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.

- 242** From the Mayor in accordance with M.G.L., Chapter 44, recommending an appropriation of \$38,691 from Parking Meter Reserve Fees \$30,000 and Parking Authority Part Time \$8,691 to Parking Authority Snow Removal (in order to cover the shortfall in FY2014 plowing, sanding and removal of snow for the Parking Authority).

Accepted and placed on file.

- 243** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$38,691 from Parking Meter Reserve Fees \$30,000 and Parking Authority Part Time \$8,691 to Parking Authority Snow Removal

Accepted and placed on file.

- 244** From the Chairman of the Board of Assessors writing to state that the Assessor's Office has an overlay surplus for the following Fiscal Year:  
Fiscal Year 2007 \$345,000.00.  
This money will be available for Fiscal Year 2015, commencing July 1, 2014.

Accepted and placed on file.

- 246** From the Mayor in accordance with M.G.L., Chapter 44, recommending a transfer of \$175,000 from Overlay Surplus Fiscal Year 2007 to Fire Department Personal Services-Overtime for Fiscal Year 2014 in order to fund a budget shortfall.

Accepted and placed on file.

**COMMUNICATIONS (cont'd)**

- 247** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$175,000 from Overlay Surplus Fiscal Year 2007 to Fire Department Personal Services-Overtime for Fiscal Year 2014

Accepted and placed on file.

- 249** From the Interim Chief of Police requesting a transfer of \$75,000 for additional patrols to be used during the months of April, May and June of 2014.

Accepted and placed on file.

- 250** From the Mayor in accordance with M.G.L., Chapter 44, recommending a transfer of \$75,000 from Overlay Surplus Fiscal Year 2007 to Police Department Personal Services- Overtime for Fiscal Year 2015 (for additional police patrols this fiscal year).

Accepted and placed on file.

- 251** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$75,000 from Overlay Surplus Fiscal Year 2007 to Police Department Personal Service-Overtime for Fiscal Year 2015.

Accepted and placed on file.

**UNFINISHED BUSINESS**

Petition of Manley Street Holdings, LLC for a Garage License located at 97 Manley St., Brockton (IN CITY COUNCIL MARCH 24, 2014, CONTINUED TO NEXT COUNCIL MEETING IN APRIL)

Councillor Eaniri motioned to continue to next council meeting and was properly seconded. The motion carried by a hand vote.

Petition of Community Carriage, Inc. DBA Cowen's Taxi for renewal of 8 Taxi Licenses located at 383 Warren Ave., Brockton. (FAVORABLE)

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

Councillor DeNapoli stepped down.

Petition of Brian Parker DBA Brian's Taxi, Inc. for renewal of 17 taxi licenses located at 20 Putnam St., Brockton (FAVORABLE)

Councillor DeNapoli stepped back in.

Councillor DuBois stepped down.

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

Councillor DuBois stepped back in.

- 185** Appointment of Gary Keith of 94 Provost Street, Brockton to the Brockton Planning Board for a five year term ending March 2019 (FAVORABLE)

Councillor DeNapoli motioned to take items **185-196** collectively, except item **188** and was properly seconded. The motion carried by a hand vote.

Councillor DuBois stepped down.

Councillor Rodrigues stated that the name on item **195** should be Iolando, not Iolanda.

## UNFINISHED BUSINESS (cont'd)

- 186** Appointment of Ollie Spears of 69 Budd Avenue, Brockton to the Brockton Planning Board for a five year term ending March 2019 (FAVORABLE)
- Councillor DuBois stepped back in.
- 187** Appointment of Ross Messina, II of 10 Messina Drive, Brockton to the Brockton Planning Board for a five year term ending March 2019. (FAVORABLE)
- Councillor Asack stepped down.
- 188** Appointment of Ghaleb A. Younes of 191 Prospect Street, Brockton to the Brockton Conservation Commission for a three year term ending March 2017 (FAVORABLE)
- Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Asack absent.
- Councillor Asack stepped back in.
- 189** Appointment of Craig Pina of 21 Bassett Road, Brockton to the Brockton Conservation Commission for a three year term ending March 2017 (FAVORABLE)
- 190** Appointment of Bernie Hassan of 26 Reese Circle, Brockton to the Brockton Water Commission for a three year term ending March 2017 (FAVORABLE)
- 191** Appointment of Stephen Hooke of 31 Hammond Street, Brockton as the Emergency Management Director for the City of Brockton (FAVORABLE)
- 193** Appointment of Manuel Centeio of 29 Kenneth Avenue, Brockton to the Brockton Community Cable Television Board for a three year term ending March 2017 (FAVORABLE)
- 194** Appointment of Morton Schleffer of 60 Irma Road, Brockton to the Brockton Traffic Commission for a three year term ending March 2017. (FAVORABLE)
- 195** Appointment of Iolando Dagraca Monteiro, of 50 Highland Street, Brockton as a Constable in the City of Brockton for a term of three years (FAVORABLE)
- 196** Appointment of Gaetjens Polynice of 39 Bates Rd., Brockton as a Constable in the City of Brockton for a term of three years. (FAVORABLE)
- Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- Councillor DeNapoli motioned to take items **197-202** collectively and was properly seconded. The motion carried by a hand vote.
- 197** Reappointment of Kenneth Galligan of 25 Messina Dr., Brockton to the Brockton Traffic Commission for a three year term ending March 2017. (FAVORABLE)
- 200** Reappointment of Ossie Jordan of 31 Hollis St., Brockton to the Brockton Water Commission for a three year term ending March 2017. (FAVORABLE)
- 201** Reappointment of Robert J. Harrington of 67 Ardsley St., Brockton as a member of the Board of Assessors for the City of Brockton for a three year term ending March 2017. (FAVORABLE)
- 198** Reappointment of William R. Thomas, Jr., of 19 Albert Avenue, Brockton as a Constable in the City of Brockton for a term of three years (FAVORABLE)
- 199** Reappointment of David Lynch of 30 Quincy Street, Brockton as a Constable in the City of Brockton for a term of three years (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

- 202** Reappointment of Kenneth G. LeGrice of 16 Churchill Ave., Ext., Brockton as a Constable in the City of Brockton for a term of three years. (FAVORABLE)

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

- 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.(FAVORABLE AS AMENDED)

Councillor Cruise motioned to table item **85** and was properly seconded by Councillor Monahan. Councillor DuBois asked for a roll call vote. The motion carried by a roll call vote taken by “yeas” and “nays”; eleven members present with eight voting in the affirmative. Councillors Barnes, DuBois and Sullivan voting in the negative.

- 215** Transfer of: \$11,864  
From: Personnel Department-Employee Benefits (Unemployment)  
To: Mayor’s Department-Personal Services  
(in order to pay for separation costs paid to Mayor Balzotti’s staff).  
(FAVORABLE)

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

- 213** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of Eastfield Drive. (FAVORABLE)

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

- 214** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out of Fairbanks Road. (FAVORABLE)

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

- 155** Ordered: That the City Council hereby establishes the application fee required by the Ordinance to be One Thousand Five Hundred Dollars (\$1,500.00) regulating the locations of medical marijuana cultivation, harvesting, dispensing and other related activities, as allowed by Commonwealth of Massachusetts.  
(FAVORABLE AS AMENDED)

The amendment passed by a hand vote. Adopted as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 216** Resolved: that the Real Estate Custodian, Attorney Benjamin Albanese, 16 Patriots Way, Mansfield, MA, be invited to appear before a Committee of this Council to discuss the position of Real Estate Custodian and his plan for how he will undertake to fulfill the duties and responsibilities of this position.  
(FAVORABLE)

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

- 217** Resolved: that the Mayor, the Treasurer-Collector, and the Acting City Auditor be invited to appear before a Committee of this Council to discuss the position of Real Estate Custodian and to provide financial, administrative, and historical information about the position of Real Estate Custodian. (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)**

- 218** Resolve: that the City's Chief Financial Officer, Solicitor, and Treasurer/Collector come before the Finance Committee to discuss Payment in Lieu of Taxes (PILOT) programs and how they may be implemented between the City and certain Non-tax paying entities located within Brockton (FAVORABLE)

Councillor Barnes stepped down.

Councillor Cruise motioned to send back to Finance Committee and was properly seconded. The motion carried by a hand vote.

Councillor Barnes stepped back in.

- 219** Resolve: the DPW Commissioner Mr. Mike Thoreson, Water Superintendent Mr. Larry Rowley and Mr. Jason Glaneuski, a resident of the City, come before the Finance Committee to discuss the current status of water pressure and water issues throughout 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.

**ORDERS**

- 252** Ordinance: In order to ensure the development of the neighborhood, the following parcels of land are hereby rezoned to R1C (Plot 28 Intervale Street, Plots 1,2,3 Arthur Street).

Referred to Ordinance and Planning.

- 253** Ordered: That the City Council authorize the acceptance of a vehicle donation which has a Kelly Blue book value of \$2,837 from North End Motors to City of Brockton Police Department. The vehicle will be used only in official law enforcement capacity, primarily for narcotics and investigations and surveillance.

Councillor Eaniri motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with ten voting in the affirmative. Councillor Barnes voting in the negative.

- 254** Order: That the DPW is authorized to issue one-single family home sewer connection for Plot 2 Edgar St. owned by Steve Torrey

Referred to Finance.

- 255** Transfer of: \$15,900  
From: Finance Department Personal Services other than overtime  
To: Mayor's Personal Services-other than overtime  
(In order to fund a budgeting shortfall. This funding will allow the Mayor's Office to avoid any further staff furloughs subsequent to Friday, April 25, 2014)

Referred to Finance.

- 256** Transfer of \$75,000  
From: Overlay Surplus Fiscal Year 2007  
To: Police Department Personal Services- Overtime for Fiscal Year 2014  
(for additional police patrols this fiscal year).

Referred to Finance.

- 257** Transfer: of \$175,000  
From: Overlay Surplus Fiscal Year 2007  
To: Fire Department Personal Services-Overtime for Fiscal Year 2014  
(in order to fund a budget shortfall).

**53**  
**ORDERS (cont'd)**

Councillor Cruise motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. He also stated that the Fire Chief was there to answer any questions.

Councillor DuBois questioned the Fire Chief.

Councillor Cruise explained the overlay from 2007.

Councillor DeNapoli stated that there was a Scrivener's Error on item **256** and **257** and that it should read Fiscal Year 2014.

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with ten voting in the affirmative. Councillor Barnes voting in the negative.

- 258** Appropriation of: \$228,510.50  
From: Commonwealth of Massachusetts Executive Office of Health and Human Services (EOHHS)-Safe and Successful Youth Initiative (SSYI) Grant  
To: Office of the Mayor-Safe and Successful Youth Initiative (SSYI) Grant Fund.  
(These grant funds will be used for programming at 90 Main Street, GED classes, subsidized job placements, case management, outreach services, faith based home visits and therapy at the Plymouth County House of Corrections)

Referred to Finance.

- 259** Appropriation totaling \$38,691;  
From: Parking Meter Reserve Fees \$30,000 and  
From: Parking Authority Part Time \$8,691  
To: Parking Authority Snow Removal  
(in order to cover the shortfall in FY2014 plowing, sanding and removal of snow for the Parking Authority).

Referred to Finance.

- 260** Resolved: That the Mayor, the Library Director, the Chairman of the Board of Library Trustees, the Superintendent of Buildings, and the Chairman of the Library Foundation be invited to appear before a committee of this Council to provide information on planned improvements to the West Branch Library.

Referred to Finance.

- 261** Resolve: That the City's Mayor, Chief Financial Officer, DPW Commissioner and Mr. George Woodbury, a representative from SolLux Consulting, come before the Finance Committee to discuss the potential of streetlights conversion to LED lighting and other technological upgrades associated with operating cost reductions and benefits to the City of Brockton.

Referred to Finance.

- 262** Resolved: that the Mayor, Chiefs of the City Public Safety Departments, the Chief Financial Officer, and the Chairman of the Board of Assessors, be invited to appear before a committee of this Council to discuss the impact upon the City in providing such essential services to non-profits, the community benefits to the City resulting from the mission of the non-profits, and to review ways to strengthen the partnership between the City and its tax-exempt institutions.

Referred to Finance.

Councillor DuBois takes a moment of personal privilege to Publicly request an emergency meeting of the License Commission regarding "The Lit" bar.

Councillor Sullivan stated that the next Finance Committee meeting would be held on Tuesday April 22, 2014

Councillor Sullivan wished everyone a happy celebration.

Councillor Sullivan takes a moment of personal privilege to read a letter from Patrick Monahan regarding road potholes.

Adjourned 8:34pm