

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

In City Council, April 28, 2014

Councillor Cruise motioned to appoint Mark Gildea clerk pro tempore and was properly seconded. The motion carried by a hand vote.

The Council President stated that Councillor Barnes had a previous commitment and couldn't be there tonight.

REPORTS

245 Of the Public Safety Committee for its meeting of April 22, 2014

Accepted and placed on file.

248 Of the Real Estate Committee for its meeting of April 22, 2014

Accepted and placed on file.

263 Of the Finance Committee for its meeting of April 22, 2014

Accepted and placed on file.

COMMUNICATIONS

276 From the Chairman of the Board of Assessors stating that the Assessor's Office has declared an overlay surplus for the following Fiscal Year:

Fiscal Year 2007	\$345,000.00
Total	\$345,000.00

Accepted and placed on file.

277 From the Interim Chief of Police requesting a transfer of \$95,000 for additional patrols to be used during the months of April, May and June of 2014

Accepted and placed on file.

278 From the Mayor in accordance with M.G.L., Chapter 44, recommending a transfer of \$95,000 from Overlay Surplus Fiscal Year 2007 to Police Department Personal Services-Overtime. This appropriation is from the remaining balance of the overlay surplus from FY2007 as delivered by the Assessor for Fiscal Year 2014 in order to fund budget shortfall

Accepted and placed on file.

279 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$95,000 from Overlay Surplus Fiscal Year 2007 to Police Department Personal Services-Overtime for Fiscal Year 2014

Accepted and placed on file.

280

Accepted and placed on file.

281 From the Mayor in accordance with M.G.L., in order to finance the proposed costs including all overtime costs of the contract settlement with the Brockton Police Association, covering FY11, FY12, and FY13, recommending the following appropriation:

From-Stabilization Fund,	\$1,120,000
To-Police Department Personal Services	\$1,120,000

Furthermore, in order to fund the proposed FY14 costs of a separate contract settlement with the same union for the period of FY14, FY15, and FY16, also recommending the following additional appropriation:

From- The Stabilization Fund,	\$950,000
To- Police Department Personal Services Other than OT,	\$890,000
And Police Department, Overtime,	\$60,000

The parties have agreed that both contracts must receive funding approval, requested in the total amount of \$2,070,000, for the provisions of either contract to be effective.

Councillor DuBois stepped in at 8:02pm

Accepted and placed on file.

282 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton **ARE ADEQUATE ONLY THROUGH FY 14** to support the total appropriation from the Stabilization Fund of \$2,070,000 requested by the Mayor to fund the proposed contracts with the Brockton Police Association. The amount of \$1,120,000 is required for funding the proposed contracts for fiscal years 11, 12, and 13, while the amount of \$950,000 is required for funding the FY14 cost of the proposed contract for fiscal years 14, 15, and 16. However, in his opinion the financial resources of the city **WILL NOT BE ADEQUATE** to fund the ongoing cost of these contracts **BEYOND FY 14 WITHOUT A DETRIMENTAL IMPACT** on continuous provision of the existing level of municipal services, **UNLESS THE CITY IS WILLING TO LEVY PROPERTY TAXES TO INCORPORATE THE ANNUAL 2.5% INCREASE IN THE LEVY LIMIT ALLOWED UNDER LAW, AND TO RAISE WATER RATES SO THAT THE WATER ENTERPRISE FUND CAN REIMBURSE THE GENERAL FUND FOR WATER EXPENSES PAID IN THE GENERAL FUND.** Notwithstanding his concerns about the financing of these proposed contracts in future fiscal years, he is **recommending that the city council approve the funding order.**

Accepted and placed on file.

283 From the Mayor in accordance with M.G.L., Chapter 44, recommending an appropriation of \$304,632 from Available Funds-Brockton's share of the Commonwealth of Massachusetts Winter Rapid Recovery Road Program (WRRRP) for Fiscal 2014 to the WRRRP Project Funds (to provide funding for the purpose of eligible project costs as described in the attached communications).

Accepted and placed on file.

284 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$304,632 from Available Funds-Brockton's Apportionment of the Commonwealth of Massachusetts Winter Rapid Recovery Road Program (WRRRP)

Accepted and placed on file.

- 285** From the Mayor in accordance with M.G.L., recommending that the City Council approve the form of order as attached which would authorize the purchase of the property at 60 Crescent Street for \$500,000 and would authorize borrowing of \$500,000 to finance that purchase. This purchase will allow for the relocation of the Board of Health from rented space and provide added space and parking as well on City Hall Plaza.

Accepted and placed on file.

- 286** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the purchase of the property at 60 Crescent Street and to finance that purchase through the borrowing of \$500,000. This certification is contingent upon the relocation of the offices of the Board of Health from its current location on School Street to the 60 Crescent Street location.

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) (IN CITY COUNCIL APRIL 24, 2014, CONTINUED TO NEXT COUNCIL MEETING)

Attorney Kevin Riley appeared in favor. Councillor Eaniri was also in favor of the petition. No one was in opposition. Hearing held. Councillor Eaniri motioned to grant and was properly seconded.

Granted by a hand vote.

Petition of K&S Auto Sales, Inc., for a Motor Vehicle Repair Mechanical & Body license located at 97 Manley St. (IN CITY COUNCIL APRIL 24, 2014, CONTINUED TO NEXT COUNCIL MEETING)

Attorney Kevin Riley appeared in favor. Councillor Eaniri was also in favor of the petition. No one was in opposition. Hearing held. Councillor Studenski motioned to grant and was properly seconded.

Granted by a hand vote.

Petition of Carlos Lana to obtain a sign permit at 567 N. Main St.
(FAVORABLE)

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

- 184** Ordered: That the City Council hereby releases the restriction that Plot 57-1 Ames Street (Map 164, Route 250) is a non-buildable lot, which restriction was established by City Council Order adopted February 23, 2004, and which restriction was referenced in a certain Deed from the City of Brockton to Ann Lawrence recorded at Plymouth County Registry of Deeds Book 27809, Page 301, conditioned upon the granting to the City of a deed restriction for said Plot 57-1 (Parcel ID # 164-250) and for Plot 57 Ames Street (Parcel ID # 164-250) that said parcels can only be further developed for single family homes and that the combined parcels cannot be subdivided more than three times.
(FAVORABLE AS AMENDED)

The amendment passed by a hand vote. Adopted as amended, by a roll call vote taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councillor Stewart voting in the negative. Councillor Barnes absent.

UNFINISHED BUSINESS (cont'd)

- 220** Appointment of Kenneth Galligan of 25 Messina Dr., to the Brockton Zoning Board of Appeals for a three year term ending March 2017. (FAVORABLE)

Councillor Eaniri motioned to take items 220-225 and item 192 collectively and was properly seconded. The motion carried by a hand vote.

- 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. (FAVORABLE)

- 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. (FAVORABLE)

- 224** Appointment of Mark Norwood of 101 Summer Street West, to the Brockton Conservation Commission for a three year term ending April 2017. (FAVORABLE)

- 225** Appointment of Peter Tsokanis of 16 Marlene Ave., to the Planning Board for a five year term ending April 2019. (FAVORABLE)

- 192** Appointment of Lisa Shea of 344 Ash Street, Brockton to the Brockton Cable Advisory Board 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 Barnes absent.

Councillor DuBois motioned to file for reconsideration with the wish that it not prevail on item **184** and was properly seconded. Reconsideration failed by a hand vote.

- 223** Reappointment of Stephen Bernard of 130 Highland St., to the Brockton Zoning Board of Appeals 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 Barnes absent.

Councillor DuBois motioned to take items **226** and **227** collectively and was properly seconded. The motion carried by a hand vote.

- 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. (FAVORABLE)

- 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. (FAVORABLE)

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

Councillor Cruise motioned to file for reconsideration with the wish that it not prevail on items **226** and **227** and was properly seconded. Reconsideration failed by a hand vote.

- 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)
(FAVORABLE)

UNFINISHED BUSINESS (cont'd)

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

- 256** 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). (FAVORABLE)

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

- 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) (FAVORABLE)

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

- 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). (FAVORABLE)

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

- 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.
 (FAVORABLE)

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

- 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. (FAVORABLE)

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

Councillor DeNapoli stepped down.

ORDERS

- 264** Ordinance: An Ordinance Amending Chapter XXVII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 27. Zoning., Sec. 27-24.3.-Humanitarian Medical Use of Marijuana.

Referred to Ordinance and Planning

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ORDERS (cont'd)

- 265** Transfer of \$95,000
From: Overlay Surplus Fiscal Year 2007
To: Police Department Personal Services-Overtime.
This appropriation is from the remaining balance of the overlay surplus from FY2007 as delivered by the Assessor for Fiscal Year 2014 in order to fund budget shortfall

Referred to Finance

- 266** Appropriation:
Totaling \$2,070,000
From: Stabilization Fund - \$1,120,000
To: Police Department Personal Services- \$1,120,000
(in order to finance the proposed costs including all overtime costs of the contract settlement with the Brockton Police Association, covering FY11, FY12, and FY13)
From: The Stabilization Fund- \$950,000
To: Police Department Personal Services Other than OT- \$890,000
And Police Department, Overtime- \$60,000
(in order to fund the proposed FY14 costs of a separate contract settlement with the same union for the period of FY14, FY15, and FY16).

Referred to Finance

- 267** Appropriation of \$304,632
From: Available Funds-Brockton's share of the Commonwealth of Massachusetts Winter Rapid Recovery Road Program (WRRRP) for Fiscal 2014
To: the WRRRP Project Funds
(to provide funding for the purpose of eligible project costs as described in the attached communications).

Referred to Finance

- 268** Ordered: That the Mayor be and hereby is authorized to purchase on behalf of the City the property located at 60 Crescent Street (Map 110, Route 036, Plot 3) for the purchase price of Five Hundred Thousand Dollars (\$500,000).
And Further Ordered: That the Mayor is authorized to execute and deliver a purchase and sale agreement and any other documents that may be necessary to carry out the purposes of this order.

DeNapoli stepped back in.

Referred to Finance

- 269** Ordered: That \$500,000 is appropriated to pay costs of purchasing the former Crescent Credit Union Building, located at 60 Crescent Street, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore.

Referred to Finance

- 270** Resolve: That the Police Chief, Robert Hayden, be invited to appear before the Finance Commission to discuss and provide an update on: his first 60-day emergency appointment as Chief of the Brockton Police Department; any changes to officer assignments and structure he has already made and his plans for his second 60-day emergency appointment.

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ORDERS (cont'd)

Referred to Finance

- 271** Resolve: That the Police Chief, Robert Hayden, be invited to appear before the Finance Commission to discuss any and all limitations placed on his ability to work more than 960-hours per year, pursuant to G.L. c. 32 Sec. 91(b)&(c)

Referred to Finance

- 272** Order: That the Brockton DPW is authorized to issue a single family home sewer connection to DEC Realty Trust for the lot of land located at 0 Ames Street (Map/Route: 164242), Plot (51).

Referred to Finance

- 273** Resolve: That the Bay State Animal Cooperative and a representative of the Brockton Animal Control be invited to appear before May 5th's Finance Committee to discuss the epidemic of stray and homeless cats in Brockton, the affects on the citizens and animals and how we might be able to better tackle this problem as a community.

Referred to Finance

- 274** Order: The City Solicitor's Office will provide an update to members of the City Council in executive session on any and all pending litigation on a quarterly basis beginning in May of 2014 and continuing every four months (August and November 2014).

Referred to Finance

Councillor DuBois motioned to remove from table the following ordinance:

- 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)

The motion was not properly seconded. The motion did not prevail.

Councillor Eaniri takes a moment of personal privilege to state that the Ordinance Committee will meet on Mon. May 5, 2014 at 6pm in the Council Chambers.

Councillor DuBois takes a moment of personal privilege to state that on April 30, 2014, she will be having a ward meeting at the Brookfield School at 6:30pm.

The Council President stated that the Wizard of Oz will be performed at Massasoit Community College from May 2 to May 11, 2014.

Councillor Monahan stated that he is hosting a fundraiser for his daughter-in-law's brother, who was abducted in Fla. and thrown out of a moving vehicle and has severe brain injury. It is a sport memorabilia auction at Joe Angelo's on May 3, 2014.

He also stated he will be on vacation next week, celebrating his 35th Wedding Anniversary.

Councillor Studenski wished a Happy Birthday to his brother, Charles (Chick) Studenski.

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

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LATE FILES

275 Resolve: Be it resolved that Brockton's first ever "Bike to Work Day" will be held during the third week of May (May 16th), which is also National Bicycle Week, May 10-18.

Referred to Finance

Adjourned 8:35pm