

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, May 12, 2014

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

#### **APPOINTMENTS**

- 291** Reappointment of Robert W. Bishop of 333 Foundry Street, South Easton, MA as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance.

#### **REPORTS**

Councillor DuBois stepped down.

Councillor Barnes stepped back in.

- 276** Of the Ordinance Committee for its meeting of May 5, 2014

Accepted and placed on file.

- 277** Of the Finance Committee for its meeting of May 5, 2014

Accepted and placed on file.

#### **COMMUNICATIONS**

- 278** From the Superintendent of Buildings and the Specialized Secretary of the Planning Department stating that the amount of \$55,000 is available for transfer from Planning Department- Personal Services Not Overtime line item: Full Time to Buildings and Grounds Repair for Public Property due to the existence of the vacant positions for the Planners in the existing budget

Accepted and placed on file.

- 279** From the Superintendent of Buildings requesting a transfer of \$55,000 from the Planning Department Personal Services Non Overtime to Building Department Ordinary Maintenance Purchase of Goods. The intended use of this money is to purchase a portable generator that would be large enough to run a building, such as City Hall, the Library or the Council on Aging in case of emergency.

Accepted and placed on file.

- 280** From the Mayor in accordance with M.G.L., Chapter 44, recommending a transfer of \$55,000 from Planning Department-Personal Services other than Overtime to Building Department Capital. The intended use of this money is to purchase a portable generator that would be large enough to run a building, such as City Hall, the Library or the Council on Aging in case of emergency. This money is available as the positions of Planner and Junior Planner were funded, but not filled.

Accepted and placed on file.

- 281** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$55,000 from Planning Department-Personal Services other than Overtime to Building Department Capital.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 282** From the Mayor in accordance with M.G.L., recommending an appropriation of \$417,000 from the Stabilization Fund to Police Department-Personal Services Other than Overtime, \$401,000; and from the Stabilization Fund to Police Department-Personal Services, Overtime, \$16,000 ( in order to finance the proposed costs of the contract settlement with the Brockton Police Supervisors Union, covering FY14, FY15, and FY16).

Accepted and placed on file.

- 283** 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 \$417,000 requested by the Mayor to fund the proposed contract for FY14 through FY16 with the Brockton Police Supervisor Union. However, in his opinion the financial resources of the city **WILL NOT BE ADEQUATE** to fund the ongoing cost of this contract **BEYOND FY 14 WITHOUT A DETRIMENTAL IMPACT** on the 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 THE 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 this proposed contract in future fiscal years, he is **recommending that the city council approve the funding order.**

Accepted and placed on file.

## UNFINISHED BUSINESS

- 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). (FAVORABLE)

Passed to a third reading, by a hand vote.

- 178** Ordinance: An Ordinance Amending Chapter XX of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 20, Streets and Sidewalks. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 179** Ordinance: An Ordinance Amending Article II of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Article II-Nuisances. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 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. (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)

- 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). (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”: eleven members present and all voting in the affirmative. Councillor DeNapoli motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Stewart as a point of information asked if item **179** was the third reading?

The Council President stated that it was passed to a third reading.

- 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). (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 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). (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)

- 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). (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays": eleven members present with seven voting in the affirmative. Councillors Cruise, Stewart, Studenski and Sullivan voting in the negative.

- 273** Resolve: That the Bay State Animal Cooperative and a representative of the Brockton Animal Control be invited to appear before May 5<sup>th</sup>'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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

Councillor DuBois motioned to file for reconsideration with the wish that it not prevail on item **274** properly seconded. Reconsideration failed by a hand vote.

- 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) (FAVORABLE)

Councillor Barnes asked if this resolve should move forward if the Council is waiting for some outstanding information?

Councillor DuBois motioned to refer back to Finance Committee and was properly seconded.

The Council President, as a point of information, stated that there were two questions that were requested from the City Solicitor's Office that were still outstanding.

The motion carried by a hand vote.

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

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

**67**  
**ORDERS**

- 285** Transfer of \$55,000  
From: Planning Department-Personal Services other than Overtime  
To: Building Department Capital  
(The intended use of this money is to purchase a portable generator that would be large enough to run a building, such as City Hall, the Library or the Council on Aging in case of emergency).
- Referred to Finance.
- 286** Appropriation totaling \$417,000;  
From: The Stabilization Fund  
To: Police Department-Personal Services Other than Overtime, \$401,000; and  
From: The Stabilization Fund  
To: Police Department-Personal Services, Overtime, \$16,000  
( in order to finance the proposed costs of the contract settlement with the Brockton Police Supervisors Union, covering FY14, FY15, and FY16).
- Referred to Finance.
- 287** Resolve: That the City's CFO confer with the Assessor's Department and get full accounting by year, of any-and-all funds from "Reserve for Abatements and Assessment accounts" that maybe made available.
- Referred to Finance.
- 288** Resolve: The Mayor be invited to appear before the May 19, 2014 Finance Committee to discuss his plan to appoint a full-time Department Head for the Police Department (Chief or Commissioner) in accordance with M.G.L., Chapter 41, Section 61A.
- Referred to Finance.
- 289** Resolve: The Mayor, City Solicitor, and Personnel Director are invited to appear before the May 19, 2014 Finance Committee to discuss MGL Chapter 41, Section 61A, as it governs appointments of "temporary officers"; Specifically, the provision of MGL Chapter 41, Section 61A that states, "but no such temporary officer shall be appointed under this section for a period longer than 60 days".
- Referred to Finance.
- 290** Resolve: That representatives from the Brockton Blue Dog Shelter, located at 1014 Pearl Street, come before the Finance Committee to discuss their organization's purpose, goals, and benefits to the City of Brockton and its neighboring communities.

Referred to Finance.

**LATE FILE**

Councillor Cruise motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

- 292** Resolve: That Mr. Justin Smith come before the Finance Committee to discuss his desire, dedication, and determination to change the law of the Commonwealth and require that any assault & battery on a Police Officer, responding to a criminal activity, shall be prosecuted as a felony rather than the current misdemeanor charge.

Referred to Finance.

Council President Sullivan thanked everyone for participating in the Joint Convention that they had to hold, unfortunately, due to Michael Healy's passing away. He also congratulated Ossie Jordan, newly elected member of the School Committee representing Ward 6 with Councillor DuBois.

Adjourned 8:17pm