

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 ten members being present. Councillor Stewart absent.

In City Council, May 27, 2014

Councillor Monahan takes a moment of personal privilege to ask for a moment of silence for Mike Gordon, a great Brocktonian, best all-around athlete ever to come out of Brockton High School, that played in the minor league for the Cubs for about ten years. He was also a cousin in law of Councillor Eaniri. Mike Gordon also worked with Councillor Monahan for the past 25 years. He was 60 years old.

Councillor Sullivan asked for a moment of silence in honor of the veteran's who sacrificed their lives for our freedom and liberty.

Councillor Stewart indicated to the Council President that he could not be in attendance tonight, due to a work commitment.

The Council President, as a point of information, stated that June 9, 10, 11 and 12, at 6:30 pm in the Council Chambers will be the Budget Hearings, and on Thursday June 19, at 6:30 pm at the East Middle School will be a joint meeting with the Mayor, the School Committee and two representatives of Southeastern Regional.

APPOINTMENTS

- 304** Appointment of John DeAndrade of 32 Boylston Street, Brockton to the Brockton Conservation Commission for a three year term ending June 2017.

Referred to Finance.

- 305** Appointment of George Fiske of 238 Court Street, Brockton to the Brockton Board of Health for a three year term ending June 2017.

Referred to Finance.

- 306** Reappointment of John R. Staco, of 33 Wellington Street, Brockton, as a Constable in the City of Brockton for a term of three years.

Referred to Finance.

PETITIONS

Of John Ruan of 55 Adele Rd., Quincy, MA for a sign permit located at 379 Belmont St., Brockton.

Referred to Public Safety

HEARINGS

Petition of Copeland Acquisition Corp., DBA Copeland Chevrolet for a Motor Vehicle Repair Mechanical License, located at 1555 Main St., Brockton, MA

Jason Pappas, General Manager of Copeland Chevrolet appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote.

Petition of NGRID proposing to install 35ft class 4 pole, anchor and strut guy with an 8 ft lead. Pole and anchor will be located on town property on the north side of Thatcher Street. New pole will be labeled 13-84.

William Matthew representing National Grid appeared in favor. No one was in opposition. Councillor DeNapoli questioned the petitioner. Hearing held.

70
REPORTS

- 330** Of the Finance Committee for its meeting of May 19, 2014

Accepted and placed on file

COMMUNICATIONS

- 331** From the Mayor submitting a letter of resignation of Sisto Volpe from the Brockton Planning Board.

Accepted and placed on file

Councillor DuBois asked for a moment of personal privilege to speak regarding Mr. Volpe's resignation. She thanked him for his service.

- 333** From the CFO requesting that the City Council amend the Revised Ordinances of the City of Brockton, Section 2-127, Pay Plan by adding the title "Budget Director" to classification DA/P-2, and further request that the Mayor endorse and approve this amendment. This position would provide needed assistance, plus professional staffing depth. (the intended use would be to leave the present vacant secretary's position in the office unfilled until a favorable passage of the amendment, and use the savings to fund the requested position for part of FY15).

Accepted and placed on file

Councillor Rodrigues stepped down.

- 334** From the Mayor in accordance with the request from the CFO John A. Condon, and in order to follow the recommendations of the Department of Revenue, requesting that the city council amend the revised ordinances of the City of Brockton, Section 2-127-"Pay Plan", by adding the title "Budget Director" to the classification on DA/P-2.

Accepted and placed on file

- 335** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed creation of a new title, "Budget Director" in the Pay Plan of the city, without a detrimental impact on the continuous provision of the existing level of municipal services for FY15, provided that sufficient funding is provided in the Finance Department Budget.

Accepted and placed on file

- 336** From the Chief of Police requesting authorization to expend grant funds related to the Executive Office of Public Safety & Security's Year Six (extension of funds) of the Local Action Research Grant.

Accepted and placed on file

- 337** From the Mayor recommending that the City Council authorize the appropriation of the award in the amount of \$22,000 from Massachusetts Executive Office of Public Safety and Security (EOPSS)/ Local Action Research Grant to City of Brockton Police Department-EOPSS (Year Six) Local Action Research Partner Grant Fund.

Accepted and placed on file

- 338** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$22,000 from Massachusetts Executive Office of Public Safety and Security (EOPSS)/ Local Action Research Grant (Year Six) to City of Brockton Police Dept.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 339** From the Assistant Auditor certifying that the balance of the Finance-Other Insurances as of May 20, 2014 is \$170,048.28
- Accepted and placed on file
- 340** From the Mayor in accordance with M.G.L., requesting an appropriation in the amount of \$125,000 from Finance Liability Insurance to Finance Ordinary Maintenance (to cover cost for Solar Electricity Services).
- Accepted and placed on file
- 341** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$125,000 to cover Solar Electricity.
- Accepted and placed on file
- 307** From the Emergency Management Director requesting that the City Council approve the acceptance of a grant in the amount of \$741.00 from the Massachusetts Emergency Management Agency HMEP Grant to Brockton Emergency Management Agency Grant Fund. (the intended use for this grant is for a Think Pad).
- Accepted and placed on file
- Councillor Rodrigues stepped back in.
- 308** From the Mayor in accordance with M.G.L., Ch. 44, recommending acceptance of \$741 from the Massachusetts Emergency Management Agency HMEP Grant to Brockton Emergency Management Agency Grant Fund. (the intended use for this grant is for a Think Pad).
- Accepted and placed on file
- 309** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance of \$741 from the Massachusetts Emergency Management Agency HMEP Grant
- Accepted and placed on file
- 310** From the Emergency Management Director requesting that the City Council approve the acceptance of a grant in the amount of \$1,525.00 from the Massachusetts Emergency Management Agency SHSP Grant to Brockton Emergency Management Agency Grant Fund. (the intended use for this grant is to purchase equipment to build our Community Emergency Response Team).
- Accepted and placed on file
- 311** From the Mayor in accordance with M.G.L., Ch. 44, recommending acceptance of \$1,525.00 from the Massachusetts Emergency Management Agency SHSP Grant to Brockton Emergency Management Agency Grant Fund. (BEMA intends to use this grant to purchase equipment to build our Community Emergency Response Team).
- Accepted and placed on file
- 312** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance of \$1,525.00 from the Massachusetts Emergency Management Agency SHSP Grant
- Accepted and placed on file

COMMUNICATIONS (cont'd)

- 313** From the Superintendent of Parks requesting a donation of a memorial bench for the D.W. Field Golf Course. This request was presented by Club National on behalf of a deceased member. All costs associated with this memorial bench including installation would be incurred by Club National.

Accepted and placed on file

- 314** From the Mayor recommending that the City Council authorize the acceptance of a Memorial Bench for the D.W. Field Golf Course from Club National on behalf of a deceased member to City of Brockton Park Commission. All costs associated with this memorial bench including installation would be incurred by Club National.

Accepted and placed on file

- 315** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance of the donation of a Memorial Bench for D.W. Field Golf course from Club National to the Brockton Park Commission.

Accepted and placed on file

- 316** From the DPW Commissioner requesting an appropriation of \$2,030,878 in order to expend funds under the provisions of M.G.L., Ch. 90 FY15 awarded to the City of Brockton for the purpose of the design and construction costs necessary for approved projects.

Accepted and placed on file

- 317** From the Mayor in accordance with M.G.L., Ch. 90, Section 34 recommending an appropriation of \$2,030,878 from Available funds-Brockton's Ch. 90 apportionment for FY15 to Highway Transportation Project Funds FY15 (Ch. 90 Projects) to provide funding for the purpose of the design and construction costs necessary for approved projects.

Accepted and placed on file

- 318** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$2,030,878 from Available funds-Brockton's Ch. 90 apportionment for FY15 to Highway Transportation Project Funds FY15 (Ch. 90 Projects)

Accepted and placed on file

- 327** From the Mayor in accordance with M.G.L., recommending that the City Council adopt the Fiscal Year 2015 Budget for the City, recommending appropriations in the total amount of \$375,596,407.

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). (IN CITY COUNCIL MAY 12, 2014, PASSED TO A THIRD READING)

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

UNFINISHED BUSINESS (cont'd)

- 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. (IN CITY COUNCIL MAY 12, 2014, PASSED TO A THIRD READING)

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

- 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. (IN CITY COUNCIL MAY 12, 2014, PASSED TO A THIRD READING)

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

- 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. (IN CITY COUNCIL MAY 12, 2014, PASSED TO A THIRD READING)

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

- 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 (FAVORABLE)

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

- 295** 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). (FAVORABLE)

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

- 296** 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).
(FAVORABLE)

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

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

UNFINISHED BUSINESS (cont'd)

- 298** 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. (FAVORABLE)

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

- 299** 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”. (FAVORABLE)

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

- 300** 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. (FAVORABLE)

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

- 301** 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. (FAVORABLE)

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

The Council President stated that Mr. Smith contacted him today and he is very interested in the letter that Councillor Studenski talked about last week.

Councillor Barnes stepped down.

- 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. (FAVORABLE)

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

- 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)

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

Councillor Barnes stepped back in.

75
ORDERS

- 319** Ordinance: An Ordinance Amending Section 2-127 of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Section 2-127 of the Revised Ordinances of the City of Brockton is hereby amended by amending Section 2-127-“Pay Plan”, by adding the title “Budget Director” to the classification on DA/P-2.

Referred to Ordinance.

- 329** Ordered: The City Council of the City of Brockton petitions the Great and General Court under the provisions of Section 8 of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts for an Act as follows: **An Act Providing for Rent Regulations and the Control of Evictions in Manufactured Housing and Mobile Home Communities in the City of Brockton**

Referred to Finance.

- 320** Ordered: That the City Council authorize the acceptance of the donation of a Memorial Bench for the D.W. Field Golf Course. This request was presented by Club National on behalf of a deceased member. All costs associated with the Memorial Bench including installation will be incurred by Club National.

Councillor Monahan motioned to move under suspension of the rules on item **320** and was properly seconded. The motion carried by a hand vote.

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

- 328** Ordered: Budget for FY2015

Referred to Finance.

Councillor DuBois stated that in the Budget Book, the second page of the DPW section was missing.

- 321** Appropriation of \$2,030,878
From: Available funds-Brockton’s Ch. 90 apportionment for FY15
To: Highway Transportation Project Funds FY15 (Ch. 90 Projects)
(In order to provide funding for the purpose of the design and construction costs necessary for approved projects)

Referred to Finance.

- 322** Appropriation of \$22,000
From: Massachusetts Executive Office of Public Safety and Security (EOPSS)/
Local Action Research Grant
To: City of Brockton Police Department-EOPSS (Year Six) Local Action
Research Partner Grant Fund.

Referred to Finance.

- 323** Appropriation of \$125,000
From: Finance Liability Insurance
To: Finance Ordinary Maintenance (to cover cost for Solar Electricity Services).

Referred to Finance.

- 324** Appropriation of \$741.00
From: the Massachusetts Emergency Management Agency HMEP Grant
To: Brockton Emergency Management Agency Grant Fund.
(the intended use for this grant is for a Think Pad).

76
ORDERS

Referred to Finance.

- 325** Appropriation of \$1,525.00
From: the Massachusetts Emergency Management Agency SHSP Grant
To: Brockton Emergency Management Agency Grant Fund.
(the intended use for this grant is to purchase equipment to build our Community
Emergency Response Team).

Referred to Finance.

- 326** Resolve: To invite the School Superintendent to appear before the Council to
discuss the state of the schools in the City of Brockton.

Referred to Finance.

Granting of NGRID proposing to install 35ft class 4 pole, anchor and strut guy
with an 8 ft lead. Pole and anchor will be located on town property on the north
side of Thatcher Street. New pole will be labeled 13-84.

Granted by a hand vote.

Budget hearings will be held Monday, Tuesday, Wednesday and Thursday, June
9, 10, 11 and 12 starting at 6:30pm.

Adjourned at 8:30pm