

A regular meeting of the City Council was held in the Council Chambers with Councillor Sullivan presiding. The meeting was called to order at 8:02 pm with eleven members being present.

In City Council, June 23, 2014

Council President Sullivan stated that Bob Hayden is in the hospital, due to a bike accident.

APPOINTMENTS

398 Of David Offutt of 39 Torrey St., Brockton to the Cemeteries Board of Trustees for a five year term ending June 2019.

Referred to Finance

399 Of Rob May of 220 School St., Apt. 2 Somerville to the position of Director of Planning and Economic Development for the City of Brockton for a five year term ending June 2019.

Referred to Finance

HEARINGS

Petition of NGRID proposing to intercept 9-4" conduits concrete encased and re-direct to switch gear manhole 276-1. Transformer pad location on Montello St.

Councillor DeNapoli motioned to move to the end of the meeting and was properly seconded. The motion carried by a hand vote.

Jim Pearson of NGRID appeared in favor. He questioned the street and the pole location.

A two minute recess was called.

Back in session

Councillor Cruise motioned to grant leave to withdraw and was properly seconded. The motion carried by a hand vote.

Petition of 1260 Main St., LLC for an Underground Storage License located at 1260 Main St.

Ghazi Saab, manager appeared in favor. Councillor Studenski questioned the petitioner. No one was in opposition. Hearing held. Councillor Studenski motioned to grant and was properly seconded. Granted by a hand vote.

Petition of Boston Hospitality Group LLC for a Garage license located at 444 Main St.

Attorney Jay Creedon appeared and represented the petitioner. Councillor DeNapoli questioned through the clerk if other car washes will need garage licenses? The clerk stated that if they were to have cars there for some reason they would need one. Councillor DuBois questioned if any car washes were storing cars at the car washes. Councillor Eaniri stated if they were detailing them, they may keep them overnight. The clerk stated a lot of the car washes do not have the space to store cars. Rev. Ortez Andross appeared in opposition. He questioned where the garage would be. The Attorney stated that there is no new structure, just the car wash. Councillor Barnes questioned the attorney. Councillor Rodrigues questioned the attorney. The Clerk through the chair stated that it is just a garage license. No repair work will be done there. Councillor DuBois questioned what

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HEARINGS (cont'd)

the stipulations would be on the licenses. The legal counsel stated that the garage license is just for storing cars indoors. Councillor DuBois questioned the petitioner. Hearing held. Granted by a hand vote.

Petition of Teen Challenge New England, Inc., for a Garage license located at 1085 North Montello St.

Attorney McClusky of 932 Main St. appeared in favor on behalf of the petitioner. Councillor DuBois questioned the number of cars being requested on the garage license. The attorney stated that it was five, because that is the minimum you can ask for or pay for. Councillor Studenski stepped down. Councillor Studenski stepped back in. Councillor Barnes questioned the attorney. No one was in opposition. Hearing held. Granted by a hand vote.

REPORTS

- 400** Of the Finance Committee for its meeting of June 16, 2014.

Accepted and placed on file

COMMUNICATIONS

- 401** From the Mayor submitting his commentary on the FY15 budget.

Accepted and placed on file

- 402** From the Mayor in accordance with M.G.L., recommending the approval of the City Council for the Net Metering Power Purchase Agreement between NuGen Capital Management and the City of Brockton. This agreement is for the purchase of solar power from a solar plant, which will save the City in electricity costs.

Accepted and placed on file

- 403** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the approval of the Net Meter Power Purchase Agreement between NuGen Capital Management and the City of Brockton.

Accepted and placed on file

- 404** From the Chief of Police requesting authorization to expend grant funds related to the Old Colony Planning Council's FY14 Sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety.

Accepted and placed on file

- 405** 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 amount of \$10,000 from Massachusetts Dept. of Highway via the Old Colony Planning Council's FY14 sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety Grant to Brockton Police via the Old Colony Planning Council-FY14 Sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety Grant Fund. These overtime grant funds will be used to help the Brockton Police Department step up enforcement specifically related to pedestrian and bicycle issues in the form of issuing citations, warnings, and tracking feedback. There is no required match from the City.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 406** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$10,000 from Massachusetts Dept. of Highway via the Old Colony Planning Council's FY14 Sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety Grant to Brockton Police via the Old Colony Planning Council's FY14 Sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety Grant Fund.
- Accepted and placed on file
- 407** From the Chief of Police requesting for authorization to expend grant monies related to the FY13 Dept. of Justice/Bureau of Justice Assistance Grant in the amt of \$89, 969.70.
- Accepted and placed on file
- 408** From the Mayor with M.G.L., Ch. 44 recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$89,969.70 from US Department of Justice/Bureau of Justice Assistance FY13 Grant to Brockton Police-FY13 Justice Assistance Grant Fund. These grant funds will be used to continue the community's proactive approach in assisting victims of domestic and community violence by hiring a part time social worker to be housed at the Brockton Police Department.
- Accepted and placed on file
- 409** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$89,969.70 from US Department of Justice/Bureau of Justice FY13 Justice Assistance Grant to Brockton Police-FY13 Justice Assistance Grant Fund.
- Accepted and placed on file
- 410** From the Assistant Auditor certifying as of June 17, 2014 the balance of the Stabilization fund is \$2,402,245.87.
- Accepted and placed on file
- 411** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the appropriation in the amount of \$130,000 from Stabilization Fund to MSBA Accelerated Repair Program (ARP) for Ashfield Middle School, Barrett Russell School, Brookfield School and the Gilmore School Early Childhood Center. (In order to provide funding to collaborate with the MSBA in conducting a Feasibility Study for potential roof, boiler, window and door replacements at the named schools.)
- Accepted and placed on file
- 412** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$130,000 from Stabilization Fund to MSBA Accelerated Repair Program for the Ashfield, Barrett Russell, Brookfield and Gilmore Schools. **However, for the record the Stabilization Fund balance prior to a favorable vote is only \$2.4 million. Additional future funding from City sources will impose a significant financing challenge even with state assistance at 80%. The certification letter is not applicable to these future costs, which will likely be from borrowing, with city council, approval to be sought at a later date.**
- Accepted and placed on file

COMMUNICATIONS (cont'd)

- 413** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the mayor to execute the Inter Municipal Agreement with the Town of Abington. The 20 year agreement replaces a contract for sewage treatment services which has been in place for many years. It simplifies the billing calculation while retaining the concept that Abington will share in the fashion of a common user in the costs of the sewer enterprise budget, allocated to the town on the basis of the town's metered flow as a percentage of the total flow at the plant. It also grants the town an additional allocation of 500,000 gallons per day, subject to regulatory approval. The present allocation is 1 million gallons per day. This allocation if used would generate almost \$500,000 in additional

Accepted and placed on file

- 414** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed authorization of the Mayor to execute the IMA between the City and the Town of Abington. **The recommendation to approve this would benefit the sewer enterprise budget.**

UNFINISHED BUSINESS

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

Confirmed by a roll call vote taken by "yeas" and "nays"; eleven members present with nine voting in the affirmative. Councillors Barnes and Sullivan voting in the negative.

- 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) (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with ten voting in the affirmative. Councillor DuBois voting in the negative. Councillor Eaniri motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 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. (FAVORABLE)

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

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

- 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). (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 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). (FAVORABLE)
- Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.
- 328** Ordered: Budget for FY2015. (FAVORABLE AS AMENDED)
- Amendment 1:** Motion to amend Treasurer’s Debt from \$13,106,977 to \$13,006,977 and was properly seconded. Motion carried by a roll call vote taken by “yeas’ and “nays”; eleven members present with nine voting in the affirmative. Councillors Barnes and Stewart voting in the negative.
- Amendment 2:** Motion to amend Law Dept Ordinary Maintenance- Services from \$371,522 to \$300,000 and was properly seconded. Motion carried by a roll call vote taken by “yeas’ and “nays”; eleven members present with nine voting in the affirmative. Councillors Barnes, Cruise, Monahan, Stewart and Studenski voting in the negative.
- Councillor Eaniri question Jay Condon on the hotel/motel tax.
- Councillors DuBois and Studenski stepped down.
- Motion to accept DPW Budget and was properly seconded. Motion carried by a roll call vote taken by “yeas’ and “nays”; nine members present and all voting in the affirmative. Councillors DuBois and Studenski absent.
- Councillors DuBois and Studenski stepped back in.
- Councillor Cruise stepped down.
- Motion to accept Personnel Budget and was properly seconded. Motion carried by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Cruise absent.
- Councillor Cruise stepped back in.
- The FY2015 Budget was adopted as amended 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.

UNFINISHED BUSINESS (cont'd)

- 385** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the establishment of a revolving fund for fiscal year 2015, consistent with the provisions of M.G.L. Chapter 140, Section 139A. The Animal Control Revolving Fund shall receive the deposits for the spaying or neutering of animals. Expenditures would be restricted to not more than \$5,000.00 annually for the purposes permitted by Chapter 140, Section 139A. (FAVORABLE)

Councillor Cruise motioned to take items **388-397** collectively and was properly seconded. The motion carried by a hand vote.

- 388** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY2015 revolving fund for the sole purpose of funding the Keep Brockton Beautiful Program. (FAVORABLE)

- 390** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E1/2, the City Council authorizes the establishment of a revolving fund for fiscal year 2015, for the sole purpose of funding the Composting Bin Distribution Program from the Municipal Recycling Grant-Executive Office of Environmental Affairs and Department of Environmental Protection. (FAVORABLE)

Councilor Cruise stepped down.

- 394** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the establishment of a revolving fund for fiscal year 2015, for the Parking Authority Violations Fines. (FAVORABLE)

- 384** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2015 revolving fund for Manning & Cosgrove Pool Revolving Account under the control of the mayor, from all FY2015 receipts received from admission to the pool, but further provided that the expenditures of such revolving fund revenues shall not exceed \$80,000 and shall be limited to spending purposes for ordinary maintenance expenses to operate the pool. (FAVORABLE)

- 387** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, the City Council authorizes the authorization of a revolving fund for fiscal year 2015, for the sole purpose of funding of the acquisition and installation of grave liners exclusive of the cost of labor. (FAVORABLE)

- 386** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY2015 revolving fund for the sole purpose of funding the cost in connection with the demolition of buildings in the City of Brockton. (FAVORABLE)

- 392** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes a revolving fund for Fiscal Year 2014, for the sole purposes of funding the creation and maintenance of the Abandoned Building Registry as well as the closing and boarding up of vacant and abandoned buildings. (FAVORABLE)

- 393** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a revolving fund of FY2015 for the sole purpose of helping to fund the cost in connection with the operation of the War Memorial building. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

- 391** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the Police Department-Closed Cases Revolving Fund for fiscal year 2015 for the sole purpose of spending by the Police Chief for ordinary maintenance expenses of the police department. (FAVORABLE)
- 396** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E1/2, the City Council authorizes the establishment of a revolving fund for fiscal year 2015, for the sole purpose of helping to fund the cost in connection with the K9 Unit of the Brockton Police Department. (FAVORABLE)
- 395** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the Auditor-Public Record Request Revolving fund for FY2015, for the sole purpose of reimbursing departments for the cost of complying with requests for public records. (FAVORABLE)
- 389** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2015 revolving fund for the sole purpose of funding the acceptance and expenditure by the Women's Commission of receipts and donations from various events. (FAVORABLE)

Councillor Cruise stepped back in.

- 397** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E1/2, the City Council re-authorizes the establishment of a revolving fund for fiscal year 2015, from the cash receipts from Comcast. (FAVORABLE)

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

ORDERS

- 415** Ordered: That the City Council authorize the approval of the Net Metering Power Purchase Agreement between NuGen Capital Management, LLC and the City of Brockton. This agreement is for the purchase of solar power from a solar plant, which will save the City in electricity costs.

Referred to Finance

- 416** Ordered: That the City Council authorizes the Mayor to enter into the Intermunicipal Agreement between the Town of Abington and the City of Brockton for Transport and Treatment of Wastewater from Abington and Transmission. This Agreement is intended to supersede and replace the current agreement between the parties.

Referred to Finance

Councillor DuBois motioned to move under suspension of the rules on item **417** and was properly seconded. The motion carried by a hand vote.

- 417** Order: That the Brockton DPW is authorized to issue a single family home sewer connection to the owners of the land located at 0 Clairmount Ave., Brockton.

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 and was properly seconded. Reconsideration failed by a hand vote.

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ORDERS (cont'd)

- 418** Appropriation of: \$130,000
From: Stabilization Fund
To: MSBA Accelerated Repair Program (ARP) for Ashfield Middle School, Barrett Russell School, Brookfield School and the Gilmore School Early Childhood Center. (In order to provide funding to collaborate with the MSBA in conducting a Feasibility Study for potential roof, boiler, window and door replacements at the named schools. **However, for the record the Stabilization Fund balance prior to a favorable vote is only \$2.4 million. Additional future funding from City sources will impose a significant financing challenge even with state assistance at 80%. The certification letter is not applicable to these future costs, which will likely be from borrowing, with city council, approval to be sought at a later date.**)

Referred to Finance

Councillor Studenski motioned to move under suspension of the rules on item **419** and was properly seconded. The motion carried by a hand vote.

- 419** Appropriation of: \$10,000
From: Massachusetts Dept. of Highway via the Old Colony Planning Council's FY14 sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety Grant
To: Brockton Police via the Old Colony Planning Council-FY14 Sustained Traffic Enforcement Program for Pedestrian/Bicycle Safety Grant Fund. (These overtime grant funds will be used to help the Brockton Police Department step up enforcement specifically related to pedestrian and bicycle issues in the form of issuing citations, warnings, and tracking feedback. There is no required match from the City.)

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

- 420** Appropriation of: \$89,969.70
From: US Department of Justice/Bureau of Justice Assistance FY13 Grant
To: Brockton Police-FY13 Justice Assistance Grant Fund.
(These grant funds will be used to continue the community's proactive approach in assisting victims of domestic and community violence by hiring a part time social worker to housed at the Brockton Police Department.

Referred to Finance

- 421** Resolved: That the Mayor, Superintendent of Utilities and members of the Water Commission be invited to appear before a committee of this council to discuss the rates charged for water in the City.

Referred to Finance

- 422** Resolve: That representatives of the Department of Public Works be invited to appear before a committee of this Council to discuss the possibility of implementation of uniform trash barrels.

Referred to Finance

Granting of NGRID proposing to intercept 9-4" conduits concrete encased and re-direct to switch gear manhole 276-1. Transformer pad location on Montello St.

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LATE FILES

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

- 423** Communication from the Superintendent of Parks requesting authorization to expend grant monies related to the Office of Energy and Environmental Affairs (EEA) FY 2015 ‘Our Common Backyard Grant’, Mulberry Street Playground to a recreational open space for the citizens of Brockton.

Accepted and placed on file

- 424** Communication from the Mayor in accordance with the M.G.L., Ch. 44 recommending that the City Council authorize the submission of the FY2015 EEA Our Common Backyard Grant, and expenditure of the grant award in the amount of \$125,000 from Executive Office of Energy and Environmental Affairs (EEA)- FY2015 Our Common Backyards Grant, and incorporating as well as concurring with the allocating of \$25,000 from Brockton Redevelopment Authority (BRA)- FY2015 Our Common Backyards Grant City Contribution to City of Brockton-Parks and Recreation Department-FY2015 Our Common Backyards Grant Fund. In accordance with the M.G.L., Ch. 45, section 14, the land is dedicated to park purposes, and as set forth by section 15-20 of the City of Brockton Code of Ordinances, the Mulberry Street Playground, under the care and control of the Parks Commission, is dedicated to recreational use only. These grant funds will be used for the renovation of the Mulberry Street Park.

Accepted and placed on file

- 425** Communication from the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$125,000 from Executive Office of Energy and Environmental Affairs (EEA)- FY2015 Our Common Backyards Grant, and incorporating as well as concurring with the allocating of \$25,000 from Brockton Redevelopment Authority (BRA)- FY2015 Our Common Backyards Grant City Contribution to City of Brockton-Parks and Recreation Department-FY2015 Our Common Backyards Grant Fund.

Accepted and placed on file

- 426** Appropriation of \$125,000
From: Executive Office of Energy and Environmental Affairs (EEA)- FY2015 Our Common Backyards Grant, and incorporating as well as concurring with the allocating of \$25,000 from Brockton Redevelopment Authority (BRA)- FY2015 Our Common Backyards Grant City Contribution
To: City of Brockton-Parks and Recreation Department-FY2015 Our Common Backyards Grant Fund.

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

Tim Carpenter was present to answer any questions regarding the grant.

Councillor Cruise questioned if the grant was a matching grant. Tim Carpenter stated that the \$25,000 will be from the Brockton Redevelopment Authority and then will be reimbursed by the state. Councillor Barnes questioned Tim Carpenter for clarification.

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

The DPW Commissioner is retiring and the Council President wished him good luck.

The Council President thanked Dave Farrell, Brian Matta and Paul Studenski for their efforts in the rededication of Tomaselli Sq.

Councillor Cruise stated that the next Finance Meeting will be on July 21, 2014 and the Public Safety Committee will meet at 6:45pm, before the Finance Meeting.

Councillor Barnes takes a moment of personal privilege to commend the Adult Learning Center graduates. She attended the graduation with Councillor Stewart. She also attended the Brookfield school dedication of the new sidewalks.

Council President Sullivan acknowledges and congratulates the BHS Chorale that performed with the group "Foreigner".

Adjourned 9:04pm