

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, July 28, 2014

The Council President stated that Mon., August 18, 2014, will be the next Finance Committee Meeting and August 25, 2014 will be the next City Council meeting.

#### APPOINTMENTS

- 427** Of James L. Bragg, 59 Grant Ave., Brockton as a Member of the Water Commission for a three-year term ending in July, 2017.

Referred to Finance

- 428** Reappointment of Philip M. Decas, 172 Augusta Ave., Ext Brockton as a Constable in the City of Brockton for a term of three years.

Referred to Finance

Council President Sullivan stated that there is a glitch in the Comcast and the meeting may not be televised this evening, but it will be replayed during the week.

Councillor Barnes motioned to take item **461** out of order and also allow a presentation regarding it and was properly seconded. The motion carried by a hand vote.

Jule Wiley and Lynn Smith appeared and spoke regarding the celebration that will be held on August 17, 2014 from 1-5pm. The community education from the celebration will be valuable information.

Councillor Barnes takes a moment of personal privilege to acknowledge Komisha Latour, who is Miss Black Massachusetts. The Councillor presented her a citation from the City Council.

#### HEARINGS

Petition of NGRID proposing to install 4-4" conduits concrete encased between MH226 & MH 11 Montello St., @ Ward Street aka Petronelli Way approx 31ft. New conduits are required due to NGRID extending new primary power for The Residences at Centre and Main St and The Enterprise Bldg.

Jim Pearson of NGRID appeared in favor. Councillor DeNapoli questioned the time frame of the installation. Councillor Barnes questioned how long the work would take. No one was in opposition. Hearing held.

Petition of Verizon New England, Inc. and Massachusetts Electric Company requesting permission to relocate one (1) Pole- Pole 54/41 on Pleasant Street. This petition is necessary in order to accommodate MDOT Project 600365.

Kelly Ann Karden of Verizon New England, Inc appeared in favor. Councillor Cruise questioned the location. No one was in opposition. Hearing held.

Petition of Court Street Realty Trust for a Garage License located at 369 Court St.

Enrique Fernandes appeared in favor. Councillor DeNapoli stated that he was stipulations on the MVR Repair. Councillor Stewart wanted to know what the stipulations would be. Hearing held. Granted by a hand vote.

**95**  
**HEARINGS (cont'd)**

Petition of 5 Corner Auto Sales & Service for a Motor Vehicle Repair Mechanical License located at 369 Court St.

Enrique Fernandes appeared in favor. Councillor Barnes questioned the relationship with the neighbors. The petitioner stated that he has a good relationship with neighbors. Councillor DeNapoli motioned to grant the license with the following stipulations:

1. Hours of Operation: Mon-Fri 7am-8pm, Saturday 7am-6pm, No Sundays or Holidays  
2. Number of Vehicles stored inside: 4  
3. Number of vehicles stores outside: 4  
4. No storing of wreck or damaged vehicles.  
5. No outside storing of out buy products  
6. No pay phones or vending machines.

Councillor Stewart questioned the petitioner on the stipulations. Hearing held. Granted, as amended, by a hand vote.

Petition of A.L. Prime Energy Consultant Inc. for an Underground Storage License located at 757 Crescent St.

Brian Shannon of A.L. Prime Energy Consultant Inc. appeared in favor. Councillor DeNapoli wished them luck. . No one was in opposition. Hearing held. Granted by a hand vote.

**REPORTS**

**429** Of the Public Safety Committee for its meeting of July 21, 2014

Accepted and placed on file.

**430** Of the Finance Committee for its Meeting of July 21, 2014

Accepted and placed on file.

**COMMUNICATIONS**

**431** From the Acting Chief of Police requesting authorization to expend grant monies related to the Executive Office of Health and Human Services/Department of Mental Health FY2015 Jail Diversion Grant.

Accepted and placed on file.

**432** From the Mayor recommending that the City Council authorize the appropriation of the award in the amount of \$45,000 from the Executive Office of Health and Human Services Massachusetts Department of Mental Health/Police based Jail Diversion Grant for 2015 to City of Brockton Police Department Jail Diversion-Grant Fund. (This grant gives the Brockton Police Department overtime funds to continue to train first responders in the specialized field of Mental Health First Aid. The goal of the grant is to also divert from arrest, when possible, individuals with mental health and/or behavior issues.

Accepted and placed on file.

**433** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of the award of \$45,000 Massachusetts Department of Mental Health/Police based Jail Diversion Grant

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 434** From the Acting DPW Commissioner requesting approval for the Land Taking of Ninety-Six (96) Temporary Easements and Four (4) Permanent Easements in relation to the West Elm Street Reconstruction Project. In order to finance the projects the City will expend from appropriated Ch. 90 funds in the amount of \$77,200 as follows:
- |                                |          |
|--------------------------------|----------|
| Temporary Easements- 96 awards | \$72,900 |
| Permanent Easements- 4 awards  | \$4,300  |

Accepted and placed on file.

- 435** From the Mayor in accordance with M.G.L., Ch. 90, Section 34, clause 2(a), recommending an appropriation of \$77,200 from Available Funds-Brockton's Ch. 90 Apportionment for FY15 to Brockton DPW-Highway-Temporary and Permanent Construction Easements: West Elm Street Reconstruction Fund (Ch. 90 Projects) to provide funding for the land taking of 96 Temporary Easements and 4 Permanent Easements in relation to the West Elm Street Reconstruction Project.

Accepted and placed on file.

- 436** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$77,200 from Available Funds-Brockton's Ch. 90 Apportionment for FY15 to Brockton DPW-Highway-Temporary and Permanent Construction Easements: West Elm Street Reconstruction Fund (Ch. 90 Projects).

Accepted and placed on file.

- 437** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council grant the temporary construction easements and/or permanent easements for highway purposes. Said easements are to benefit the abutting properties by allowing for an orderly transition between the new work and said abutting properties and related work.

Accepted and placed on file.

- 438** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council declare #226 Main Street (Map 110, Route 019, Plot 368) available for disposition and sale, and further authorize the sale to the Massachusetts Division of Capital Assets Management and Maintenance (DCAMM) for the purchase price of \$1.00

Accepted and placed on file.

- 439** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed disposition and sale of #226 Main Street (Map 110, Route 019, Plot 368) for \$1.00.

Accepted and placed on file.

- 440** From The Emergency Management Director requesting that the City Council accept the donation from Market Basket in the amount of \$150. The donation will be used to build the water and food reserve.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 441** From the Mayor recommending that the City Council authorize the acceptance of a donation of \$150 from Market Basket to City of Brockton Emergency Management Agency which will be used to build the water and food reserve.

Accepted and placed on file.

- 442** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance of the donation of \$150 from Market Basket to the City of Brockton Emergency Management Agency.

Accepted and placed on file.

- 443** From the Acting DPW Commissioner requesting to appropriate \$1,750,000 through borrowing authorization. This request is for the conventional replacement and rehabilitation of deteriorated sewer mains, services and manholes across the city.

Accepted and placed on file.

- 444** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the City's bond counsel which would appropriate and authorize borrowing of \$1,750,000 and authorize application to the Massachusetts Water Pollution Abatement Trust for financial assistance. The funds will be used to pay costs of making various sewer system repairs and improvements throughout the City, including the conventional replacement and rehabilitation of deteriorated sewer mains, services and manholes across the City.

Accepted and placed on file.

- 445** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying to support the proposed appropriation of \$1,750,000 through borrowing by the DPW Sewer Enterprise Fund.

Accepted and placed on file.

- 446** From the Acting DPW Commissioner requesting an appropriation totaling Ninety-Nine Thousand Dollars (\$99,000.00) to purchase fifteen (15) new surveillance cameras at a cost of six thousand six hundred dollars (\$6,600.00) each for the Department of Public Works Refuse Division. Further requesting \$150,000 to purchase a Bucket Truck. (The purpose is to place them in known dumping areas within the City. This equipment should aid our efforts to eliminate illegal dumping within the City. The purpose of purchasing the bucket truck is to maintain, remove, and replace cameras, in known dumping areas, as needed within the City).

Accepted and placed on file.

- 447** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorizes the appropriation of \$249,000 from Unappropriated Estimated Receipts of the Refuse Enterprise Fund to Refuse Enterprise Fund- Capital to provide funding to purchase a bucket truck, and fifteen (15) new surveillance cameras for the Department of Public Works Refuse Division. The purpose of purchasing the bucket truck is to maintain, remove, and replace cameras, in known dumping areas, as needed within the City.

Accepted and placed on file.

**COMMUNICATIONS (cont'd)**

- 448** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$249,000 from Unappropriated Estimated Receipts of the Refuse Enterprise Fund to Refuse Enterprise Fund- Capital

Accepted and placed on file.

- 449** From the Library Director requesting a supplemental operating budget increase for FY2015 of \$33,602. This would bring the FY2015 operating budget to \$2,127,000. (the increase is needed in order to meet the minimum requirements for the State Aid Public Libraries award certification based on a formula by state law).

Accepted and placed on file.

- 450** From the Mayor in accordance with M.G.L., Ch. 44, recommending an appropriation of \$33,602 from Unappropriated FY2015 Estimated Receipts to Library Purchase of Services-Bld/Grd RP (in order to meet the minimum requirements for the State Aid Public Libraries award certification based on a formula by state law).

Accepted and placed on file.

- 451** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$33,602 from Unappropriated FY2015 Estimated Receipts to Library Purchase of Services-Bld/Grd RP

Accepted and placed on file.

**UNFINISHED BUSINESS**

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

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

- 399** Appointment 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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

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

- 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.**) (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

Failed adoption by a roll call vote taken by “yeas” and “nays”; eleven members present with four voting in the affirmative. Councillors DeNapoli, DuBois, Eaniri, Rodrigues, Stewart, Studenski and Sullivan voting in the negative.

- 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. (FAVORABLE)

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

## ORDERS

Councillor DuBois motioned to take items **452-455** collectively and under suspension of the rules and was properly seconded. The motion carried by a hand vote.

**100**  
**ORDERS (cont'd)**

- 452** Ordered: that the DPW is authorized to issue a one- single family home sewer connections to the properties owned by James Morrissey (Lot 1 on Melrose).
- 453** Ordered: that the DPW is authorized to issue a one- single family home sewer connections to the properties owned by James Morrissey (Lot 2 on Melrose).
- 454** Ordered: that the DPW is authorized to issue a one- single family home sewer connections to the properties owned by Lawrence Lucier (0 North Ave).
- 455** Ordered: that the DPW is authorized to issue a one- single family home sewer connections to the properties owned by Ralph Smith (Plot 44 Winter Street).

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 on items **452-455** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 456** Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Primary will be held on Tuesday, September 9, 2014

Referred to Finance

- 457** Ordered: that the City of Brockton does hereby take as Temporary Construction Easements and as Permanent Easements for Highway Purposes the parcels identified as **TE-1** through **TE-96** and parcels identified **E-1** through **E-4**, inclusive, on “**EXHIBIT A**” and “**EXHIBIT B**” attached hereto and shown on a plan entitled “Plan Showing Temporary Construction Easements and Permanent Easements, West Elm Street, Brockton, MA

Referred to Finance and Planning

- 458** Ordered: That the City Council hereby declare #226 Main Street (Map 110, Route 019, Plot 368) available for disposition and sale and further that the Mayor be and hereby is authorized to execute any and all documents necessary to dispose of said property by sale to the Commonwealth of MA’s Division of Capital Asset Management and Maintenance (DCAMM) for the purchase price of (\$1.00).

Councillor DuBois stepped down.

Referred to Real Estate

- 459** Ordered: That the City Council authorize the acceptance of a donation of \$150 from Market Basket to City of Brockton Emergency Management Agency which will be used to build the water and food reserve.

Referred to Finance

- 460** Ordered: That Pursuant to Sec. 23-30(f)(4), the City Council hereby approves the Rule and Regulation entitled Irrigation/Outside Usage Meters adopted by the Water Commission, a copy of which is attached hereto and made a part hereof

Councillor DuBois stepped back in

Referred to Finance

**101**  
**ORDERS (cont'd)**

- 461** Ordered: That the Committee of Frederick Douglass Neighborhood Association appear before a Committee of this Council to promote to 10 year Anniversary Celebration for the renaming of High Street to FD Way.

Referred to Finance

- 468** Ordered: That \$1,750,000 is appropriated to pay costs of making various sewer system repairs and improvements throughout the City, including design and bidding costs and including without limitation all costs thereof as defined in Section 1 Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow and issue bonds or note.

Referred to Finance

- 462** Ordered: M.G.L. ch. 258, Section 13 provides for, by local acceptance, indemnification of municipal officers elected or appointed from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars.

Referred to Finance

- 463** Appropriation of \$33,602  
From: Unappropriated FY2015 Estimated Receipts  
To: Library Purchase of Services-Bld/Grd RP  
(in order to meet the minimum requirements for the State Aid Public Libraries award certification based on a formula by state law).

Referred to Finance

- 464** Appropriation: of \$249,000  
From: Unappropriated Estimated Receipts of the Refuse Enterprise Fund  
To: Refuse Enterprise Fund- Capital (to provide funding to purchase a bucket truck, and fifteen (15) new surveillance cameras for the Department of Public Works Refuse Division. The purpose of purchasing the bucket truck is to maintain, remove, and replace cameras, in known dumping areas, as needed within the City).

Referred to Finance

- 465** Appropriation: of \$45,000  
From: the Executive Office of Health and Human Services Massachusetts Department of Mental Health/Police based Jail Diversion Grant for 2015  
To: City of Brockton Police Department Jail Diversion-Grant Fund. (This grant gives the Brockton Police Department overtime funds to continue to train first responders in the specialized field of Mental Health First Aid.

Referred to Finance

- 466** Resolved: That the Mayor and Superintendent of Schools be invited to appear before a committee of this Council to discuss hiring trends in the City and the School Department and promoting diversity in hiring.

Referred to Finance

- 467** Resolved: That the members of the Compensation Committee be invited to appear before a committee of this Council to report on its findings and recommendations.

**102**  
**ORDERS (cont'd)**

Referred to Finance

Granting of Verizon New England, Inc. and Massachusetts Electric Company requesting permission to relocate one (1) Pole- Pole 54/41 on Pleasant Street.

Granted by a hand vote.

Granting of NGRID proposing to install 4-4" conduits concrete encased between MH226 & MH 11 Montello St., @ Ward Street aka Petronelli Way approx 31ft.

Granted by a hand vote.

**LATE FILE**

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

- 468** RESOLVE: That Mayor William Carpenter, City Solicitor Philip Nessralla Jr., Mr. David Farrell-Veteran's Services Officer, and Ms. Janice Fitzgerald-Director of the Council on Aging, come before the Finance Committee to discuss the Senior Citizen and Veterans' Volunteer Program Ordinance(s) (passed in 2013 by the City Council) and explain why the City has yet to offer this program to its qualified residents.

Referred to Finance

Council President Sullivan stated that tomorrow, Tuesday July 29, 2014, Governor Patrick would be in the city at the Neighborhood Health Center.

Council President Sullivan takes a moment of personal privilege to acknowledge Bruce Hammond, who is celebrating his 50<sup>th</sup>. Birthday.

Adjourned 8:46pm