

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, October 27, 2014

HEARINGS

Petition of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 8 ft. lead. Pole and anchor will be located on town property on the north side of Merton St. Pole will be labeled 10-84.

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

Petition of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 6 ft. lead. Pole and anchor will be located on town property on the west side of Blossom Street. New pole will be labeled Pole 69-84.

Councillor DuBois stepped in at 8:03pm

REPORTS

524 Of the Ordinance Committee for its meeting of October 20, 2014

Accepted and placed on file

525 Of the Finance Committee for its meeting of October 20, 2014

Accepted and placed on file

COMMUNICATIONS

526 From the Mayor appointing Lawrence Rowley as Interim Commissioner of Public Works pursuant to M.G.L., Ch. 41, Section 61A as of October 6, 2014.

Accepted and placed on file

531 From the Interim DPW Commissioner requesting that the City Council authorize the acceptance of the Massachusetts Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant (SMRP) in the amount of Twelve Thousand Dollars (\$12,000.00). (to purchase recycling bins for the City of Brockton Recycling Depot at 300 Oak Hill Way).

Accepted and placed on file

532 From the Mayor recommending that the City Council authorize the acceptance of the Massachusetts Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant of \$12,000 to Refuse Department-Recycling Containers Grant Fund. (The purpose of the grant is to purchase recycling bins for the City of Brockton Recycling Depot at 300 Oak Hill Way).

Accepted and placed on file

533 From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the acceptance of the grant from the Massachusetts Department of Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant of \$12,000 to Refuse Department-Recycling Containers Grant Fund.

Accepted and placed on file

120
COMMUNICATIONS (cont'd)

- 534** From the Director of Planning and Economic Development on behalf of the Department of Planning and Economic Development, Park & Recreation Department and Brockton Redevelopment Authority requesting that the City Council authorize the acceptance and expenditure of \$140,000 grant from the Commonwealth of Massachusetts-Executive Office of Energy and Environmental Affairs (EEA) through the Water Conservation Fund Act for the renovation of the Ralsco Park Site. The required 50% match will be paid from the BRA through the Community Development Block Grant Funds.

Accepted and placed on file

- 535** From the Mayor in accordance with M.G.L., Ch. 44, recommending on behalf of the Department of Planning and Economic Development, Park & Recreation Department and Brockton Redevelopment Authority requesting that the City Council authorize the acceptance and expenditure of \$140,000 grant from the Commonwealth of Massachusetts-Executive Office of Energy and Environmental Affairs (EEA) through the Water Conservation Fund Act for the renovation of the Ralsco Park Site to City of Brockton Planning Department Grant Fund. There is a 50% match, which will be paid from the BRA through the Community Development Block Grant Funds.

Accepted and placed on file

- 536** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$140,000 from the Commonwealth of Massachusetts-Executive Office of Energy and Environmental Affairs to City of Brockton Planning Department.

Accepted and placed on file

UNFINISHED BUSINESS

- 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. (FAVORABLE)

Passed to a third reading by a hand vote.

- 481** Ordinance: An Ordinance Amending Article XIII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 13. Procurement. Article 1. Contractor Qualifications and Sanctions. (FAVORABLE AS AMENDED)

The amendment passed by a hand vote.

Passed to a third reading, as amended, by a hand vote.

- 486** Ordinance: An Ordinance Amending Chapter 27 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows. Sec. 27-73. Electronic Advertising Boards. (FAVORABLE AS AMENDED)

President Sullivan stepped down.

Councillor Eaniri stepped in as Council Pro Temp

The amendment passed by a hand vote.

121
UNFINISHED BUSINESS (cont'd)

Passed to a third reading, as amended, by a hand vote.

President Sullivan stepped back in and Councillor Eaniri stepped down.

- 515** Ordinance: An Ordinance amending Chapter XIV of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 14. Offenses. (FAVORABLE)

Passed to a third reading by a hand vote

- 517** Ordinance: An Ordinance amending Chapter XI of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 11. Section 11-162. (FAVORABLE)

Passed to a third reading by a hand vote

- 503** Appointment of Jane Moynihan, 221 Oak St., Brockton as a member of the Council on Aging Board for a three year term ending in October 2017. (FAVORABLE)

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

Councillor Monahan stepped in at 8:20pm

- 504** Appointment of Chris Connolly, 146 Court St., Brockton as a member of the Board of Park Commissioners for a five year term ending in March 2019 (FAVORABLE)

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

- 505** Appointment of John Kenney, 221 Oak St., Brockton as a member of the Council on Aging Board for a three year term ending in October 2017. (FAVORABLE)

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

- 520** Appropriation of \$5,187.72
From: Massachusetts Associations of Health Boards (MAHB) Plymouth County Region 5 emergency Coalition Grant Fund
To: City of Brockton Board of Health Massachusetts (MAHB) Medical Reserve Corp Grant Fund. (For the purpose of building the level of volunteers for the area Medical Reserve Corp) (FAVORABLE)

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

- 519** Appropriation of \$44,435
From: Massachusetts Emergency Management Agency (EMPG) Performance Grant Program. The Brockton Emergency Management Agency (BEMA) intends to use these grant funds to purchase operational equipment for BEMA, as well as the Emergency Operation Center. (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)

- 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 (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 AS AMENDED)

Councillor DuBois questioned the amendment.

Councillor Sullivan explained the reason for the amendment.

The amendment passed by a hand vote.

Adopted, as amended, 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.

- 482** Ordered: That the City of Brockton Government Study Committee is hereby established to be comprised of seven (7) citizens of the City, 3 of whom are to be appointed by the Mayor and 4 of whom are to be appointed by the City Council President. Each committee member shall be a registered voter and to the extent possible, possess expertise or knowledge relevant to the work of such Government Study Committee (GSC). The GSC is charged with exploring, by whatever means it deems appropriate, all aspects of local government organization and structure, the strengths and weaknesses in Brockton’s current form of government and areas for improvement, alternative models of government, and recommend changes in such organization and structure, including, but not limited to, the terms of office, and the method of selection of officials, consistent with the needs of the City, and designed to achieve greater efficiency and effectiveness in the delivery of government services.
 (FAVORABLE)

A two-minute recess was called.

Back in session.

Councillor Stewart motioned to refer back to Finance Committee and was properly seconded. The motion carried by a hand vote.

- 521** Resolved: That representatives of the Brockton Area Branch-NAACP be invited to appear before a committee of this Council to report on the efforts of the organization. (FAVORABLE)
 Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 522** Resolve: That Patricia Kelleher, President & CEO of Family and Community Resources, Inc., Lovern Gordon President of Love Life New Foundation Inc., and Erin Baumgaertel Director of Violence Intervention and Prevention of Health Imperatives be invited before a committee of this council to discuss Domestic Violence Awareness and its resources. (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.

- 523** Resolve: That the City Solicitor, Interim Police Chief, Acting DPW Commissioner, and Traffic Commissioner come before the Finance Committee to discuss lowering the driving speed limit on certain areas within the City (excluding streets/highways/roads under the State’s authority) as part of an effort to reduce pedestrian injuries and/or deaths. (FAVORABLE)

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

ORDERS

The Clerk to the Council stated to disregard order #527 and refer to order #530.

- 527** Order: That the City Auditor obtain through issuance of an Invitation for Proposals by the Procurement Officer, for an independent legal and financial Assurances analysis by a **non-city affiliated**, financial services firm of the Water Purchase Agreement (WPA) contract between the City of Brockton and Inina Servicios Europeos de Medio Ambiente, S.A. (Gs Inima Environment, S.A.) jointly with Bluestone Energy Services, Inc.

- 528** Appropriation of \$12,000.00
From: the Massachusetts Department of Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant
To: Refuse Department-Recycling Containers Grant Fund. (The purpose of the grant is to purchase recycling bins for the City of Brockton Recycling Depot at 300 Oak Hill Way).

Referred to Finance.

- 529** Appropriation of \$140,000
From: the Commonwealth of Massachusetts-Executive Office of Energy and Environmental Affairs (EEA) through the Water Conservation Fund Act for the renovation of the Ralsco Park Site
To: City of Brockton Planning Department Grant Fund on behalf of the Department of Planning and Economic Development, Park & Recreation Department and Brockton Redevelopment Authority. There is a 50% match, which will be paid from the BRA through the Community Development Block Grant Funds.

Referred to Finance.

- 530** Resolved: That the Brockton City Council expresses to the Mayor its belief that the due diligence conducted to date by the City on the proposed transaction is inadequate to allow for an informed consideration of the proposed transaction; and be it further Resolved: that the Brockton City Council expresses its position that no consideration of the proposed transaction shall be undertaken by the City Council without the City of Brockton first obtaining, through issuance of an Invitation for Proposals by the Chief Procurement Officer, a detailed financial due diligence analysis by a non-city affiliated, independent financial Services firm of the fair market value of the Aquaria Water, LLC Desalinization plant in Dighton, Massachusetts.

Referred to Finance.

124
ORDERS (cont'd)

Councillor Studenski motioned to continue the petitions, which were items 1, 2, 32 and 33, to the next City Council meeting and was properly seconded. The motion carried by a hand vote.

Granting of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 8 ft. lead. Pole and anchor will be located on town property on the north side of Merton St. Pole will be labeled 10-84.

Granting of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 6 ft. lead. Pole and anchor will be located on town property on the west side of Blossom Street. New pole will be labeled Pole 69-84.

Councillor Sullivan takes a moment of personal privilege to thank everyone that participated in the Facilities Review on Saturday. Councillors Eaniri and Monahan couldn't attend, because they had to work. Councillor Cruise had to attend a funeral and Councillor DeNapoli had a family matter. Councillors Asack, Barnes, DuBois, Rodrigues, Stewart, Studenski and Sullivan attended. They visited the Hancock School, North Middle School, Brookfield School and Huntington School. It was Saturday morning from 8am to 12:00pm. It was a great presentation with a lot of statistics on the conditions of the buildings. Other School Committee colleagues in attendance were Mr. Henningson, Mr. Jordan, Ms. Joyce, Mr. Minichiello, Ms. Sullivan, and Ms. Wilson. State Representatives Brady and Cronin were also in attendance. Supt. Kathy Smith, Asst. Supt. Mike Thomas, June Saber, Aldo Petronio, Cliff Murray, Mark Linde, Rob May and Kip Gibson. Mayor Carpenter, and U.S. Senator, Ed Markey, met them at the last stop at the Huntington School. He thanked Supt. Smith publicly.

Adjourned at 8:27pm