

27.

A regular meeting of the City Council was held in the George Romm Little Theatre at the Brockton High School, 470 Forest Ave., due to the elevator not working. Councillor Eaniri presiding. The meeting was called to order at 8:05pm with eleven members present.

In City Council, February 26, 2017

- 133** Acceptance of the minutes of the February 12, 2018 City Council meeting.

Accepted and placed on file

APPOINTMENTS

- 134** Of Reverend Michael Durant of 15 Greenfield St., Brockton, MA to the Trustees of the War Memorial Building for a term of 3 years.

Referred to Finance

- 135** Of Tina Cardoso of 816 Pearl St., Brockton, MA to the Zoning Board of Appeals as an alternate.

Referred to Finance

- 136** Of Doryce Smith of 50 Prince St., Brockton, MA to the Zoning Board of Appeals as an alternate.

Referred to Finance

- 137** Of Toni Goncalves of 154 Fairview Ave., Brockton, MA to the Brockton Planning Board for a term of 5 years.

Referred to Finance

- 138** Of Carlha Toussaint of 14 Madrid Sq. #3, Brockton, MA to the Brockton Cultural Council.

Referred to Finance

- 139** Of Lisa Villani of 29 May Ave., Brockton, MA to the Brockton Cultural Council.

Referred to Finance

- 140** Of Bianca Gay of 97 Lynn Rd., Brockton, MA to the Brockton Conservation Commission for a three year term.

Referred to Finance

- 141** Of Matthew Currivan of 26 Kathleen Rd., Brockton, MA to the Library Board of Trustees for a three year term.

Referred to Finance

- 142** Of Brian Madden of 16 Ellis St. #3, Brockton, MA to the Brockton Community Cable Access for a three year term.

Referred to Finance

HEARINGS

- 143** Officer's return of notice

28.
HEARINGS (cont'd)

Accepted and placed on file

Revocation of Lubras Auto Body Mechanical/ Body License located at 64 Elliot St., Brockton.

The hearing was opened by Council President Eaniri. Officer Chris Perez, of the Traffic Unit, appeared in favor of the revocation and explained the reasons why the hearing was being held regarding the license for Lubras Auto body. He states that between September 1, 2017 and January 25, 2018, there had been multiple complaints with parking and other issues. He tried progressive enforcement, but there was no compliance and they ended up towing vehicles and citing them. Other officers have been to the property, an additional eleven separate occasions. Mulberry St. is being affected; as it is resident parking only and they have been using the street for parking. He gave the example of September 23, 2017, Saturday at noon, there were 2 unregistered vehicles on the sidewalk. They were cited and towed which was unacceptable. He stated that the pictures he had with him was a typical representation of the situation that day. He also stated that he had to call backup, as the individuals were hostile towards him when they came out.

Emanuel Vicente owner of Lubras Auto Body, and his brother who was translating on his behalf, appeared in opposition. He stated that over the past 2-3 years, they allowed a friend to work at the shop and he was the one not complying. His customers were the ones parking illegally, and the cause for the violations. He stated that the person has left the shop since the middle of January of 2018. Mr. Vicente wanted to make peace and comply with the stipulations. He stated that when inside, he isn't aware of what is happening outside of the business. It is hard to work inside while trying to watch outside. They since then have put cones out in front of the business, to stop people from parking illegally, but it doesn't stop them. People drive over them, and move them to the side. Another gentleman that works for the business, Brito Tavares, was also in opposition. He stated that they were in compliance. Councillor Eaniri stated the owner of the license is responsible for making sure they are in compliance. The owner of the property, Orlando Gomes, appeared in opposition. President Eaniri stated that they need to keep the property clean and follow stipulations. Councillor Farwell stated that he received photos from the Fire Department at 5:26 pm today for the dates of January 17th, 31st and in February. He noticed a lot connected to the building of the business but knows that it has nothing to do with the Motor Vehicle Repair and is in fact being used by another business using to store vehicles. Councillor Farwell stated that from a Public Safety standpoint he believes that they should allow them to keep the license until April to see if the stipulations are being met and if changes are in fact being made. Councillor Lally stated that he received an email from a resident on February 10, 2018 complaining about cars being parked on Mulberry St. He agreed with Councillor Farwell, that as long as the revocation is kept on the table and they follow all stipulations then he can agree to let them get another chance that would be from now until the end of March. Councillor Sullivan stated that there are consequences for noncompliance. It is a privilege, not a right to own a Motor Vehicle Repair in Brockton. He stated that he has driven by and saw cars parked illegally to the point it was impossible to drive thru with his SUV, which is unacceptable. He states that Officer Perez also has been there eleven times in five months and it is too much because they are only one Motor Vehicle repair out of so many in the City. He wanted them to understand they are put on notice. If it continues the City Council by their right can revoke the license. Come April, there is a strong possibility they will lose their license if they don't straighten out. He states Councillors have been getting complaints and it is their responsibility to make sure the residents of Brockton are content because they are working on behalf of the residents. Councillor Rodrigues questioned Officer Perez if these were the individuals that were hostile towards him? Officer Perez stated that yes, these were the two individuals that he saw at the business and were hostile. Emanuel Vicente's brother admitted that he got upset when the Police officer came, because it was numerous occasions they had came and each time he had to stop what he was doing to deal with whatever the issue was. It was frustrating because the gentleman who was causing the problems was not getting into trouble. He apologized to the Officer for being hostile. Officer Perez stated to be fair that the 22 times that the

29.
HEARINGS (cont'd)

Police were at the property were not all violations and there were times that the report was that they were complying . Some of them were for checkups on the property.

Councillor Rodrigues speaks in Creole to the gentlemen.

Councillor Farwell, as a point of information, asked Councillor Rodrigues to give a brief summary of what he said to the gentlemen, so they don't have an Open Meeting Law situation. Councillor Rodrigues stated that he said the owner who signed on the license and it is on them to follow through with what was agreed upon. They have been asked to go to Public Safety meetings were sometimes they go to the meetings, and sometimes they don't show. They have been told what needs to be done on different occasions and they failed to comply. They are receiving another chance until the end of March if they do not comply, they have no one to blame but themselves. Councillor Farwell stated that they signed the license and it is up to owner to go with what was agreed upon no matter the situation he will always be responsible. Councillor Eaniri stated that they have until March 26, 2018 to make things better. Renewal of licenses is in April and that's when they can decide whether or not to allow the renewal. Councillor Cruise stated that the owner who the license is under is responsible to make sure stipulations are being followed. Councillor Cruise also states that he does not want to hear that an Officer needs back up when he is only doing his job. Councillor Derenoncourt questioned the officer if in fact in the pictures that he provided if it was from one occasion or multiple because he noticed a lot of the pictures were of the same vehicle in different angles. Officer Perez stated that it was the only time that he took pictures, because of the hostility situation that occurred. Councillor Monahan questioned the officer if they were in violation by having someone bring their clients to the business; The Clerk to the Council stated that they absolutely cannot do that. Councillor Monahan questioned the owners if the gentleman brought his own customers. The owner stated no, it was just by word of mouth, because he was well known. Officer Perez stated that the problem is that there isn't any parking for the amount of business that they are doing. He stated that Lt. Benvie had stated people were also parking on N. Main St., illegally and were associated with Motor Vehicle Repair business. These same people who move the cars from in front of the business are the same people who went to move them from N. Main St. Councillor Derenoncourt stated that he sees some individuals in the pictures. He cannot tell if it is the owner in the picture. He stated that based on his opinion he would give them one month to get things right. Councillor Lally questioned Officer Perez on how many times they had been there since January. The officer stated that he wasn't sure, but he will get the information for him. Councillor Lally spoke to the owners and stated that if their friend was inside, they could invite the officers in because they are in fact the owners. He stated that it isn't good what's going on at this location and that the Council will be keeping a close eye on them. Councillor Derenoncourt motioned to continue hearing until March 26, 2018 City Council meeting and was properly seconded by Councillor Lally. The motion carried by a hand vote.

Councillor Sullivan reiterated that the hearing is still open.

Councillor Lally stepped down.

REPORTS

- 144** Of the Real Estate Committee for its meeting of February 16, 2018.

Accepted and placed on file

- 145** Of the Finance Committee for its meeting of February 20, 2018.

Accepted and placed on file

COMMUNICATIONS

- 146** From the Mayor advising the City Council that the Director of Personnel, Maureen Cruise has notified him of her retirement effective July 6, 2018.

30.
COMMUNICATIONS (cont'd)

Accepted and placed on file

- 147** From the Mayor submitting a letter supporting a Residency Waiver Request.

Accepted and placed on file

- 148** From the Mayor recommending that the City Council approve the 3 orders that declare the City owned parcels as surplus and available for disposition in form and substance proposed.

Accepted and placed on file

- 149** From the Chief of the Police Department requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security's FY18 Senator Charles E. Shannon Community Safety Initiative Grant in the amount of \$290,000.

Accepted and placed on file

- 150** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant in the amount of \$290,000 from FY18 Senator Charles E. Shannon Community Safety Initiative Grant to City of Brockton Police Department-FY18 Senator Charles E. Shannon Community Safety Initiative Grant Fund.(will be used to pay for police overtime for hot spot suppression, gang suppression multijurisdictional enforcement; ridealongs between police and probation; police and parole, Operation Divinity Ridealongs, Father Bills/Mainspring Coalition/WorkExpress graffiti removal services, Old Colony YMCA street outreach and case management services, tax fiscal management services, Parole Officer expenses, as well as mentoring for youth through Brockton Christian Mentoring Initiative and Massachusetts Youth Committed to Winning). The match for this grant consists of in-kind services only.

Accepted and placed on file

- 151** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed Appropriation of \$290,000 from FY18 Senator Charles E. Shannon Community Safety Initiative Grant to City of Brockton Police Department-FY18 Senator Charles E. Shannon Community Safety Initiative Grant Fund.

Accepted and placed on file

- 152** From the DPW Commissioner requesting to accept total grant award in the amount of \$40,000 from Massachusetts Department of Environmental Protection-2018 Water Infrastructure Assessment And Planning Grant to City of Brockton Department of Public Works-2018 Water Infrastructure Assessment And Planning Grant Fund. These grant funds will be used to assist in the development of the City's asset management plan for the water infrastructure system. The City will contribute \$4,000 of in-kind services as a requirement of this grant.

Accepted and placed on file

- 153** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$40,000 from Massachusetts Department of Environmental Protection- 2018 Water Infrastructure Assessment And Planning Grant to City of Brockton Department of Public Works-2018 Water Infrastructure Assessment And Planning Grant Fund. These grant funds will be used to assist in the development of the City's asset management plan for the water infrastructure system. The City will contribute \$4,000 of in-kind services as a requirement of this grant.

31.
COMMUNICATIONS (cont'd)

Accepted and placed on file

- 154** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$40,000 from Massachusetts Department of Environmental Protection-2018 Water Infrastructure Assessment And Planning Grant to City of Brockton Department of Public Works-2018 Water Infrastructure Assessment And Planning Grant Fund.

Accepted and placed on file

- 155** From the Chief of the Police Department requesting to accept total grant award in the amount of \$150,000 from FY18 Municipal Police Services Staffing Grant to City Of Brockton Police Department-FY18 Municipal Police Services Staffing Grant Fund. Grant funds are being provided in the form of overtime funds for the Brockton Police to use for patrol shift replacement; detective investigations; community policing activities, etc. There is no match required.

Accepted and placed on file

- 156** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$150,000 from FY18 Municipal Police Services Staffing Grant to City Of Brockton Police Department-FY18 Municipal Police Services Staffing Grant Fund. Grant funds are being provided in the form of overtime funds for the Brockton Police to use for patrol shift replacement; detective investigations; community policing activities, etc. There is no match required.

Accepted and placed on file

- 157** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$150,000 from FY18 Municipal Police Services Staffing Grant to City Of Brockton Police Department-FY18 Municipal Police Services Staffing Grant Fund.

Accepted and placed on file

UNFINISHED BUSINESS

Councillor Asack stepped down.

- 37** Appointment of Gary Keith of 22 Midland Street, Brockton MA 02301 to the Brockton Community Cable Television for a term of three years. (UNFAVORABLE)(IN CITY COUNCIL, FEBRUARY 12, 2018, POSTPONED TO NEXT CITY COUNCIL MEETING).

Failed confirmation by a roll call vote taken by “yeas” and “nays”; nine members present with two voting in the affirmative. Councillors Beauregard, Cruise, Eaniri, Farwell, Nicastro, Rodrigues and Sullivan voting in the negative. Councillors Derenoncourt and Lally absent. Councillor Farwell motioned to file reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Sullivan takes a moment of personal privilege to state that the applicant posted a video on Face Book relative to his appearance before the Finance Committee. He stated that he didn't appreciate it. The facts were faulty, specifically directed towards him and specifically why he left the NAACP, MLK Breakfast at Lombardo's in Randolph .As he declared to Mr. Keith and many members of the NAACP, including the President of the NAACP, he came to Randolph to support the NAACP, as he has done for 12 years. However, he also volunteers as coach for Brockton Community School Basketball. He had a conflict that day at East Jr. High. Mr. Keith was out of line attacking

32.
UNFINISHED BUSINESS (cont'd)

colleagues of his of the City Council. Councillor Sullivan wanted to go on record to state that he really disapproves of that tactic.

Councillor Derenoncourt stepped back in.

- 72** Ordered: That the Brockton City Council remove their order of June 24, 2002 regarding Parcel ID 087-086 David Street that declared lot as “not buildable” so that possible development may take place. (FAVORABLE)

Councillor Nicastro motioned to refer item **#72** to Finance Committee and was properly seconded. The motion carried by a hand vote.

Councillor Lally stepped back in.

- 38** Appointment of Kevin Borges of 66 Portland Street, Brockton MA 02302 to the Brockton Board of Park Commissioners to serve the balance of the unexpired term of Stephen Pina. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas’ and “nays”; eleven members present with ten voting in the affirmative. Councillor Beauregard voting in the negative.

- 2** Appointment of Stephan Hooke of 31 Hammond St., Brockton to the Traffic Commission to fill the unexpired term of Morton Schleffer. (FAVORABLE)

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

- 83** Ordered: An Act Relative to the Disposition of Properties Taken By Foreclosure of Tax Titles in the City of Brockton (FAVORABLE)

Councillor Farwell speaks on this order. He stated that Councillor Asack was sick at the last meeting, so he wanted her to explain what it was about before voting on this item. He stated that it was just to clean up from last year. It died in committee last year. It doesn’t change anything it was just to let the councilors get a chance to see them.

Adopted by a roll call vote taken by “yeas’ and “nays”; eleven members present with nine voting in the affirmative. Councillors Cruise and Monahan voting in the negative.

- 129** Ordered: that the City Council authorizes the Mayor to enter into and execute a grant agreement herein between the City of Brockton and the Brockton Redevelopment Authority for the purposes of financing and constructing a new public parking garage on Petronelli Way. (FAVORABLE)

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

- 94** Appropriation in the amount of \$30,000
From: Building Department-Ordinary Maintenance Services- \$10,000 And
From Building Department-Ordinary Maintenance Goods -\$20,000
To Building Department-Overtime -\$30,000 (FAVORABLE)

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

- 95** Appropriation of \$44,426.41, an obligation of prior years, to be paid from Personnel Employee Benefits Health Insurance for FY18 to retirees and their spouses who were members of the Brockton Education Association that were due Medicare Reimbursements for previous fiscal years. (FAVORABLE)

33.

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

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| 96 | Appropriation of the total grant in the amount of \$13,614.00
From: Commonwealth of Massachusetts Executive Office of Public Safety-FY18
Student and Senior Awareness of Fire Education (S.A.F.E) Grant.
To: City of Brockton Fire Department FY18 Student Awareness of Fire Education
(S.A.F.E) Grant Fund \$10,407
To: City of Brockton Fire Department-FY18
Senior Safe Grant Fund. | \$3,207 (FAVORABLE) |
|----|--|--------------------------|

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

- 98** Appropriation of: \$279,000
From: Fire Department-Personal Services-Non Overtime
To: Fire Department-Services-Overtime.
To maintain all companies through the remainder of Fiscal Year 2018. (FAVORABLE)

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

- 99** Transfer in the amount of \$60,000
From: Department of Public Works-Ordinary Maintenance Services
To: Department of Public Works-Sewer Personnel Services Overtime (FAVORABLE)

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

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| 101 | Total Transfer in the amount of \$160,000 | |
| | From: Dept. of Public Works-Personnel Services Non Overtime | \$52,000, |
| | Dept. of Public Works-Purchase of Services | \$66,000, |
| | Dept. of Public Works-Ordinary Maintenance Goods | \$42,000 |
| | To: Dept. of Public Works-Water Personnel Services Overtime | \$160,000 |
| | (FAVORABLE) | |

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

- 100** Transfer of \$275,000
From: Personnel Services other than Overtime
To: Police Personnel Service Overtime (FAVORABLE)

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

- 132** Ordered: Pursuant to the provisions of M.G.L., Ch. 44, Sec. 53A, the City Council authorizes the acceptance and expenditure of the total grant award in the amount of \$10,000,000
From: the Commonwealth of Massachusetts Massworks Program
To: City of Brockton Planning Department Massworks Program Grant Fund.
(FAVORABLE)

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

34.
ORDERS

- 158** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Gerald Avenue**, extending from East Ashland Street, southerly, a distance of about 1,031.32 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way.

Referred to Finance meeting of March 19, 2018 and Planning

- 159** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Connell Avenue**, extending from Court Street, northerly, to East Ashland Street, a distance of about 1,383.00 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way.

Referred to Finance meeting of March 19, 2018 and Planning

- 160** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of **Leland Street**, extending from Gerald Avenue, easterly, to North Quincy Street, a distance of about 245.09 feet, and for that purpose it is necessary to take an easement for **Highway Purposes** and lay out as a public street or way.

Referred to Finance meeting of March 19, 2018 and Planning

- 161** Ordered: That the City Council Accepts the total grant award of \$40,000 From Massachusetts Department of Environmental Protection-2018 Water Infrastructure Assessment And Planning Grant To City of Brockton Department of Public Works-2018 Water Infrastructure Assessment And Planning Grant Fund These grant funds will be used to assist in the development of the City's asset management plan for the water infrastructure system. The City will contribute \$4,000 of in-kind services as a requirement of this grant.

Referred to Finance

- 162** Ordered: That the City Council accepts the total grant award of \$150,000 from FY-18 Municipal Police Services Staffing Grant to City of Brockton Police Department-FY18 Municipal Police Services Staffing Grant Fund. These grant funds are being provided in the form of overtime funds for the Brockton Police to use for patrol shift replacement; detective investigations; community policing activities, etc. No match required

Referred to Finance

- 163** Ordered: That the City Council hereby declare the City owned parcel, Assessor's Parcel ID 021-059 as surplus and available for disposition. And further that the City Council authorize the Mayor to execute the transfer of the surplus property and to take other actions as necessary to carry out the terms, purposes and conditions of the same.

Referred to Real Estate

- 164** Ordered: That the City Council hereby declare the City owned parcel at or near 59 West Chestnut Street, Assessor's Parcel ID 021-007 as surplus and available for disposition. And further that the City Council authorizes the Mayor to execute the transfer of the surplus property and to take other actions as necessary to carry out the terms, purposes and conditions of the same.

35.
ORDERS (cont'd)

Referred to Real Estate

- 165** Ordered: That the City Council hereby declare the City owned parcel, Assessor's Parcel ID 021-034 as surplus and available for disposition. And further that the City Council authorizes the Mayor to execute the transfer of the surplus property and to take other actions as necessary to carry out the terms, purposes and conditions of the same.

Referred to Real Estate

- 166** The City Council reviews an exemption from the residency requirements in accordance with the revised Ordinances of the City of Brockton Article III Section 2-110.

Referred to Finance

- 167** Appropriation of the grant in the amount of \$290,000
From: FY18 Senator Charles E. Shannon Community Safety Initiative Grant
To: City of Brockton Police Department-FY18 Senator Charles E. Shannon Community Safety Initiative Grant Fund.

Referred to Finance

All items on agenda are available in their entirety for review in the City Clerk's Office for all interested parties.

Council President Eaniri stated that the Finance and City Council meetings will remain at the Brockton High School through the month of March. He also stated Xfinity will be having their grand opening at the Westgate Mall on March 2, 2018 at 11:30pm. Following from 11:45am-1pm with a luncheon for the councilors.

Councillor Monahan takes a moment of personal privilege to state that there will be a Ward meeting at George's Café at 6pm on Wednesday February 28, 2018.

Councillor Sullivan takes a moment of personal privilege to thank everyone for attending their first Councillor-at-Large meeting of 2018 last Thursday. The State Representatives or their designees were present. It was a great turn out. There will be three more this year to follow at other middle schools.

Councillor Farwell takes a moment of personal privilege to speak in regards to what was said regarding himself and his colleagues by Gary Keith. He states he has been called plenty of names plenty of times throughout his career. It doesn't bother him much people can say what they want but as far as appointments made through the council. He states that the councilors are there to ensure quality control. They need to stand for something. He is not going to rubber stamp appointments. He is going to ask the tough questions that need to be asked and make sure they have the qualifications. For the city to be successful we need competent people knowing what they are supposed to do with the qualifications that are needed. Anyone who is being appointed should expect to be questioned.

Councillor Asack takes a moment of personal privilege to mention the Citizen's Police Academy, which is for residents to learn and experience different aspects of the Police Department and their duties. There are applications and packets for those interested. Email Nancy@brocktonpolice.com for info.

Adjourned at 9:15pm