

90.

A Regular Meeting of the City Council was held in the War Memorial Building, 156 West Elm St, Brockton, due to the elevator not working. Councillor Eaniri presiding. The meeting was called to order at 8:00 pm with eleven members present.

In City Council, July 23, 2018

Councillor Cruise takes a moment of personal privilege to remember Greg Buckley a true Brocktonian, who worked for Veteran's Administration, that passed away. Our thoughts and prayers go out to his wife Nancy and their family.

371 Acceptance of the minutes of the June 25, 2018 City Council meeting.

Accepted and placed on file.

HEARINGS

Petition of Elizange Gomes Pimentel of 121 Gladstone St., Brockton, MA for a Transfer of Motor Vehicle Repair Mechanical and Motor Vehicle Repair Body License located at 1000 Montello St., Brockton, MA.

The petitioner appeared in favor.

Councillor Nicastro wanted it to be referred to Public Safety, as residents have concerns on this property.

A recess was called for hearing, in order for Councillor Nicastro to meet with petitioner to discuss stipulations. It will be taken up at the end of the meeting.

Councillor Nicastro stepped down.

The hearing was continued.

No one was in opposition.

Hearing held.

Granted by a hand vote with the following stipulations set by Councillor Nicastro:

1. Hours of Operation: M-F 7am-6pm; Sat 8am-1pm. Sundays and Holidays closed.
2. Parking Plan showing adequate parking for employees, handicap-dedicated, etc. will be prepared and submitted forthwith.
3. Parking area will have lined spaces conforming with parking plan.
4. Plan will be submitted showing interior space layout of building.
5. Dumpster will be screened or a roll off kept inside building.
6. Not more than 15 vehicles awaiting repair will be stored on exterior of building.
7. License holder will not use any other city property to store vehicles being repaired.
8. All working on premises will be employees, no subcontractors.

91.
REPORTS

- 372** Of the Ordinance Committee for its meeting of June 26, 2018.

Accepted and placed on file.

- 373** Of the Finance Committee for its meeting of July 16, 2018.

Accepted and placed on file.

COMMUNICATIONS

- 374** From the Mayor appointing Mrs. Nicole Casarez as Temporary Director of Personnel for the City of Brockton for a period of sixty (60) days, effective Monday, July 9, 2018.

Accepted and placed on file.

- 375** From the Superintendent of Parks requesting that the Mayor and City Council approve a supplemental appropriation of \$14,300 for extended operation of the Cosgrove Pool, from a projected closing date of August 13, 2018 until a projected closing date of August 24, 2018. (this supplemental appropriation is a result of the early season heat wave, which resulted in the pool opening 5 days prior to the original opening date and will allow operation of the pool a week longer than the original scheduled closing date).

Accepted and placed on file.

- 376** From the Mayor in accordance with M.G.L., recommending the following appropriations From: Unappropriated Estimated Receipts for FY19 of the Parks and Recreation Enterprise Fund-\$14,300 To: Park Commission-Pool Maintenance-\$14,300
And an appropriation of \$14,300
From: Unappropriated Estimated Receipts for FY19 General Fund
To: General Fund Revenue Subsidy of the Park and Recreation Commission Enterprise Fund (in order to provide funding to keep the Cosgrove Pool open through August 24, 2018).

Accepted and placed on file.

- 377** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriations of \$14,300 from Park/Recreation Enterprise Funds Revenues to provide funding to keep the Cosgrove Pool open through August 24, 2018, and from the General Fund of \$14,300 to provide the same amount as subsidy of Park Commission Revenue.

Accepted and placed on file.

- 378** From the Mayor in accordance with M.G.L., recommending the following appropriation of \$3,400 From: Unappropriated Estimated Receipts for FY19 of the General Fund-\$3,400 To Mayor's Historical Commission-\$3,400 (in order to provide funding for the Historical Society).

Accepted and placed on file.

Councillor Rodrigues stepped down.

- 379** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$3,400 from Unappropriated Estimated Receipts for FY19 of the General Fund to Mayor's Historical Commission.

91.
COMMUNICATIONS

Accepted and placed on file.

- 380** From the Superintendent of Parks requesting that the Mayor and City Council approve an appropriation of \$78,000 from Unappropriated Estimated Receipts for FY19 of the General Fund- \$78,000 To: Cemetery Capital (in order to fund the capital request for a mini-excavator, for the digging of graves, including jack hammering through the frost in the winter time).

Accepted and placed on file.

- 381** From the Mayor in accordance with the provision of M.G.L., recommending the following appropriation of \$78,000 From: Unappropriated Estimated Receipts for FY19 of the General Fund- \$78,000 To: Cemetery Capital-\$78,000. (in order to fund the capital request for a mini-excavator).

Accepted and placed on file.

- 382** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$78,000 for Cemetery Capital from FY2019 estimated receipts.

Accepted and placed on file.

UNFINISHED BUSINESS

- 189** An Ordinance Amending Section 27-29 of the Revised Ordinances of the City of Brockton. Section 27-29 – Section (1) – “Principal Permitted Uses” is hereby amended by adding the following to subsection (g) after the words “retail store or shop” – “including wine and malt beverage store.” (FAVORABLE)

Passed to a third reading, by a hand vote.

- 254** Ordinance: An Ordinance Amending Revised Ordinances of the City of Brockton, Chapter 19, Article 1 Section 19-1, to substitute section 19-1 in its Entirety. (FAVORABLE AS AMENDED)

The amendments passed by a hand vote.

Councillor Sullivan requested a roll call vote on the ordinance, as amended.

Passed to a third reading, as amended, by a roll call vote taken by “yeas” and “nays”; ten members present with eight voting in the affirmative. Councillors Beauregard and Farwell voting in the negative. Councillor Nicastro absent.

- 279** An Ordinance To Increase Access To Voter Registration In The City Of Brockton (FAVORABLE AS AMENDED)

Councillor Derenoncourt requested a roll call vote on passage to a third reading, as amended.

Passed to a third reading, as amended, by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative.

- 280** An Ordinance Amending Chapter II of the Revised Ordinances of the City of Brockton. Be it ordained as follows: Chapter 2. Administration, is hereby amended by adjusting Sec. 2-135 to reflect the amounts negotiated by the administration in collective bargaining agreements. ((FAVORABLE)

Passed to a third reading by hand vote.

92.
UNFINISHED BUSINESS

- 208** Ordinance Amending Part 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 IV,
Financial Affairs, of Division 4, Chief Financial Officer, of the Revised
Ordinances of the City of Brockton is hereby amended.(FAVORABLE)

Passed to a third reading by hand vote.

- 338** An Ordinance Amending Article V. Departments, Division 7. Department of
Personnel. Be it ordained by the City Council of the City of Brockton as follows:
The title of the Ordinance, Department of Personnel, shall be replaced with
Department of Human Resources. (FAVORABLE AS AMENDED)

The amendment carried by a hand vote.

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

- 240** Ordered: That the common necessity and convenience of the inhabitants of the
City of Brockton require the laying out and acceptance of Amark Road, extending
from North Cary Street, Southerly and easterly, to Upton Street/Dagmar Drive, a
distance of about 1,196 feet, and for that purpose it is necessary to take an
easement for Highway Purposes and lay out as a public street or way.
(FAVORABLE)

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

Councillor Nicaastro stepped back in.

- 241** Ordered: That the common necessity and convenience of the inhabitants of the
City of Brockton require the laying out and acceptance of Cynthia Drive,
extending from North Cary Street, easterly, to Amark Road, a distance
of about 570 feet, and for that purpose it is necessary to take an easement for
Highway Purposes and lay out as a public street or way. (FAVORABLE)

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

- 242** Ordered: That the common necessity and convenience of the inhabitants of the
City of Brockton require the laying out and acceptance of Downey Road,
extending from Dixon Road to Dixon Road, a distance of about 1,477.13 feet, and
for that purpose it is necessary to take an easement for Highway Purposes and lay
out as a public street or way. (FAVORABLE)

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

- 360** Ordered: That the Mayor is hereby authorized to approve the newly amended by-
laws for the Brockton Council on Aging Board of Directors, the Board of
Directors has voted unanimously to accept these by-laws as written.
(FAVORABLE)

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

UNFINISHED BUSINESS

- 361 Ordered: At the State Election on November 6, 2018, a special city election also be held with the following, binding question placed before the voters:
“Shall the City adopt the following ordinance: The City of Brockton shall prohibit the operation of all marijuana establishments as defined in G.L. c94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related business, with the exception of the existing approved medical marijuana businesses, within the City of Brockton?”
 (UNFAVORABLE)

Failed adoption by a roll call vote taken by “yeas” and “nays”; eleven members present with five voting in the affirmative. Councillors Asack, Cruise, Eaniri, Lally, Monahan and Rodrigues voting in the negative.

- 369 That the City Council hereby declare, that the vacant land on Thatcher Street in Brockton, MA identified as Assessor’s Parcel 132-015 Plot 21 containing 36,175 sq. ft. +/- described in a plan dated March 8, 2018 entitled Plan of Land prepared by J.K. Holmgren Engineering, Inc., Registered Professional Engineers and Land Surveyors, and more fully identified in Exhibit A is surplus property and available for disposition and that the Mayor and/or Treasurer be authorized to execute any and all documents necessary to sell the property for nominal consideration to Donald A. Galante, Jr. as he is the Trustee of the Regal Trust, a Massachusetts Nominee Trust dated May 11, 2000 and recorded at Book 18512 Page 1 of the Plymouth County Registry of Deeds. (FAVORABLE)

Councillor Nicastro motioned to send to Real Estate Committee and was properly seconded.

Councillor Sullivan, on the motion stated that he doesn’t have a problem with it being sent to Real Estate, but he does have a problem with the fact that last week the City Solicitor and attorney James Burke were present and no one asked them any questions besides Councillor Sullivan. He doesn’t understand the purpose. They have done their due diligence.

Councillor Farwell, on the motion stated that he is not the ward councillor, but when this agenda was published he received calls regarding this issue. There is allegation that Mr. Gallant has taken over some of the city owned land that has yet to be transferred to him and he has been using it. The second allegation is the reason why the suit is being brought against the city is , not a formal suit, but through the City Solicitor in the form of interrogatories and mediation is that the city put up a fence around his property. We don’t even know who put it up and did they put up any other fences. He just became aware of these things over the weekend. If it goes back to Real Estate and everything is fine, it will move forward. He thinks there are still some unanswered questions.

Councillor Rodrigues, on the motion stated that as chair of Real Estate, he would feel more comfortable if it went to Finance Committee, because it may not be fair to the other councilors who may not be able to attend the Real Estate Committee meeting. He is a little tired of the back and forth of this item.

Council President Eaniri stated that he agrees and believes it should go to Finance Committee and he agrees with Councillor Sullivan, as the City Solicitor was at the last meeting to answer questions.

Councillor Nicastro withdrew her motion and motioned to send to Finance Committee and was properly seconded. the motion carried by a hand vote.

UNFINISHED BUSINESS

Councillor Cruise on the motion, he is confused by what Councillor Farwell said. That item was published for last agenda and the Finance Committee agenda. It didn't just get published in this venue. This is the third time the item has been on an agenda for council. It just happened that people called you this weekend. He is just surprised by this.

Councillor Sullivan asked who should be invited?

Councillor Farwell would like Commissioner Rowley and City Solicitor to be invited. He mentioned if Councillor Nicastro would like any other invites, she can let the Council President know.

- 367** Resolve: to invite the Director of the Brockton Public Library to discuss creating an opportunity for a Poet Laureate to represent the city's art and culture.
(FAVORABLE)

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

- 368** Resolve: to invite the new Director of NeighborWorks Southern Mass, Ms. Cindy Pendergast and inform the City Council of new programs for home buyers and home owners available to the residents and prospective residents of Brockton.
(FAVORABLE)

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

ORDERS

- 383** Ordered: the lifting of restriction of Parcel ID 096-121, which is the lot next to 16 Battles Street, owner Valentino R. Gomes.

Referred to Real Estate.

- 384** Appropriation of: \$14,300
From: Unappropriated Estimated Receipts for FY19 of the Parks and Recreation Enterprise Fund-\$14,300
To: Park Commission-Pool Maintenance-\$14,300
And an appropriation of \$14,300
From: Unappropriated Estimated Receipts for FY19 General Fund
To: General Fund Revenue Subsidy of the Park and Recreation Commission Enterprise Fund

Councillor Sullivan motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 385** Appropriation: of \$3,400
From: Unappropriated Estimated Receipts for FY19 of the General Fund-\$3,400
To Mayor's Historical Commission-\$3,400 (in order to provide funding for the Historical Society).

Referred to Finance.

95.
ORDERS

- 386** Appropriation: of \$78,000
From: Unappropriated Estimated Receipts for FY19 of the General Fund- \$78,000
To: Cemetery Capital

Councillor Rodrigues motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

Councillor Dereononcourt on motion, he’s in favor. It is a wonderful thing.

Councillor Sullivan sponsored this and Mayor Carpenter won’t be here next meeting, Councillor Sullivan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 387** Resolved: to invite Police Chief John Crowley and Mayor Bill Carpenter to discuss with the Council the policy as to large, loud gatherings at private residences, how it is being enforced, and the scheduling and staffing levels of police personnel to best respond to incidents and calls from the public on summer weekends and holidays, and in particular over June 30-July 5th.

Referred to Finance.

Councillor Eaniri stated that in August, there will be a few appropriations that will be coming, one is for the tourniquet and the other is for repair on the driveways of the fire houses.

Councillor Sullivan questioned if Councillor Eaniri had any info on the council room?

Councillor Eaniri stated that he hasn’t spoken to the Building Department as of yet.

Councillor Derenonocourt questioned if we had any information on the elevator?

Councillor Eaniri stated it is being worked on.

LATE FILE

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

- 388** Ordinance: Chapter 14 - Offenses—Miscellaneous. Sec 14-49 Panhandling

Councillor Rodrigues filed this ordinance, due to issues dealing with panhandling and it is a Public Safety issue. There has been some instances that residents have been afraid.

Councillor Asack stated that we already have an ordinance on panhandling

Councillor Rodrigues stated that we have a state law regarding it.

Councillor Asack stated that we have an ordinance that was submitted by her predecessor Chris MacMillan.

Referred to Ordinance Committee.

Councillor Eaniri stated that the next Finance Committee meeting will be held on Monday, August 20, 2018 at 7pm and the next City Council will be held August 27, 2018.

Councillor Sullivan stated that the Ordinance Committee will meet on July 25, 2018 at 6pm at the War Memorial Bldg. He also stated that a constituent wanted to know, did the petitioner from a previous meeting give the city council a copy of the insurance, as it was stipulated? A constituent asked him.

The Council President stated it was sent by email.

Councillor Asack- takes a moment of personal privilege to state that Ward 7 on Friday July 27 DW Field at gazebo at 7:30pm, movie night and the rain date is following Saturday. Any questions contact the DW Field Park Association. DW Field golf course. All Brockton youth are invite to the free golf clinic. Look online DW Field golf course.com for more info. Check it out.

Councillor Beauregard was excited for fire dept. a nice visit for Senator Markey attended. Ward 5 tomorrow will hold Frederick Douglass bicentennial at 6pm. On August 4, a swim meet in memory of Mark O'Reilly formerly a teacher and coach at cosgrove pool 9am beginning at 9am. Rain date on August 5 for kids of all ages. Congratulations to the Brockton High School Basketball clinic. Over 200 kids attended and were practicing. The event was sponsored by B.H.S. Alumni.

Councillor Lally stated that on Sunday, July 29 from 2pm-8pm at the Arnone School, will be the Cape Verdean festival. Councillor Lally can't make it, due to attending the Young elected officials group in Seattle.

Councillor Derenoncourt- participated for many years. He will be in Seattle along with Councillor Lally and will miss the festival.

Adjourned 7:35pm

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