

In City Council, June 27, 2011

APPOINTMENTS:

1. Reappointment of Michael C. Morris, 75 Maplewood Circle to the position of Chief Procurement Officer for a term of three years ending June 2014.

HEARINGS:

2. Petition of Maria Noguera/Kyla's Auto Body for a Motor Vehicle Repair Mechanical/Body license located at 62 Elliot St.

PETITIONS:

3. Of Thomas A. McLaughlin, III DBA 20<sup>th</sup> Century Music for a renewal of Second Hand Article License located at 1102 Main St.
4. Of Gamestop #2225 for a renewal of Second Hand Articles license located at 715 Crescent St., Suite 6.
5. Of Gamestop for a renewal of Second Hand Articles license located at 200 Westgate Dr., #3B & C.

REPORTS:

6. Of the Finance Committee for its meeting of June 1, 2011
7. Of the Finance Committee for its meetings of June 6, 7 and 8, 2011.
8. Of the Finance Committee for its meeting of June 20, 2011.

COMMUNICATIONS:

9. From the Mayor submitting a letter of resignation from Nadine Champagne from the Brockton Redevelopment Authority.
10. From the Director of Community & Social Services requesting the City Council accept the grant in the amount of \$30,000 from the Massachusetts Department of Public Health's Mass in Motion Municipal Leadership and Wellness Grant. In order to help implement policy changes that are needed based on the results of the assessment.
11. From the Mayor requesting that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$30,000 from Mass in Motion: Municipal Wellness and Leadership Planning Grant to Mayor's Department-Mass in Motion Grant. The grant monies will help implement policy changes that are needed based on the results of the assessment.
12. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of the grant award in the amount of \$30,000 from Mass in Motion: Municipal Wellness and Leadership Planning Grant to Mayor's Department-Mass in Motion Grant fund.
13. From the Executive Health Officer requesting the acceptance and expenditure of the grant award in the amount of \$1,004.98 from the Massachusetts Department of Public Health through its Region #5 host agent, the Massachusetts Association of Health Boards (MAHB) for reimbursement for previous expenditures associated with H1N1 flu activities.

14. From the Mayor recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$1,004.98 from Massachusetts Associations of Health Boards (MAHB) Plymouth County Region 5 Grant Fund to City of Brockton Board of Health. These grant monies are for reimbursement for previous expenditures associated with H1N1 flu activities.
15. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of the grant award in the amount of \$1,004.98 from Massachusetts Associations of Health Boards (MAHB) Plymouth County Region 5 Grant Fund to City of Brockton Board of Health.
16. From the Mayor in accordance with M.G.L., Ch. 44 recommending a transfer of \$17,500 from Finance Dept-Liability Insurance to Finance Department-Ordinary Maintenance services to cover the additional cost of performance based consulting services for Medicaid revenue claims for the remainder of FY11, due to greater than anticipated revenue receipts.
17. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$17,500 from Finance Dept-Liability Insurance to Finance Department-Ordinary Maintenance services.
18. From the Superintendent of Buildings on behalf of the Planning Department requesting authorization to accept and expend the \$2,000,000 Transportation Improvement funds appropriated for the Downtown Brockton Streetscape and Roadway Project in the U.S. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The State will provide the 20% match for construction funds and the City intends to use 40R funds, which were previously appropriated and encumbered for the local match.
19. From the Mayor in accordance with the M.G.L., Ch. 44 recommending that the City Council authorize the appropriation of \$2,000,000 as authorized and earmarked by the Transportation Improvement section of the 2005 SAFETEA-LU Federal transportation law. This is for "Design and construction of downtown roadway and streetscape improvements in Brockton." The State will provide the 20% match for construction funds and the City intends to use 40R funds which were previously appropriated and encumbered for the local match.
20. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed acceptance of the Transportation Improvement section of the 2005 SAFETEA-LU federal transportation law earmarked in the amount of \$2,000,000 provided that the Mass DOT provides the promised 20% match for the construction component of the project once engineering and design is complete and approved by MassDOT and the Federal Highway Administration. This is a conditional certification which must be placed on the face of the council order.

UNFINISHED BUSINESS:

21. Ordinance: An Ordinance relative to cell phones, text messaging and any other electronic devices used in the Council Chambers. (FAVORABLE)
22. Ordered: That One Million Two Hundred Thousand (\$1,200,000) is appropriated for the purpose of repairs and improvements to the Rocky Marciano Stadium: turf and track replacement, site repairs, fencing, asphalt and field house upgrades, located at 470 Forest Avenue, Brockton, MA. **This is a conditional certification, provided that the voters approve an exclusion from the annual tax levy limit of the amounts necessary to pay the annual debt service under the provisions of Proposition 21/2. This must be placed on the face of the order.** (FAVORABLE)(IN CITY COUNCIL MAY 23, 2011, PASSED TO A THIRD READING BY A HAND VOTE.)

23. Ordered: That the City of Brockton appropriates the sum of Thirty Six Million, One Thousand Five Hundred Ninety Seven Dollars (\$36,001,597) for capital repairs to various schools. **This is a conditional certification, provided that the projects are approved for MSBA participation at 80% and further, provided that the voters approve an exclusion from the annual tax levy limit of the amounts necessary to pay the annual debt service under the provisions of Proposition 21/2. This must be placed on the face of the order.**  
(FAVORABLE) ) (IN CITY COUNCIL MAY 23, 2011, PASSED TO A THIRD READING BY A HAND VOTE.)
24. Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, the City Council authorizes the re-authorization of a revolving fund for fiscal year 2012, for the sole purpose of funding of the acquisition and installation of grave liners exclusive of the cost of labor. The Grave Liners Revolving Fund shall receive the receipt of payment of all liner fees for the City of Brockton.  
(FAVORABLE)
25. Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council re-authorizes the establishment of a revolving fund for fiscal year 2012, for the sole purpose of funding the acceptance and expenditure by the Women's Commission of receipts and donations from various events, limited to annual expenditures of not more than \$2,500.(FAVORABLE)
26. Ordered: That the City Council authorize the expenditure of up to \$2,000,000 in excess of funds appropriated for all snow removal in FY2011. If this order is approved this will allow deficit spending of \$2,000,000. (FAVORABLE)
27. Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2012 revolving fund for the sole purpose of funding the cost in connection with the demolition of buildings in the City of Brockton. The Demolition Revolving Fund shall receive the receipt of payment of all demolition of buildings in the City of Brockton. Expenditures from the Demolition Revolving Fund shall be made at the direction of the Building Superintendent, with the written approval of the Mayor, provided that not more than \$110,000 may be so expended from the Demolition Revolving Fund during FY2011. The Building Superintendent shall comply with the reporting requirement of M.G.L., Ch. 44, Section 53E ½. (FAVORABLE)
28. Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY2012 revolving fund for the sole purpose of funding the Keep Brockton Beautiful Program. All revenues received as donations to this fund is to be used for purchasing tee shirts, rakes, shovels, barrels, and other miscellaneous items to be used for the program. Expenditures from the Keep Brockton Beautiful Program Revolving Fund shall be made by the Commissioner of the Department of Public Works, provided that not more than an amount of \$5,000 may be son expended during the fiscal year. (FAVORABLE)
29. 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 2012, 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)

30. 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 2012, 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. All revenue received from home composting bin sales or donations to the bin program shall be deposited in such account. The revolving fund is to be used solely for the purchase of additional home composting bins, advertising, administrative expenses or other such expenses related to the home composting bin distribution program per the terms of the grant. Expenditures from the Composting Bin Distributions Program Revolving Fund shall be made by the Commissioner of the Department of Public Works, provided that not more than an amount of \$2,000.00 may be so expended during the fiscal year 2012. (FAVORABLE)
31. Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2012 revolving fund for Manning Pool Revolving Account under the control of the mayor, from all FY2012 receipts received from admission to the pool, but further provided that the expenditures of such revolving fund revenues shall not exceed \$35,000 and shall be limited to spending purposes for ordinary maintenance expenses to operate the pool. (FAVORABLE)
32. 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 2012, for the sole purpose of funding the under the control of the Mayor, for cash receipts received during the fiscal year from Comcast for license fees and franchise fees, pursuant to the new cable license contract, and that further, that the expenditures from this disbursement of funding to the Brockton Community Cable Corporation. (FAVORABLE)
33. 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 2012, for the sole purpose of helping to fund the cost in connection with the K9 Unit of the Brockton Police Department. The K9 Unit Revolving Fund shall receive the receipts of the sale of canines born to the existing K9 Unit. Expenditures from the K9 Unit Revolving Fund shall be made at the direction of the Chief of Police, provided that not more than \$5,000 may be so expended from the K9 Unit revolving fund during FY 2011. (FAVORABLE)
34. Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the re-establishment of a revolving fund for fiscal year 2012, for the Parking Authority Revolving Fund to receive revenues from Parking Violations Fines up to and including the amount of \$250,000, said funds to be expended by the Parking Authority to pay expenses of parking regulation enforcement and repair and maintenance of lots, facilities and equipment. Amounts in excess of \$250,000 shall be credited to the General Fund. (FAVORABLE)
35. Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a revolving fund of FY2012 for the sole purpose of helping to fund the cost in connection with the operation of the War Memorial building. The War Memorial Revolving Fund shall receive the receipts of War Memorial charges and fees up to \$15,000 during FY11. Expenditures from the War Memorial Revolving Fund shall be made at the direction of the Mayor, provided that not more than \$15,000 may be so expended from the War Memorial Revolving Fund during FY2012. (FAVORABLE)

36. 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 FY2012, for the sole purpose of reimbursing departments for the cost of complying with requests for public records. The Auditor Public Records Request shall receive the receipts and fees up to \$10,000 during FY2012. Expenditures from the Auditor-Public Records Request Revolving Fund shall be made at the direction of the Auditor provided that not more than \$10,000 may be so expended from the fund during FY2012. (FAVORABLE)
37. Appropriation of: \$2,037,379  
From : Available Funds-Brockton's Chapter 90 apportionment for FY2012  
To: The Highway Transportation Project Funds FY12 (Chapter 90 Projects)  
(To provide funding for the purpose of the design and construction costs necessary for approved projects) (FAVORABLE)
38. Ordered: Budget for FY2012 (FAVORABLE AS AMENDED)

ORDERS:

39. Ordinance: An Ordinance Amending Chapter 4 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 4, Buildings.
40. Ordered: That Michael Gorman from Everett J. Prescott, Inc., Daniel Burdin, AMR Specialist from Everett J. Prescott, Inc , James Coughlin and Thomas Otto from USI Services and Ian Mead from CDM, Inc., be invited to appear before a committee of this council to inform the Council and residents of the Water Meter/AMI Program and to give a project overview.
41. Ordered: That the City Council authorize the acceptance and expenditure of a grant award in the amount of: \$30,000  
From: Mass in Motion: Municipal Wellness and Leadership Planning Grant  
To: Mayor's Department-Mass in Motion Grant.  
(In order to help implement policy changes that are needed based on the results of the assessment)
42. Ordered: That the City Council authorize the acceptance and expenditure of a grant award in the amount of: \$1,004.98  
From: Massachusetts Associations of Health Boards (MAHB) Plymouth County Region 5 Grant Fund  
To: City of Brockton Board of Health.  
(These grant monies are for reimbursement for previous expenditures associated with H1N1 flu activities)
43. Transfer of: \$17,500  
From: Finance Dept-Liability Insurance  
To: Finance Department-Ordinary Maintenance services  
(To cover the additional cost of performance based consulting services for Medicaid revenue claims for the remainder of FY11, due to greater than anticipated revenue receipts)

44. Ordered: That the City Council authorize the appropriation of \$2,000,000 as authorized and earmarked by the Transportation Improvement Section of the 2005 SAFETEA-LU Federal transportation law. This is for “Design and construction of downtown roadway and streetscape improvements in Brockton.” The State will provide the 20% match for construction funds and the City intends to use 40R funds which were previously appropriated and encumbered for the local match. **Provided that the Mass DOT provides the promised 20% match for the construction component of the project once engineering and design is complete and approved by MassDOT and the Federal Highway Administration. This is a conditional certification which must be placed on the face of the council order.**
  
45. Resolve: In order for more active and participatory role by the Brockton City Council, in particular the Councillors from Ward 2 and Ward 5, bring forward the Brockton Redevelopment Authority before this council to explain their mission, vision and strategy to revitalize downtown Brockton.