

A regular meeting of the City Council was held in the Council Chambers with Councillor Sullivan presiding. The meeting was called to order at 8:04 pm with nine members being present. Councillors Barnes and Monahan absent.

In City Council, December 8, 2014

Councillor DuBois stepped down.

Councillor Sullivan acknowledges former Director of the Brockton Housing Authority, Richard Sergi, by presenting him with a citation from the City Council, who was also a former teacher at North Junior High School. Tom Thibeault accepted the citation on Mr. Sergi's behalf and thanked the council.

Councillor DuBois stepped back in.

PETITIONS

Of Steven Fishman of Capeway Aluminum and Vinyl, Inc. for a sign permit located at 226 Montello St.

Referred to Public Safety

Councillor Stewart stepped down.

HEARINGS

Petition of Kenworth of SE New England, Inc., for a Motor Vehicle Repair Mechanical License located at 1150 West Chestnut St.

Attorney Richard Lawton and Daniel Dintino, the CEO of SE New England, Inc. appeared in favor.

Councillor Stewart stepped back in.

Councillor DeNapoli welcomed them to Brockton.

Councillor Eaniri met with Attorney Lawton and commends them.

Councillor Cruise questioned the number of employees that will work there?

Mr. Dintino stated that the total will be around 40-45 employees.

Councillor Sullivan questioned if they will take the employees from Brockton?

Mr. Dintino stated that will be Brockton contractors used.

No one was in opposition. Hearing held. Granted by a hand vote.

Petition of Dinesh Patel for an Underground Storage License located at 500 Pleasant St (IN CITY COUNCIL, NOVEMBER 10, 2014, POSTPONED) (IN CITY COUNCIL, NOVEMBER 24, 2014, POSTPONED)

Dinesh Patel, of 45 Sunrise Terrace, Stoughton, Ma, owner and Badesh Patel, Manager, appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote.

- 564** Ordered: That the City Council hereby determines the percentages of the local tax levy in accordance with the provisions of M.G.L., Ch. 40, Section 56, to be borne by each class of real property, as defined in Section 2A of Chapter 59, and personal property.

The hearing was opened.

Paul Sullivan, Assessor, gave his presentation. He explained the reason for the hearing is to set the tax rate for Fiscal Year 2015. He gave a break down on the number and types of properties in the city and how the shift of single tax rate effects the residential and commercial properties. He stated that he gave various scenarios in the packet to the councillors.

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HEARINGS (cont'd)

He will prepare for next week's meeting with official numbers, depending on the appropriation and orders that get passed tonight. He thanked his staff and everyone else.

The Council President stated that the hearing would be continued on Monday at 8pm at a Special Meeting.

Councillor Stewart questioned the percentage of nontaxable properties in the city and if there were more or less than surrounding towns. The Assessor stated he would try to get that information for him.

Councillor DuBois questioned the assessed value of open spaces and who determines what is considered open spaces? The assessor stated that the DOR determines what is considered open spaces and there is no open space in Brockton. Councillor DuBois asked about DW Field's Park and the Assessor stated that was considered a golf course and has a structure on it. The Councillor questioned the Fairgrounds as open space. The Assessor stated that it was considered commercial and agricultural. If the use was different, the classification could be changed. Councillor Sullivan stated that they would see the Assessor on Monday night at the Special Meeting at 8pm.

Mr. Chris Cooney of the Metro South Chamber of Commerce appeared and spoke regarding the commercial tax rate. He stated he would like the tax rate to be lower to help businesses in Brockton, because the rates have increased in the past years.

Councillor Sullivan stated that he was waiving the rule of the councillors standing for tonight. He also stated that everyone can speak, but they would hear the people regarding the commercial rates first.

Councillor Cruise motioned to continue the Tax Hearing to a special meeting on December 15, 2015 at 8pm and was properly seconded. The motion carried by a hand vote.

REPORTS

565 Of the Finance Committee for its meeting of December 1, 2014

Accepted and placed on file

Councillor Studenski stepped down.

COMMUNICATIONS

566 From the Executive Director of the Parking Authority requesting a transfer of \$10,000.00 from P/T Salaries to Building and Grounds (\$7,000.00) to cover cost of repairs to the pay stations in the B lot and the replacement of electrical panels in the garage, and to Electricity (\$3,000.00) to cover the anticipated shortfall in electrical costs due to increased usage and rate hikes.

Accepted and placed on file

567 From the Mayor in accordance with M.G.L., Ch. 44, recommending a total transfer of \$10,000 from Parking Authority-Personal Services-Part Time Salaries other than OT to Purchase of Services Building and Grounds (\$7,000) to cover cost of repairs to the pay stations in the B lot and the replacement of electrical panels in the garage, and to Electricity (\$3,000) to cover the anticipated shortfall in electrical costs due to increased usage and rate hikes.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 568** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$10,000.00 from Personal Services- Part Time Salaries other than OT to Purchase and Services-Building and Grounds

Accepted and placed on file

Councillor Studenski stepped back in.

UNFINISHED BUSINESS

- 554** Appointment of Joao De Andrade of 327 Boylston St., Brockton to the Brockton License Commission for a three year term ending November 2017.
(FAVORABLE)

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

Councillor DeNapoli stated that he hoped that the council would vote favorably on item #563 in order to put the code enforcement back on the streets.

- 563** Appropriation: Of: \$310,000
From: Unappropriated Estimated Receipts of FY2015
To: Police Department: Personal Services-Overtime
(to provide Police foot patrols and other recurring coverage). (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Barnes and Monahan absent.

Councillor DuBois stepped down.

Councillor DeNapoli motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Stewart stepped down.

- 545** Appropriation of: \$1,500,000.00
From: Unappropriated Receipts (FY 2015 Tax Levy)
To: Law Department Ordinary Maintenance Services
(For purposes of increasing the budget for outside counsel to pay for attorneys to defend the city, and members of its City Council and Planning Board, plus other former officials both in official capacity and privately, with regard to the civil suit instituted by Brockton Power, LLC). (FAVORABLE AS AMENDED)

The amendment passed by a hand vote. Adopted, as amended, by a roll call vote taken by “yeas” and “nays”; seven members present with six voting in the affirmative. Councillor DeNapoli voting in the negative. Councillors Barnes, DuBois, Monahan and Stewart absent.

Councillors DuBois and Stewart stepped back in.

- 562** Ordered: That the City Council authorize the approval of the Solar Power and Services Agreement between SunEdison Origination1,LLC and the City of Brockton. (FAVORABLE)

Councillor Studenski wanted to get more information on item #562 and motioned to continue back to the Finance Committee Meeting in January and was properly seconded. The motion carried by a hand vote.

- 546** Resolved: a resolve regarding the recent auctions and where the money is going; what account is it being held in; what the money is going to be used for
(FAVORABLE)

UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present with eight voting in the affirmative. Councillor DuBois voting in the negative. Councillors Barnes and Monahan absent.

ORDERS

- 569** Transfer total of \$10,000
 From: Parking Authority-Personal Services-Part Time Salaries other than OT
 To: Purchase of Services Building and Grounds \$7,000
 and
 From: Parking Authority-Personal Services-Part Time Salaries other than OT
 To: Electricity \$3,000
 (To cover cost of repairs to the pay stations in the B lot and the replacement of electrical panels in the garage, and to cover the anticipated shortfall in electrical costs due to increased usage and rate hikes.)

Referred to Finance

Councillor Sullivan stated that Councillor Monahan had a work commitment this evening.

Councillor Sullivan stated that Councillor Barnes was on “Who wants to be a Millionaire?” and won \$1,000.00 and also she isn’t present, because she is out of the country. Councillor Sullivan stated that there was trouble with the cable feed and so it isn’t live tonight, but it will be fixed by tomorrow. He also thanked Councillor Asack for her participation in the Charter School presentation that she is opposition of.

Councillors DuBois and Stewart stepped down.

Councillor Eaniri motioned to file for reconsideration on item #545 with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillors DuBois and Stewart stepped back in.

Councillor Eaniri stated that the next Ordinance meeting will be held on December 15, 2014 at 6:15pm.

Councillor Cruise motioned to go into Executive Session and was properly seconded by Councillor DeNapoli.

Councillor Sullivan stated that to have discussion in open session may be detrimental to the City Council’s litigating position and that the motion requires a roll call vote.

The motion carried by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Barnes and Stewart absent.

Councillor Sullivan stated that the City Council would not be returning after the Executive Session.

Adjourned at 9:02pm