

A regular meeting of the City Council was held in the Council Chambers with Councillor Studenski presiding. The meeting was called to order at 8:05pm with eleven members being present.

In City Council, December 12, 2011

Councilor Brophy takes a moment of silence for John Davies.

Chief Richard Francis was present with four firefighters. They received citations from the Governor and the State Fire Marshall. Rep. Brady, Sen. Kennedy and Mayor Balzotti were in the audience. Also, Fire Chief has citations from Congressman Stephen Lynch. The following were honored for heroic actions that were taken on March 17, 2011 @ 4 Northfield Drive: Captain Scott Albanese and Firefighter Eric Leonard. On May 6, 2011 @ 75 Melrose Ave., Captain Sean Kerr and Firefighter Roger Dwyer all for their meritorious actions. Councillor Studenski thanks Chief Francis and all of the firefighters for all they do. Chief Francis thanked everybody for letting them do the citations in front of Council tonight. Councillor Studenski call for a brief recess.

Back in session.

HEARINGS

Petition of Reinaldo Tavares DBA Emily Auto Body Repair for a Motor Vehicle Repair Mechanical/Body license located at 515 No. Main Street.

Reinaldo Tavares appeared in favor. Councillor Dubois requested a two minute recess. No one appeared in opposition. Councillor DuBois motioned to grant the license with the following stipulations: M-F 9:00AM-6:00PM, Sat. 9:00AM-1:00PM, No Sun. hours. 25 vehicles to be stored inside and 32 vehicles to be stored outside. No outside storage of autoparts. Councillor Stewart questioned the petitioner about the stipulations put on the license. Asking if they will deter his business in any way. Petitioner said no. License granted by a hand vote.

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.

Paul Sullivan, Chairman of the Board of Assessors appeared in favor and made a brief statement to the Council on the tax levy and rate. The information that was provided to the Council was also provided to the IRS. The council questioned Mr. Sullivan on the tax rate and how it would effect Commercial and Residential properties. Jay Condon, CFO also appeared and answered questions from the Council. Councillor Brophy wanted to make it clear to the residents that the Council is not raising taxes but has to follow proposition 2 ½ for the tax levy. The Council is determining how much burden to shift from residential to commercial. The following spoke on the tax rate and how it effects commerical business's: Mark Donahue who is the President of Donahue Association, Chris Cooney of Metro South Chamber of Commerce, Randy Picoffski, Peter Neville, President of Concord Foods and Bill Callahan who believes residential properties should share a burden of the tax rate. Councillor Brophy moved to set the tax rate at 1.56 and was properly seconded. Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and six voting in the affirmative and Councillors DeNapoli, DuBois, Eaniri, Stewart and Sullivan voting in the negative. Councillor Brophy motioned to file reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

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REPORTS

- 430** Of the Finance Committee for its meeting of December 5, 2011

Accepted and placed on file.

COMMUNICATIONS

- 431** From the Chief of Police requesting a transfer of \$2,500 from Personal Services (Longevity) to Department Equip Rep/Maint. In order to cover the cost for joining the Greater Boston Police Council's BAPERN (Boston Area Police Emergency Radio Network) consortium.

Accepted and placed on file.

- 432** From the Mayor in accordance with M.G.L., Ch. 44 recommending a transfer of \$2,500 from Police Department-Personal Services other than overtime to Police Department Goods and Supplies to cover the cost for joining The Greater Boston Police Council's BPERN (Boston Area Police Emergency Radio Network) consortium.

Accepted and placed on file.

- 433** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfer of \$2,500 from Police Department Personal Services other than overtime to Police Department Goods and Supplies.

Accepted and placed on file.

UNFINISHED BUSINESS

- 397** Ordinance: An Ordinance amending Chapter XXIII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Ch. 23. Water, Sewer and Sewage Disposal is hereby amended by adding the following new section to Article II. Water: Section 23-31. Actual Meter reading and estimated bills. (FAVORABLE) (IN CITY COUNCIL NOVEMBER 28, 2011, PASSED TO A THIRD READING AS AMENDED)

Failed by roll call vote taken by "yays" and "nays"; five members voting in the affirmative with Councillors Brophy, Cruise, DeNapoli, Monahan, Petti, and Studenski voting in the negative. Councillor Brophy motioned to file reconsideration with the wish that it may prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Sullivan left the chambers and Councillor DuBois stepped down.

- 424** Appropriation: of: \$300,000
From: Stabilization Fund
To: Fire Department- Overtime
(to insure that all Companies and Stations remain open at least through April 1, 2012, due to unpredictable weather patterns). (FAVORABLE)

Adopted by a roll call vote taken by "yays" and "nays"; nine members being present and all voting in the affirmative. Councillors DuBois and Sullivan absent.

- 425** Appropriation of: \$34,350
From: Stabilization Fund
To: Police Department-Ordinary Maintenance-Services (DP Equip-R/M)
(These monies are to be used for the maintenance program of the ShotSpotter system). (FAVORABLE)

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UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by "yays" and "nays"; nine members being present and all voting in the affirmative. Councillors DuBois and Sullivan absent.

- 426** Appropriation: of: \$49,634.50
From: the Available Funds-Executive Office of Elder Affairs-FY2012
Formula Grant
To: Council on Aging-Elder Affairs Grant
The full amount of this grant is \$99,269. The remainder of the grant should be received in mid January. This grant is to be used for salaries and miscellaneous services and supplies. No match is required. (FAVORABLE)

Councillor DuBois returned. Adopted by a roll call vote taken by "yays" and "nays"; ten members being present and all voting in the affirmative. Councillor Sullivan absent.

- 427** Ordered: That the City Council approve the award by the City of the contract with Allied Waste Services of Massachusetts, LLC beginning January 1, 2012 until June 30, 2017, for Solid Waste/Refuse Collection, Processing and Disposal Services, for a period of time exceeding three (3) years for the purpose of picking up solid waste, recyclables, yard waste, bulky items and white goods within the City, in accordance with the terms of the letter of intent to award dated October 28, 2011. (FAVORABLE)

Councillor DeNapoli said he would be filing a resolve to bring Pat Sullivan before the council to discuss the contract. Councillor Stewart asks for clarification on the contract and he will not vote on approving the contract because he has reservations. Councillor Brophy spoke on the contract about the language he has had legal counsel check on the wording.

Adopted by a roll call vote taken by "yays" and "nays"; ten members being present and seven members voting in the affirmative with Councillors DuBois, Eaniri, and Stewart voting in the negative. Councillor Sullivan absent

- 428** Resolve: That the Mayor be invited to appear before a Committee of this Council, in her respective roles as Mayor and as Chair of the School Committee, to discuss recognizing the public service provided to the City by late, John Murphy, who served the City for many years on the Planning Board, the late, Dr. John Lingos, who served for many years as Chief Medical provider to the Brockton High School Football team and Brendan O'Neil, who provided years of service as a Brockton High School educator and swimming coach. (FAVORABLE)

Adopted by a roll call vote taken by "yays" and "nays"; ten members being present and all voting in the affirmative. Councillor Sullivan absent

Councillor MacMillan steps down.

- 429** Resolved: That the DPW Commissioner, the City's consulting engineer on the sewer plant, the Chief Financial Officer, and the Metro South Chamber President be invited to appear before a Committee of this Council to discuss the benefits and detriments of allowing surrounding communities the opportunity to tie into the City's Sewer Treatment Plant. (FAVORABLE)

Adopted by a roll call vote taken by "yays" and "nays"; nine members being present and eight members voting in the affirmative with Councillor Petti voting in the negative. Councillors MacMillan and Sullivan absent.

UNFINISHED BUSINESS (cont'd)

Councillor Brophy motioned to file reconsideration on items **425-426** with the hopes it does not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 403** Resolve: That pursuant to the provisions of General Laws, Chapter 45 Section 3, and other applicable provisions of the law, that the Brockton City Council accepts for municipal purposes, namely open space and park purposes, a certain publicly owned parcel of land located at 45 School Street belonging to the City of Brockton, Massachusetts known as "City Hall Plaza" as park land as indicated on Assessor's Map 110, Plot 17 School Street. (FAVORABLE)

Councillor MacMillan returned. Adopted by a roll call vote taken by "yays" and "nays"; ten members being present and all voting in the affirmative. Councillor Sullivan absent

ORDERS

- 434** Transfer of: \$2,500
From: Police Department-Personal Services other than overtime
To: Police Department Goods and Supplies
(to cover the cost for joining The Greater Boston Police Council's BPERN (Boston Area Police Emergency Radio Network) consortium)

Councillor Cruise motioned to take under suspension of the rules and was properly seconded. Motion carried by a hand vote. Adopted by a roll call vote taken by "yays" and "nays"; ten members being present and all voting in the affirmative. Councillor Sullivan absent. Councillor Cruise motioned to file reconsideration with the hopes it does not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 435** Resolved: That the Mayor and the Personnel Director be invited to appear before a committee of this council to discuss the process planned for identifying the most qualified individual for appointment as the Chief of Police.

Referred to Public Safety

Councillor Brophy motioned to take a moment of personal privilege to congratulate the football players and coaches from Cardinal Spellman for a great season.

Meeting adjourned 10:40PM