

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:00 pm with eleven members being present.

In City Council, March 26, 2012

Councillor Cruise motions to move under suspension of the rules and accept 2 late files and item **134** collectively and act on them tonight and was properly seconded. The motion carried by a hand vote.

#### LATE FILES

- 172** Appointment of James W. DuBeau, Jr. to the rank of Fire Lieutenant in the Brockton Fire Department.
- 173** Appointment of Christopher R. Tilton, to the rank of Fire Captain in the Brockton Fire Department.

#### APPOINTMENTS

- 134** Of Kevin M. Galligan to the rank of Deputy Fire Chief in the Brockton Fire Department.

Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Petti absent. Councillor Cruise motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Studenski motions to take items **135-138** collectively and under suspension of the rules and was properly seconded. The motion carried by a hand vote.

- 135** Of William J. Hallisey to the rank of Lieutenant in the Brockton Police Department.
- 136** Of David M. Dickinson to the rank of Lieutenant in the Brockton Police Department.
- 137** Of Christopher T. Green to the rank of Sergeant in the Brockton Police Department.
- 138** Of Tracy L. Harrington to the rank of Sergeant in the Brockton Police Department.

Confirmed by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Petti absent. Councillor Studenski motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Cruise takes a moment of personal privilege to acknowledge Tracy Harrington, the first woman sergeant in Brockton.

Council President Brophy calls a two minute recess.

Back in session.

**31**  
**APPOINTMENTS (cont'd)**

Councillor DeNapoli stepped out.

- 139** Reappointment of Rosemary Foster of 105 Belair Street to the Housing Authority Board of Commissioners for a term of five years ending March 2017.

**PETITIONS**

Referred to Finance.

Of Brian's Taxi, Inc., for a renewal of 17 Taxi licenses located at 20 Putnam St.

Referred to Public Safety

Of Community Carriage, Inc., for a renewal of 8 Taxi licenses located at 383 Warren Ave.

Referred to Public Safety

**REPORTS**

- 140** Of the Ordinance Committee for its meeting of March 19, 2012

Accepted and placed on file

- 141** Of the Finance Committee for its meeting of March 19, 2012

Accepted and placed on file

- 142** Of the Real Estate Committee for its meeting of March 19, 2012

Accepted and placed on file

**COMMUNICATIONS**

- 143** From the Cemetery Department requesting a transfer of \$14,000 from Sale of Lots and Graves to Engineering for engineering costs associated with expansion of the Singles Section at the Melrose Cemetery

Accepted and placed on file

- 144** From the Mayor in accordance with M.G.L., Ch. 44 recommending an appropriation of \$14,000 from Sale of Lots and Graves-Melrose Cemetery to Cemeteries-Ordinary Maintenance Services-Engineering for engineering costs associated with expansion at Melrose Cemetery.

Accepted and placed on file

- 145** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$14,000 from Sale of Lots and Graves-Melrose Cemetery to Cemetery-Ordinary Maintenance-Services (Engineering).

Accepted and placed on file

- 146** From the Chief of Police requesting authorization to expend grant monies related to the U.S. Department of Justice/FY2011 Community Oriented Policing Services Hiring Grant.

Accepted and placed on file

## COMMUNICATIONS (cont'd)

Councillor DeNapoli stepped in.

- 147** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the appropriation of the grant award in the amount of \$517,882 from U.S. Department of Justice Community Oriented Policing Services FY11 Hiring Grant to Brockton Police Department: Community Oriented Policing Servicing FY11 Hiring Grant. These grant funds will be used to pay for the salary and benefits of two full time patrol officers at entry level pay.

Accepted and placed on file

- 148** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying to support the proposed appropriation of \$517,882 from US Department of Justice Community Oriented Policing Services FY11 Hiring Grant to Brockton Police Department-Community Oriented Policing Services FY11 Hiring Grant.

Accepted and placed on file

- 149** From the Chief of Police requesting a transfer of \$160,000 from Full-Time to Overtime in order to fund the remainder of the fiscal year.

Accepted and placed on file

- 150** From the Mayor in accordance with M.G.L., Ch. 44 recommending a transfer of \$160,000 from Police Department-Personal Services to Police Department-Overtime in order to fund the remainder of this fiscal year.

Accepted and placed on file

- 151** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying to support the proposed transfer of \$160,000 from Police Department-Personal Services other than overtime to Police Department-Overtime.

Accepted and placed on file

- 152** From the DPW Commissioner requesting that the City Council enact an ordinance change in order to establish the new ordinance position of Supervisor, Summer Youth Program.

Accepted and placed on file

- 153** From the Mayor requesting that the City Council enact an ordinance change in order to establish the new ordinance position of Supervisor, Summer Youth Program: Ordered: Amend Section 2-127 Pay Plan of the Revised Ordinances of the City of Brockton by inserting a new compensation grade: PT/S Supervisor, Summer Youth Program with the following salary rate: \$14.00 hourly

Accepted and placed on file

- 154** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed ordinance change to establish the new ordinance position of Supervisor, Summer Youth Program.

Accepted and placed on file

## COMMUNICATIONS (cont'd)

- 155** From the Executive Director of the Parking Authority requesting a total transfer of \$17,500.00 from Parking Authority-Capital Projects-City Lots-\$12,500.00 and Parking Authority-Personal Services other than Overtime-\$5,000 to Parking Authority-Capital Projects (for the purchase of a new van to replace the current vehicle, which has reached the end of its useful lifetime.)

Accepted and placed on file

- 156** From the Mayor in accordance with M.G.L., Ch. 44, recommending transfers totaling \$17,500.00 from: Parking Authority-Capital Projects-City Lots-\$12,500.00 and Parking Authority-Personal Services other than Overtime-\$5,000 to Parking Authority-Capital Projects (for the purchase of a new van to replace the current vehicle, which has reached the end of its useful lifetime.)

Accepted and placed on file

- 157** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed transfers from Parking Authority-Capital Projects-City Lots-\$12,500.00 and from Parking Authority-Personal Services other than Overtime-\$5,000- for a total of \$17,500.

Accepted and placed on file

- 158** From the Superintendent of Buildings requesting authorization on behalf of the Planning Department to accept and expend \$10,000 from the Commonwealth of Massachusetts-Massachusetts Historical Commission Survey and Grant Program for Historic buildings in Downtown. This money will be used to hire a consultant for future MHC grants that the City may apply for. The \$10,000 cash match for this grant will come from the Mayor's Department-40R funds.

Accepted and placed on file

- 159** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$10,000 from the Commonwealth of Massachusetts-Massachusetts Historical Commission Survey and Grant Program to Planning Department-Historical Commission Grant for Historic Buildings in Downtown. This money will be used to hire a consultant for future MHC grants that the City may apply for. The \$10,000 cash match for this grant will come from the Mayor's Department-40R funds.

Accepted and placed on file

- 160** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$10,000 from the Commonwealth of Massachusetts-Massachusetts Historical Commission Survey and Grant Program to Planning Department-Historical Commission Grant for Historic Buildings in Downtown.

Accepted and placed on file

- 161** From the Police Chief requesting authorization to expend grant monies related to the US Department of Justice's/Bureau of Justice Assistance, FY11 Justice Assistance Grant in the amount of \$112,645.

Accepted and placed on file

## COMMUNICATIONS (cont'd)

- 162** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of the grant award in the amount of \$112,645 from Department of Justice/Bureau of Justice Assistance FY11 Justice Assistance Grant to Brockton Police Department: FY11 Justice Assistance Grant. These grant funds will be used to pay for the contracted services of social workers to support both our Child Witness to Violence and Operation Divinity efforts.

Accepted and placed on file

- 163** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$112,645 from Department of Justice/Bureau of Justice Assistance FY11 Justice Assistance Grant to Brockton Police Department: FY11 Justice Assistance Grant.

Accepted and placed on file

## UNFINISHED BUSINESS

- 108** 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: Chapter 23. Water, Sewer and Sewage Disposal. Sec. 23-23 Meters. (FAVORABLE AS AMENDED)

The question was on the amendment. Councillor DuBois asked through the chair if the amendment could be read.

## AMENDMENT

I hereby move to amend the foregoing Ordinance Amendment as follows:

1. By inserting after the word "municipal" and before the word "water" the word "residential"; and 2. By inserting at the end of subsection (b) the following:
2. "With respect to the testing of a municipal commercial water meter, the fee shall be equal to the cost of private testing."

Councillor Brophy motioned for item **108** to be moved to the end to vote on and was properly seconded. The motion carried by a hand vote.

Councillor DeNapoli motioned to take items **125-128** collectively and was properly seconded. The motion carried by a hand vote.

- 125** Appointment of Paula C. Odierno, 57 Reservoir St., Brockton to the Historic District Commission for a three year term ending February 2015. (FAVORABLE)
- 126** Appointment of Anne M. McCormack, 25 Mayotte Circle, Brockton to the Cemeteries Board of Trustees for a five year term ending February 2017. (FAVORABLE)
- 127** Reappointment of Timothy J. Sullivan, 9 Payton Court to the Housing Authority Board of Commissioners for a five year term ending February 2017. (FAVORABLE)
- 128** Appointment of Ernest Pettiford, 1161 Montello St., Brockton to the Housing Authority Board of Commissioners for a five year term ending March 2017. (FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councillor Petti absent.

**UNFINISHED BUSINESS (cont'd)**

- 133** Ordered: That the DPW Commissioner is authorized to issue 156 single family sewer connections once all necessary City permits are approved to the property located off of East Ashland Street (plot # \_\_\_\_\_) owned by Boulders Realty Trust. (FAVORABLE)

Councillor DuBois motioned to amend the order.

Councillor Petti stepped in at 8:20pm.

Councillor DuBois reads the amendment. Council President Brophy calls a two minute recess.

Back in session.

Councillor Cruise questioned what does the amendment do? Councillor DuBois explained that the order is incomplete without the plot numbers, so it just makes the order complete. The motion to amend was properly seconded. The amendment was adopted by a hand vote. Councillor DuBois explained the order and proposes a motion to postpone, until they see if it approved by the Planning Department. The motion was properly seconded. Councillor Cruise stated that the DPW or Planning can make their decision, but they don't have to postpone their vote. He stated he is against the postponement, in favor of the order. Councillor Stewart on the motion, if they vote to postpone, does the order have to be passed to go any further on the completion? Councillor DuBois stated that that was said in error. The order was postponed until the next meeting by a hand vote with eleven members being present with nine voting in favor. Councillor Cruise and Monahan voting in the negative.

- 86** Resolve: That Mr. Paul Osborn, Assistant Director, Rates and Revenue Division (Massachusetts Department of Public Utilities) is invited to appear before this City's Finance Committee on February 6, 2012 to discuss and give an overview of state level regulations that provide oversight for private water companies. (FAVORABLE)

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

- 132** Ordered: That the Mayor and the City Council hereby authorize the transfer of control and jurisdiction of the property located at and known as The Shaw School, 311 Quincy Street, (Plot 14, Map 143, Route 100) currently owned and controlled by the City of Brockton to the Brockton Public Schools Department for school-related use. (FAVORABLE AS AMENDED)

The Clerk reads the amendment.

**AMENDMENT**

I hereby move to amend the order by inserting at the end thereof, the following: "provided, that prior to transfer of control and jurisdiction by the City to the Brockton Public School Department, that the School Department reimburse the City the amount of \$6,500.00"

Councillor DeNapoli explained that the amendment is so that the City doesn't have to incur more costs. Councillor Stewart questioned is it irrevocable. Councillor Brophy stated that it would be City property.

The amendment passed by a hand vote.

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

**UNFINISHED BUSINESS (cont'd)**

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

**ORDERS**

- 164** Ordinance: An Ordinance amending Chapter II of the Revised Ordinances of the City of Brockton: Be it ordained by the City Council of the City of Brockton as follows: Section 2-127 Pay Plan, is hereby amended by inserting a new compensation grade: PT/S Supervisor, Summer Youth Program with the following salary rate: \$14.00 hourly

Referred to Ordinance.

Councillor DuBois questioned if we had a hiring freeze. The Council President stated that we didn't have the answer to that right now.

- 174** Ordinance: An Ordinance Amending Chapter XXVII of the Revised Ordinance of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Sec. 27-30. C-3 Zones, Central Business Zones

Referred to Ordinance and planning

- 165** Ordered: That the City Council accepts and expends the grant award in the amount of \$517,882  
From: U.S. Department of Justice Community Oriented Policing Services FY11 Hiring Grant  
To: Brockton Police Department: Community Oriented Policing Servicing FY11 Hiring Grant. (These grant fund will be used to pay for the salary and benefits of two full time patrol officers at entry level pay)

Referred to Finance

- 166** Ordered: That the City Council accepts and expends the grant award in the amount of \$10,000  
From: the Commonwealth of Massachusetts-Massachusetts Historical Commission Survey and Grant Program  
To: Planning Department-Historical Commission Grant for Historic Buildings in Downtown.

Referred to Finance

- 167** Ordered: That the City Council accepts and expends the grant award in the amount of \$112,645  
From: Department of Justice/Bureau of Justice Assistance FY11 Justice Assistance Grant  
To: Brockton Police Department: FY11 Justice Assistance Grant. (These grant funds will be used to pay for the contracted services of social workers to support both our Child Witness to Violence and Operation Divinity efforts.)

Referred to Finance

- 168** Transfer of: \$14,000  
From: Sale of Lots and Graves-Melrose Cemetery  
To: Cemetery to Cemeteries-Ordinary Maintenance Services-Engineering (For engineering costs associated with expansion at Melrose Cemetery)

Referred to Finance

**37**  
**ORDERS (cont'd)**

- 169** Transfer of: \$160,000  
From: Police Department-Personal Services  
To: Police Department-Overtime  
(in order to fund the remainder of this fiscal year)

Referred to Finance

- 170** Transfer: totaling \$17,500.00  
From: Parking Authority-Capital Projects-City Lots-\$12,500.00 and  
Parking Authority-Personal Services other than Overtime-\$5,000  
To: Parking Authority-Capital Projects  
(for the purchase of a new van to replace the current vehicle, which has reached  
the end of its useful lifetime.)

Referred to Finance

- 171** Resolved: That the City Council expresses its support for Brockton Knocks  
Down Diabetes and invites Leo MacNeil from HarborOne Credit Union to appear  
before a committee of this Council to present the program of Brockton Knocks  
Down Diabetes.

Referred to Finance

On item **108**, the question was on the amendment.  
The amendment passed by a hand vote, with eleven members being present and  
ten voting in favor. Councillor DuBois voting in the negative. Passed to a third  
reading as amended by a hand vote.

Councillor DeNapoli takes a moment of personal privilege to state that on March  
28, 2012 at 6pm there will be a joint warm meeting with Councillor DuBois at the  
Mary Baker School. Manny Gomes and Bill Healey will be there and the  
Boulders Development will be discussed.

Councilor Petti takes a moment of personal privilege to state that the ground  
breaking for the Rocky Marciano Statue will be held on March 31, 2012 at 1pm.

Adjourned at 8:40pm