

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:04pm with ten members being present. Councillor DeNapoli absent.

In City Council, June 25, 2012

Councillor Monahan called for a moment of silence for Representative Michael Brady's sister, Carole Oliveira, who passed away.

### APPOINTMENTS

Councillor Cruise motioned to take items **327-329** under suspension of the rules and was properly seconded. The motion carried by a hand vote.

- 327** Of Ryan P. Moffett to the rank of Firefighter in the Brockton Fire Department.
- 328** Of Cory J. Lacey to the rank of Firefighter in the Brockton Fire Department.
- 329** Of Matthew L. Flaherty to the rank of Firefighter in the Brockton Fire Department.

Chief Francis presents the three firefighters, who have been in Afghanistan and came back two months ago.

Confirmed by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councillor DeNapoli absent. Councillor Cruise motioned to file for reconsideration on items **327-329** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Brophy called a brief recess.

Back in session.

Councillor Eaniri motioned to move the budget, item #315, to the end of the agenda and was properly seconded. The motion carried by a hand vote.

- 330** Of Brandon William Marble, 127 Thatcher St., Brockton as a Constable in the City of Brockton for a term of three (3) years.

Referred to Finance

### PETITIONS

Of Joseph Romano to suspend a sign and electric clock at 1106 Main St.

Referred to Public Safety

### REPORTS

- 331** Of the Ordinance Committee for its meeting of June 4, 2012.

Accepted and placed on file

- 332** Of the Ordinance Committee for its meeting of June 18, 2012.

Accepted and placed on file

**REPORTS (cont'd)**

- 333** Of the Finance Committee for its meetings of June 11-13, 2012.

Accepted and placed on file

- 334** Of the Finance Committee for its meetings of June 18, 2012.

Accepted and placed on file

**COMMUNICATIONS**

Councillor DuBois stepped down.

- 335** From the DPW Commissioner requesting approval for the Land Taking of 144 Temporary Easements and 22 Permanent Easements in relation to the Pleasant Street Reconstruction Project. In order to finance these takings and easements, the City will expend from appropriated funds from Ch. 90 funds in the amount of \$147,200.

Accepted and placed on file

- 336** From the Mayor in accordance with M.G.L., Ch. 44, requesting the Land Taking of 144 Temporary Easements and 22 Permanent Easements in relation to the Pleasant Street Reconstruction Project. Financing of \$147,200 for this project will be from Ch. 90 Funds.

Accepted and placed on file

- 337** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed temporary and permanent easements in relation to the Pleasant Street Reconstruction Project.

Accepted and placed on file

- 338** From the Fire Chief requesting that the City Council accepts and expends the grant award in the amount of \$438,455 (80%) from the Federal Emergency Management Agency and the Department of Homeland Security. The grant is to be used to purchase radios and thermal imaging cameras.

Councillor DuBois stepped back in.

Accepted and placed on file

- 339** From the Mayor requesting that the City Council accepts and expends the grant award in the amount of \$438,455 (80%) from Federal Emergency Management Agency and the Department of Homeland Security-Fy2011 Assistance to Firefighters Grant to Fire Department-FY2011 Assistance Grant. This grant is to be used to purchase radios and thermal imaging equipment. There is a 20% grant match of \$109,613, which was specifically budgeted in the FY13 Fire Department budget for this grant.

Accepted and placed on file

**COMMUNICATIONS (cont'd)**

- 340** From the CFO in accordance with Section 5 of Ch. 324 of the acts of 1990, certifying the proposed acceptance and expenditure of \$438,455 from the Federal Emergency Agency and the Department of Homeland Security-FY2011 Assistance to Firefighters Grant to Fire Department-FY2011 Assistance Grant. The federal share is 80% and the match from the City is \$109,613, which is budgeted for this purpose in the FY13 budget.

Accepted and placed on file

**UNFINISHED BUSINESS**

- 75** Ordinance: An Ordinance amending Chapter VII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 7. Fire Prevention Code. Sec. 7-775. Fee Schedule. (IN CITY COUNCIL, MAY 29, 2012, PASSED TO A THIRD READING)

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

Councillor Cruise stepped down.

- 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. (IN CITY COUNCIL, MAY 29, 2012, PASSED TO A THIRD READING)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Cruise and DeNapoli absent.

Councillor Cruise stepped back in.

- 298** Ordinance: An Ordinance amending Chapter XXVII of the Revised Ordinances of the City of Brockton as follows: Chapter 27 Zoning, Flood Plains. (FAVORABLE)

Passed to a third reading by a hand vote.

- 299** Ordinance: An Ordinance amending Ch. II of the Revised Ordinances of the City of Brockton as follows: Sec. 2-89. Yeas and Nays. (UNFAVORABLE)

Councillor DuBois questioned this ordinance. The Clerk reads the proposed ordinance. Councillor Stewart as a point of information explained the ordinance, that it would change the way the council votes. It would add variety and no one person would set the tone for the vote.

Councillor Monahan questioned whether he could amend the ordinance or should they vote first. The Council President stated it was the appropriate time to amend before they vote.

The Council President called a brief recess in order to write the amendment.

Back in session

**UNFINISHED BUSINESS (cont'd)**

Councillor Monahan motioned to amend the ordinance as follows and was properly seconded. The motion carried by a hand vote.

I hereby move to amend the foregoing ordinance by:

1. Deleting the words "of a meeting"  
by adding the following sentence at the end
2. This process shall continue throughout the entire legislative session.

The amendment carried by a hand vote.

Passage to a third reading as amended failed by a roll call vote taken by "yeas" and "nays"; ten members present and five voting in the affirmative. Councillors Eaniri, MacMillan, Petti, Studenski and Sullivan voting in the negative. Councillor DeNapoli absent.

- 234** Ordinance: An Ordinance Amending Ch. XVII of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Sec. 27-54. Same-Requirements (Table 4). (UNFAVORABLE)

Referred to Finance.

- 248** Reappointment of James L. Bates, Jr., of 21 Ash Street, Brockton, MA as a constable in the City of Brockton for a term of three (3) years. (FAVORABLE)

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

Councillor Cruise motioned to take items **301-313** and **300** collectively and was properly seconded. The motion carried by a hand vote.

- 301** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2013 revolving fund for the sole purpose of funding the acceptance and expenditure by the Women's Commission of receipts and donations from various events. Expenditures from the revolving fund shall be made on the authority and direction of the Mayor, provided that not more than \$2,500 may be so expended from the Woman's Commission Revolving Fund during fiscal year 2013. (FAVORABLE)

Councillor Cruise stepped down.

- 302** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2013 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 FY2013. The Building Superintendent shall comply with the reporting requirement of M.G.L., Ch. 44, Section 53E ½. (FAVORABLE)

**UNFINISHED BUSINESS (cont'd)**

- 303** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY2013 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)

Councillor Cruise stepped back in.

- 304** 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 2013, 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)
- 305** 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 2013, 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 2013. (FAVORABLE)
- 306** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a FY 2013 revolving fund for Manning Pool Revolving Account under the control of the mayor, from all FY2013 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)
- 307** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E1/2, the City Council re-authorizes the establishment of a revolving fund for fiscal year 2013, from the cash receipts from Comcast franchise fees, in excess of \$550,000, pursuant to the new cable license contract, and that further, that the expenditures from this fund shall not exceed \$250,000 during fiscal year 2013. (FAVORABLE)

**UNFINISHED BUSINESS (cont'd)**

- 308** 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 2013, 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 2013. (FAVORABLE)
- 309** 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 FY2013, 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 FY2013. 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 FY2013. (FAVORABLE)
- 310** 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 2013, 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)
- 311** Ordered: That pursuant to M.G.L. Ch. 44 Sec. 53E ½, the City Council authorizes a revolving fund for FY2013 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 FY13. 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 FY2013. (FAVORABLE)
- 312** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes a revolving fund for Fiscal Year 2013, for the sole purposes of funding the creation and maintenance of the Abandoned Building Registry as well as the closing and boarding up of vacant and abandoned buildings. The Vacant and Abandoned Building Revolving Fund shall receive the receipts of payments of fines and fees for the registration of vacant and abandoned buildings. Expenditures from the Vacant and Abandoned Building Revolving Fund shall be made on the authority and direction of the Brockton Building Commissioner, provided that no more than \$75,000 may be so expended from the Vacant and Abandoned Buildings Revolving Fund during fiscal year 2013. (FAVORABLE)
- 313** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E 1/2, the City Council authorizes the Police Department-Closed Cases Revolving Fund for fiscal year 2013 for the sole purpose of spending by the Police Chief for ordinary maintenance expenses of the police department. The Police Department Closed cases Revolving Fund shall receive monies in police possession from closed cases. (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

- 300** Ordered: That pursuant to the Massachusetts General Law, Chapter 44, Section 53E ½, the City Council authorizes the authorization of a revolving fund for fiscal year 2013, 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)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor DeNapoli absent. Councillor Cruise motioned to file for reconsideration on items **301-313** and **300** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 314** Ordered: That the City Council accepts and expends the grant award in the amount of \$5,000  
From: National Fire Protection Association’s (NFPA) Rolf H. Jensen Memorial Public Education Grant  
To: Fire Department- Rolf Jensen Memorial Education Grant.  
These monies are to be used to develop a high-rise and apartment safety program. No match is required. (FAVORABLE)

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

- 315** Ordered: Budget for FY2013. (FAVORABLE AS AMENDED)

Councillor Brophy stepped down and Councillor Eaniri stepped in as Council President.

The question was on:

Reducing Treasurer’s Debt by \$200,000 from \$9,292,190 to \$9,092,190.

Adopted by a roll call taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councillor DeNapoli and Studenski absent.

Reducing Planning Department –Ordinary Maintenance- Services by \$60,000. from \$99,580. to \$39,580.

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

Councillor DuBois stepped down.

DPW-Highway

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

Councillors MacMillan and Studenski stepped down.

DPW-Water

Adopted by a roll call taken by “yeas” and “nays”; seven members present with six voting in the affirmative. Councillor Stewart voting in the negative. Councillors DeNapoli, DuBois, MacMillan and Studenski absent.

**UNFINISHED BUSINESS (cont'd)**

Councillors DuBois and Studenski stepped in. Councillor Petti stepped down.

DPW-Sewer

Adopted by a roll call taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors DeNapoli, MacMillan and Petti absent.

Councillors MacMillan and Petti stepped back in. Councillor Brophy stepped down.

Board of Health

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

Councillor Cruise stepped down. Councillor Brophy stepped back in.

Personnel Department

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

Councillor Cruise stepped back in. Councillor MacMillan absent.

Police Department

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

Councillor Brophy stepped down.

Public Property

Adopted by a roll call taken by “yeas” and “nays”; nine members present with eight voting in the affirmative. Councillor Studenski not voting. Councillors Brophy and DeNapoli absent.

Councillors Petti and Studenski stepped down.

Treasurer/Tax Collector

Adopted by a roll call taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Brophy, Petti and Studenski absent.

Councillors Brophy, Petti and Studenski stepped back in. Councillor Sullivan stepped down.

School Department

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

## UNFINISHED BUSINESS (cont'd)

Councillor Sullivan stepped back in.

Appropriation of \$1,595,909 from Stabilization Fund to Treasurer's Debt

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

Appropriation of \$1,974,670 from Fund 4307 Construction George School and from Fund 4308 Construction Baker School to Treasurer's Debt

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

Reducing the Mayor's Personal Services other than Overtime budget from \$408,635 to \$398,635 (to reduce the part time funding, which was left in the Mayor's Budget inadvertently).

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

Question was on the Fiscal Year 2013 budget as amended and was properly seconded. The motion carried by a hand vote. Adopted as amended by a roll call vote taken by "yeas" and "nays"; ten members present with nine voting in the affirmative. Councillor Stewart voting in the negative. Councillor DeNapoli absent. Councillor Brophy motioned to file reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 320** Resolved: that a Committee be established consisting of the Personnel Director, the Chief Financial Officer, or his designee, and one member of the City Council appointed by the City Council President, to review the duties and responsibilities of heads of City departments and to make recommendations as to the establishment of minimum qualifications for such positions. (UNFAVORABLE)

Councillor Stewart motioned to amend the resolve. Councillor Brophy called a brief recess to draft the amendment.

Back in session.

Councillor Stewart motioned to submit his amendment, which is to delete the words "establishment of", and in its place put "process to identify" and was properly seconded. Councillor Sullivan, on the motion, stated that if the resolve passes, it takes away the power of the legislative branch. Councillor Stewart, on the motion, stated that the council created the positions and the taxpayers would be more comfortable paying higher salaries to city workers if they were more qualified. Councillor Sullivan requests a roll call vote. Councillor MacMillan, on the motion, stated that the council has the final say for hiring department heads, etc. The amendment failed by a roll call vote taken by "yeas" and "nays"; ten members present with three voting in the affirmative. Councillors Cruise, Eaniri, MacMillan, Monahan, Petti, Studenski and Sullivan voting in the negative. Failed by a roll call vote taken by "yeas" and "nays"; ten members present with two voting in the affirmative. Councillors Brophy, Cruise, Eaniri, MacMillan, Monahan, Pettis Studenski and Sullivan voting in the negative.

**82**  
**ORDERS**

- 341** Order: That the City Council of the City of Brockton hereby accepts for Conservation purposes, the Conservation restriction granted by Wildlands Trust, Inc., to the City of Brockton under the care and custody of its Conservation Commissioner pursuant to M.G.L., Ch. 40, Section 8C.

Councillor Cruise motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Councillor Cruise stated that Ms. Karen Gray of the Audubon Society and Mr. Scott Ford from the Conservation Commission were here to answer any questions. He stated it was a large piece of property behind the Hancock School and it needed to be acted on before June 30<sup>th</sup>. Councillor DuBois questioned the background of the property. Councillor Brophy questioned if the restrictions go with the land if it was to be sold? Ms. Gray stated that it has to be used in the same manner as it is now, as a nonprofit organization. Councillor Brophy stated that it would need legislation to change that, so that it is a safeguard against it being misused. Ms. Gray stated it would need legislation to lift the conservation limitation.

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

- 342** Ordered: That the City Council accepts and expends the grant award in the amount Of \$438,455 (80%)  
From: Federal Emergency Management Agency and the Department of Homeland Security-FY2011 Assistance  
To: Firefighters Grant to Fire Department-FY2011 Assistance Grant. (This grant is to be used to purchase radios and thermal imaging equipment. There is a 20% grant match of \$109,613, which was specifically budgeted in the FY13 Fire Department budget for this grant)

Councillor Cruise motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. The Fire Chief was there to answer any questions. Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor DeNapoli absent. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 343** Ordered: Whereas, in the opinion of the Mayor and City Council of the City of Brockton, the public convenience and necessity of the inhabitants of the City requires that the following described parcels of land be taken in fee as Temporary Easements for Highway purposes from certain owners of land abutting Pleasant Street.

Referred to Finance and Planning

- 344** Ordered: Whereas, in the opinion of the Mayor and City Council of the City of Brockton, the public convenience and necessity of the inhabitants of the City requires that the following described parcels of land be taken in fee as Permanent Easements for Highway purposes from certain owners of land abutting Pleasant Street.

Referred to Finance and Planning

**83**  
**ORDERS (cont'd)**

**345** Order: That the DPW is authorized to issue 1 sewer connection to the property located at 231 North Quincy St., Abington, MA. The property is currently owned by Tasha Rocky LLC (Carl Godosky)

Referred to Finance

Councillor Brophy stepped back in as Council President. He stated that there would be a Special Council Meeting on July 9, 2012.

Councillor Sullivan thanked Councillor Brophy for all his work during the Budget Hearings.

Adjourned at 9:10pm