

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:02 pm with ten members being present. Councillor MacMillan absent.

In City Council, July 23, 2012

Councillor Petti takes a moment of personal privilege to state that on September 21-23, 2012, the World Boxing Council will make Rocky Marciano the only Undefeated Champion of the World. Anyone interested in finding out more about it can contact him at 508 897-6901 or email him at [tgpetti@msn.com](mailto:tgpetti@msn.com).

Councillor Sullivan takes a moment of silence for the victims of the Colorado shooting and their families.

### APPOINTMENTS

- 349** Reappointment of David A. Farrell as Director of Veterans Services for a term of three years ending July 2015.

Referred to Finance

### HEARINGS

Petition of EIO Realty Trust for a Garage license located at 175-187 North Main St., Brockton.

Orlando Gomes appeared in favor. Councillor DuBois questioned the petitioner if he had another business location. Mr. Gomes stated that he had and that he closed the previous business and opened this one. No one was in opposition. Councillor Sullivan questioned if Councillor MacMillan was the Ward Councillor for that area and he stated that it was Councillor DeNapoli. Hearing held. Granted by a hand vote.

Petition of Gomes Auto Body, Inc. for a Motor Vehicle Mechanical License located at 175-187 North Main St., Brockton.

Orlando Gomes appeared in favor. Councillor DeNapoli commended him on the property. He stated that Mr. Gomes had invested a lot of money in the new property. Councillor DeNapoli put the following stipulations on the license:

1. Hours of operation M-F 8AM-5PM, Sat 8AM-12PM No Sundays and Holidays
2. Lighting will not interfere with the abutters
3. No public telephone or vending machines
4. No storing of auto parts or by- products
5. Number of cars that can be stored inside is 10 and outside is 20. Number of cars for sale was determined by the license Commission.

Councillor Stewart questioned the petitioner on if he believes that he can have a successful business, given the hours and stipulations. Mr. Gomes stated that he could. No one was in opposition. Hearing held. Councillor DeNapoli motioned to grant the license as stipulated and was properly seconded. The license was granted as stipulated by a hand vote.

### REPORTS

- 350** Of the Ordinance Committee for its meeting of July 9, 2012

Accepted and placed on file

- 351** Of the Public Safety Committee for its meeting of July 9, 2012

Accepted and placed on file

**86**  
**REPORTS (cont'd)**

- 352** Of the Finance Committee for its meeting of July 16, 2012

Accepted and placed on file

**COMMUNICATIONS**

- 353** From the Mayor requesting that the City Council extend for one year the "Residency Requirement" for Superintendent of Parks and Recreation, Timothy Carpenter

Accepted and placed on file.

- 354** From the Mayor in accordance with M.G.L. recommending the City Council approval of the Net Metering Power Purchase Agreement between Next Sun Energy Fall River, LLC and the City of Brockton. This agreement is for the purchase of solar power from a solar plant, which will save the city in electricity costs.

Accepted and placed on file

- 355** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the approval of the Net Metering Power Purchase Agreement between Next Sun Energy Fall River, LLC and the City of Brockton.

Accepted and placed on file

- 356** From the Fire Chief requesting that the City Council authorize the acceptance and expenditure of the 2011 Liberty Mutual Firemark Award, which includes a grant in the amount of \$10,000 from the Liberty Mutual Insurance Company. This is a non-matching grant with no cost to the city. The Fire Department intends to use these funds for the purchase of a live fire prop for use in training during current Fire Extinguisher Program, instructor staffing for presentation of the program to the public, and refurbishing of Freddie the Fire Truck.

Accepted and placed on file

- 357** From the Mayor in accordance with M.G.L., Ch. 44, recommending an appropriation of \$10,000 from Liberty Mutual Insurance Company to Fire Department-Liberty Mutual Firemark Award. Fire department intends to use these funds for the purchase of a live fire prop for use in training during current Fire Extinguisher Program. This is a non-matching grant.

Accepted and placed on file

- 358** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$10,000 from Liberty Mutual Insurance Company to Fire Department-Liberty Mutual Firemark Award. This is a non-matching grant.

Accepted and placed on file

- 359** From the Fire Chief requesting that the City Council accept and expend \$350,000 from Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS) to Fire Department- Assistance to Firefighters Grant Fund. This grant combined with capital expenditure funding that was approved in FY13 Budget will allow for the purchase of a new pumping engine for the Brockton Fire Department. The City's share is 20%, which has been appropriated.

Accepted and placed on file

## COMMUNICATIONS (cont'd)

- 360** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the Fire Chief to accept and expend \$350,000 from Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS) to Fire Department- Assistance to Firefighters Grant Fund. This grant combined with capital expenditure funding that was approved in FY13 Budget will allow for the purchase of a new pumping engine for the Brockton Fire Department. The City's share is 20%, which has been appropriated.

Accepted and placed on file

- 361** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$350,000 from Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS) to Fire Department- Assistance to Firefighters Grant Fund.

Accepted and placed on file

- 362** From the Mayor recommending the following appropriation in the amount of \$27,031 from Unappropriated Estimated Receipts to Fire Department-Personal Services Other than Overtime in order to provide the additional funding necessary during FY2013, for the thirteen officers recently appointed.

Accepted and placed on file

- 363** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$27,031 from Unappropriated Estimated Receipts to Fire Department-Personal Services Other than Overtime.

Accepted and placed on file

- 364** From the Mayor recommending the following appropriation in the amount of \$18,000 from Unappropriated Estimated Receipts to DPW-Engineering-Capital in order to purchase a large format printer, which shall be shared as needed with other city departments.

Accepted and placed on file

- 365** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$18,000 from Unappropriated Estimated Receipts to DPW-Engineering-Capital.

Accepted and placed on file

- 366** From the Mayor recommending the following appropriation in the amount of \$35,499 from Unappropriated Estimated Receipts to Assessors Department-Personal Services in order to provide funding in FY2013 for a clerical position, which was funded in the computerized MUNIS budget but unintentionally omitted from the budget order.

Accepted and placed on file

- 367** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$35,499 from Unappropriated Estimated Receipts to Assessors Department-Personal Services.

Accepted and placed on file

## COMMUNICATIONS (cont'd)

- 368** From the Mayor recommending the following appropriation totaling \$34,500; from Unappropriated Estimated Receipts to Library-Personal Services other than Overtime-\$3,000 and to Library-Goods-\$31,500 in order to fully comply with state funding requirements for qualifying for the state's municipal incentive grant.

Accepted and placed on file

- 369** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation totaling \$34,500; from Unappropriated Estimated Receipts to Library-Personal Services other than Overtime-\$3,000 and to Library-Goods-\$31,500.

Accepted and placed on file

- 370** From the Director of Community and Social Services requesting authorization to accept and expend \$10,000.00 from the Secretary of State for "Voter Registration/Education Assistance". There is no match required. These grant funds will be used for improving voter registration and voter education.

Accepted and placed on file

- 371** 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 \$10,000.00 from Secretary of State: Voter Registration/Education Assistance Grant to Mayor's Department- Voter Registration/Education Assistance Grant. These grant funds will be used for improving voter registration and voter education. An RFP will be put out to the community, allowing funding to be used by large and diverse agencies in the effort to increase the city's voter registration. There is no match required

Accepted and placed on file

- 372** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$10,000.00 from Secretary of State: Voter Registration/Education Assistance Grant to Mayor's Department- Voter Registration/Education Assistance Grant.

Accepted and placed on file

- 373** From the Chief of Police requesting authorization to expend grant monies related to the Executive Office of Health and Human Services FY2013 Jail Diversion Grant in the amount of \$45,000.

Accepted and placed on file

- 374** 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 \$45,000 from Executive Office of Health and Human Services FY2013 Police Based Jail Diversion Grant to Brockton Police FY2013 Police Based Jail Diversion Grant. This grant will allow the Brockton Police Department overtime funds to train 15 officers in the specialized field of Crisis Intervention and allow for hiring of a clinician to assist those officers in follow up visits for families. The grant will provide for an award ceremony, plaques for the trained individuals, and food during training events, and for the purchase of an IPAD for the Sgt in charge for data collection purposes.

Accepted and placed on file

**COMMUNICATIONS (cont'd)**

- 375** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of \$45,000 from Executive Office of Health and Human Services FY2013 Police Based Jail Diversion Grant to Brockton Police FY2013 Police Based Jail Diversion Grant.

Accepted and placed on file

- 376** From the City Auditor certifying that the balance of the Ambulance Receipts Reserve for Appropriations as of July 16, 2012 is \$97,183.71.

Accepted and placed on file

- 377** From the Fire Chief requesting an appropriation in the amount of \$9,673 from Ambulance Receipts Reserved for Appropriation to Fire Department –Goods and Supplies in order to provide funding for the annual licensing and support fees for the computer aided dispatch software system.

Accepted and placed on file

- 378** From the Mayor recommending the following appropriation in the amount of \$9,673 from Ambulance Receipts Reserved for Appropriation to Fire Department –Goods and Supplies in order to provide funding for the annual licensing and support fees for the computer aided dispatch software system.

Accepted and placed on file

- 379** From the CFO in accordance of Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$9,673 from Ambulance Receipts Reserved for Appropriation to Fire Department –Goods and Supplies.

Accepted and placed on file

**UNFINISHED BUSINESS**

- 131** Ordinance: An Ordinance Amending Chapter XXVII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Sec. 27-29. C-2 Zones, General Commercial Zones (FAVORABLE)

Passed to a third reading by a hand vote.

- 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 (FAVORABLE AS AMENDED)

Councillor Sullivan motioned to send back to Ordinance Committee and was properly seconded. The motion carried by a hand vote.

Petition of Joseph Romano to suspend a sign and electric clock at 1106 Main St. (FAVORABLE)

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

**UNFINISHED BUSINESS (cont'd)**

Petition of Best Buy for a new Second Hand Articles License located at 200 Westgate Drive. (FAVORABLE)

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

- 330** Appointment of Brandon William Marble, 129 Thatcher St., Brockton 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 MacMillan absent.

- 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. (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 345** Resolve: That the Department of Public Works Commissioner is authorized to issue a sewer connection permit to Tasha Rocky LLC (Carl Godosky) located in Brockton and Abington consistent with the plan attached hereto and enter into or amend with Abington regarding the same. (FAVORABLE)

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

- 123** Resolved: That the heads of BIC and Brockton 21<sup>st</sup> Century and the City’s Chief Financial Officer be invited to appear before a committee of this Council to discuss the advantages, disadvantages, opportunities and challenges associated with the implementation of such ordinances in 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 MacMillan absent

**ORDERS**

- 380** Ordinance: An Ordinance amending Ch. II of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 2. Administration. Article IV. Financial Affairs is hereby amended by adding the following new section. Sec. 2-260. Senior Citizen Property Work-Off Program

Referred to Ordinance

**91**  
**ORDERS (cont'd)**

- 392** Ordered: that the City Council grants a one year exemption from the residency requirement in accordance with the Revised Ordinances of the City of Brockton Article III, Section 2-110 (Residency) in reference to Timothy Carpenter, Superintendent of Parks and Recreation.

Referred to Finance

- 381** Ordered: An Act Relative to nomination papers for Election Office in the City of Brockton.

Referred to Finance

Councillor DeNapoli stepped down.

- 383** Ordered: That the City Council authorize the approval of the Net Metering Power Purchase Agreement between Next Sun Energy Fall River, LLC and the City of Brockton. This agreement is for the purchase of solar power from a solar plant, which will save the city in electricity costs.

Referred to Finance

- 382** Appropriation of \$10,000  
From: Liberty Mutual Insurance Company  
To: Fire Department-Liberty Mutual Firemark Award. This is a non-matching grant with no cost to the city. The Fire Department intends to use these funds for the purchase of a live fire prop for use in training during current Fire Extinguisher Program, instructor staffing for presentation of the program to the public, and refurbishing of Freddie the Fire Truck.

Referred to Finance

- 384** Appropriation of: \$350,000  
From: Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS)  
To: Fire Department- Assistance to Firefighters Grant Fund.  
This grant combined with capital expenditure funding that was approved in FY13 Budget will allow for the purchase of a new pumping engine for the Brockton Fire Department. The City's share is 20%, which has been appropriated.

Due to the summer schedule of the council meetings, Councillor Cruise motioned to take items **384,385** and **391** under suspension of the rules and was properly seconded. The motion carried by a hand vote.

- 385** Appropriation of: \$27,031  
From: Unappropriated Estimated Receipts  
To: Fire Department-Personal Services Other than Overtime in order to provide the additional funding necessary during FY2013, for the thirteen officers recently appointed.

Councillor Studenski stepped down. Councillor DeNapoli stepped back in.

Councillor Monahan takes a moment of personal privilege to state that on Tuesday, he had a medical emergency at his house and wanted to thank the Fire Department for their professionalism and the quick response. He also stated that the Fire Chief Francis was there to answer any questions regarding the appropriations. The Chief stated that they received a grant for the engine that they got money from the city for last year, so now he could purchase two engines. He stated that on item **384**, the money was for the difference that needed to be made up to keep the firefighters working.

**92**  
**ORDERS**

Councillor Studenski stepped back in.

Referred to Finance

- 386** Appropriation of: \$18,000  
From: Unappropriated Estimated Receipts  
To: DPW-Engineering-Capital in order to purchase a large format printer, which shall be shared as needed with other city departments.

Referred to Finance

- 387** Appropriation of: \$35,499  
From: Unappropriated Estimated Receipts  
To: Assessors Department-Personal Services in order to provide funding in FY2013 for a clerical position, which was funded in the computerized MUNIS budget but unintentionally omitted from the budget order.

Referred to Finance

- 388** Appropriation totaling \$34,500;  
From: Unappropriated Estimated Receipts  
To: Library-Personal Services other than Overtime-\$3,000 and  
To: Library-Goods-\$31,500 in order to fully comply with state funding requirements for qualifying for the state's municipal incentive grant.

Referred to Finance

- 389** Appropriation: of \$10,000.00  
From: Secretary of State: Voter Registration/Education Assistance Grant  
To: Mayor's Department- Voter Registration/Education Assistance Grant. These grant funds will be used for improving voter registration and voter education. An RFP will be put out to the community, allowing funding to be used by large and diverse agencies in the effort to increase the city's voter registration. There is no match required

Referred to Finance

- 390** Appropriation: of \$45,000  
From: Executive Office of Health and Human Services FY2013 Police Based Jail Diversion Grant  
To: Brockton Police FY2013 Police Based Jail Diversion Grant. This grant will allow the Brockton Police Department overtime funds to train 15 officers in the specialized field of Crisis Intervention and allow for hiring of a clinician to assist those officers in follow up visits for families. The grant will provide for an award ceremony, plaques for the trained individuals, and food during training events, and for the purchase of an IPAD for the Sgt in charge for data collection purposes.

Referred to Finance

- 391** Appropriation: of \$9,673  
From: Ambulance Receipts Reserved for Appropriation  
To: Fire Department –Goods and Supplies in order to provide funding for the annual licensing and support fees for the computer aided dispatch software

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

**93**  
**ORDERS**

Councillor Cruise motioned to file for reconsideration on items **384,385** and **391** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 393** Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the State Primary will be held on Tuesday, September 6, 2012 and that the State Election will be held on Tuesday, November 6, 2012

Due to the summer schedule, Councillor Cruise motioned to move under suspension of the rules and act on it this evening and was properly seconded. The motion carried by a hand vote.

As a point of information, Councillor Sullivan states that the State Primary will be held on Thursday, September 6, 2012, due to the Jewish Holiday.

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

**LATE FILES**

Councillor Denapoli motioned to move under suspension of the rules and accept a late file and was properly seconded. The motion carried by a hand vote.

- 394** Ordered: That the City Council approves the amendment of the existing Downtown/CARD Economic Opportunity Area pursuant to MGL c23A, Sec. 3E.

Referred to Finance

Councillor Dubois takes a moment of personal privilege to state that Eric Potter of the Enterprise is leaving and that this would be the last meeting he would be attending.

The Council President stated that the next Finance Committee Meeting would be held on August 13, 2012.

Adjourned at 8:39pm