

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:01 pm with ten members being present. Councillor DuBois absent.

In City Council, November 13, 2012

APPOINTMENTS

Councillor Cruise asks for a moment of silence for Katherine Payton, who used to be the Assistant City Clerk for Brockton.

- 483** Reappointment of David A. Asiaf, 5 Tarkin Hill Lane, Bridgewater as a Constable in the City of Brockton for a term of three years.

Referred to Finance.

HEARINGS

Petition of ecoATM, Inc. for a Second Hand Article license located at 200 Westgate Dr., #65.

Referred to Public Safety.

PETITIONS

Of 200 North Cary Street, LLC for a Garage License located at 200 North Cary Street, Brockton, MA

Attorney Scott Rubin appeared on behalf of the petitioner. Tony Pusateri appeared in favor also. Councillor DeNapoli commended them on the business. No one was in opposition. Hearing held. Granted by a hand vote.

Of Jaelani Presents Jeffrey Lee's Auto Solution Center for a Motor Vehicle Repair Body License located at 19 Riverside Avenue, Brockton, MA

Gary Leonard of 74 Plain St. and the Director of the Campello Business Association appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote with the following stipulations:

1. Hours of Operation are Mon-Fri 8am-5pm: Sat., 8am-1pm. No Sunday hours.

REPORTS

- 484** Of the Finance Committee for its meeting of November 1, 2012.

Accepted and placed on file.

- 485** Of the Public Safety Committee for its meeting of November 5, 2012

Accepted and placed on file.

COMMUNICATIONS

- 486** From the Chief of Police requesting authorization to expend grant monies related to the FY2013 Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grant in the amount of \$315,586.00

Accepted and placed on file.

- 487** From the Mayor in accordance with the M.G.L., Ch. 44, recommending the City Council authorize the appropriation of the grant award in the amount of \$315,586 from Executive Office of Public Safety and Security/State 911 Department FY13 Public Safety Answering Point and Regional Emergency Communication Center Support and Initiative Grants to Brockton Police Department: FY13 Public Safety Answering Point and Regional Emergency Communication Center Support and Initiative Grants. The grant funds will be used to offset both ETD and police dispatcher wages, overtime costs-to replace that same personnel-incurred during the grant period, and the cost of purchasing ETD Computer Consoles for \$47,730.27.

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COMMUNICATIONS (cont'd)

Accepted and placed on file.

- 488** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$315,586 from Executive Office of Public Safety and Security/State 911 Department FY13 Public Safety Answering Point and Regional Emergency Communication Center Support and Initiative Grants to Brockton Police Department: FY13 Public Safety Answering Point and Regional Emergency Communication Center Support and Initiative Grants.

Accepted and placed on file.

- 489** From the City Solicitor requesting an additional appropriation of \$300,000.00 to be added to the Law Department FY2013 Ordinary Maintenance budget for the line item covering the cost of outside counsel legal fees.

Accepted and placed on file.

- 490** From the Mayor in accordance with the M.G.L., Ch. 44, recommending the City Council authorize the appropriation of \$300,000 from Unappropriated Estimated Receipts for FY2013 to the Law Department Ordinary Maintenance Services.

Accepted and placed on file.

- 491** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, stating that in his professional opinion, **after an evaluation of all pertinent financial information reasonably available, he cannot certify the proposed appropriation of \$300,000 to the budget of the City Solicitor for purposes of increasing the support of that budget for outside counsel. The provisions of Ch. 324 require that the face of the city council order for the appropriation contain the notation of the absence of the CFO certification.**

Accepted and placed on file.

- 492** From the DPW Commissioner requesting acceptance of an award from the Massachusetts Clean Energy Technology Center, "MassCEC", in the amount of \$40,000 for the purpose of a feasibility study to explore the addition of an organics-to-energy system that can process source separated organics and generate energy for use at the Advanced Water Reclamation Facility.

Accepted and placed on file.

- 493** From the Mayor in accordance with the M.G.L., Ch. 44, recommending the City Council authorize the acceptance by the Department of Public Works of the award from the Massachusetts Clean Energy Technology Center, "MassCEC" and that the City Council appropriate \$40,000 from Massachusetts Clean Energy Technology Center Grant. This grant is for a feasibility study to explore the addition of an organics-to-energy system that can process source separated organics and generate energy for use at the Advanced Water Reclamation Facility.

Accepted and placed on file.

- 494** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed grant of \$40,000 from Massachusetts Clean Energy Tech Center to DPW- Massachusetts Clean Energy Tech Center Grant.

Accepted and placed on file.

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UNFINISHED BUSINESS

Councillor Monahan motioned to move under suspension of the rules and accept a late file and act on it tonight and was properly seconded. The motion carried by a hand vote. He motioned to have John Merian speak regarding the upcoming holiday events. Mr. Merian stated that he appreciates all of the support from the City Councillors. The Holiday Parade has grown to ten thousand people attending. Brockton is the home of the first Store Santa and James Edgar started that tradition and Mr. Merian would like to keep the holiday spirit alive. He would like Brockton to be a destination holiday spot. On Dec. 18, 2012, at 11:00am, there will be a record setting by simulcast, of the most santa hats worn on 2 different continents and for more information, you can go to [santa hat challenge.com](http://santa-hat-challenge.com).

Councillor Sullivan stepped in at 8:18pm.

- 460** Appointment of William G. Keane, 283 Torrey Street, Brockton to the Board of Park Commissioners to fill the unexpired term of Robert King expiring November 2013. (FAVORABLE)

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

Councillor Cruise motioned to take items **460**, **461** and **474** collectively and was properly seconded. The motion carried by a hand vote.

- 461** Appointment of Nadia P. Gay, 97 Lynn Rd., Brockton as a member of the Commission on Women’s Issues in the City of Brockton for a three year term ending in October 2015. (FAVORABLE)

- 474** Appointment of Deborah Kornegay, 57 Backlund Dr., Brockton as a member of the Brockton Commission on Women’s Issues for a three year term ending October 2015. (FAVORABLE)

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

- 463** Reappointment of John R. Oleson, of 1015 North Main Street, Brockton as a Constable in the City of Brockton for a term of (3) years. (FAVORABLE)

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

- 476** Resolved: That the Mayor, Chief Financial Officer, the Commissioner of the Department of Public Works, and the Chief Procurement Officer be invited to appear before a Committee of this Council to provide a status update relative to the Street-Light Acquisition initiative program. (FAVORABLE)

Councillor Sullivan thanked the Councillors for supporting the Resolve. He stated that the savings will be \$500,000 per year.

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

- 479** Resolve: That the City Council hereby authorizes a Tax Increment Financing (TIF) Plan encompassing the property described as Assessor’s Map 110, Route 061, Plot 185-1 (Centre), 000 Church Street; Map 110, Route 063, Plot 184, 65 Centre Street; Route 064, Plot 185, 53 Centre Street; Route 065, Plot 186, 47 Centre Street and Route 066, Plot 187, 41 Centre Street pursuant to MGL c. 23A, Section 3E and 402 C.M.R. 2.00, and authorizes the submission of same for approval to the EACC. The effective date for the Tax Increment Financing Plan is July 1, 2013. (FAVORABLE)

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

UNFINISHED BUSINESS (cont'd)

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

Petition of Speigel South Shore Scrap Metal, Inc. for a Junk Collector's License located at 212 N. Cary Street. (FAVORABLE)

Granted by a hand vote.

Councillor MacMillan stepped down.

Petition of Prestige Pleasant Street Group, LLC for an Underground Storage license located at 409 Pleasant Street. (IN CITY COUNCIL AUGUST 27, 2012, POSTPONED TO NEXT COUNCIL MEETING) (IN CITY COUNCIL SEPTEMBER 24, 2012, POSTPONED TO NEXT COUNCIL MEETING) (IN CITY COUNCIL OCTOBER 9, 2012, GRANTED BY A HAND VOTE) Councillor Brophy filed reconsideration on October 10, 2012 in the City Clerk's Office. (IN CITY COUNCIL OCTOBER 22, 2012, RECONSIDERATION PASSED BY A ROLL CALL VOTE)

Granted by a hand vote with nine members being present and eight voting in the affirmative. Councillor Sullivan voting in the negative. Councillor DuBois absent.

ORDERS

- 495** Appropriation: of \$315,586
 From: Executive Office of Public Safety and Security/State 911 Department FY13 Public Safety Answering Point and Regional Emergency Communication Center Support and Initiative Grants
 To: Brockton Police Department: FY13 Public Safety Answering Point and Regional Emergency Communication Center Support and Initiative Grants.

Referred to Finance

- 496** Appropriation: Of: \$300,000.00
 From: Unappropriated Estimated Receipts for FY2013
 To: the Law Department Ordinary Maintenance Services
 (to be added to the Law Department FY2013 Ordinary Maintenance Budget for the line item covering the cost of outside counsel legal fees.)
In accordance with Section 5 of Ch. 324 of the Acts of 1990, the Chief Financial Officer has stated that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, he cannot certify the proposed appropriation of \$300,000 to the budget of the City Solicitor for purposes of increasing the support of that budget for outside counsel. The provisions of Ch. 324 require that the face of the city council order for the appropriation contain the notation of the absence of the CFO certification.

Referred to Finance

Councillor MacMillan stepped back in.

- 497** Appropriation: Of: \$40,000
 From: Massachusetts Clean Energy Technology Center Grant
 To: Department of Public Works – Massachusetts Clean Energy Technology Center Grant. This grant is for a feasibility study to explore the addition of an organics-to-energy system that can process source separated organics and generate energy for use at the Advanced Water Reclamation Facility.

Referred to Finance

- 498** Resolved: That Steve Meacham of City Life, Lewis Finfer of BIC, Rachael Dorr of Boston Community Capital, and David Wheeler of Southeastern Regional High School as well as the Mayor, Chief Financial officer, and City Solicitor be invited to appear before a committee of this City Council to discuss the feasibility of establishing a program whereby the City exercises its power of eminent domain to take foreclosed residential mortgage notes or properties and sell such notes or

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ORDERS (cont'd)

properties to a nonprofit financial institution for improvement and ultimate sale to City residents for the purpose of removing blight and restoring family home ownership within the City.

Referred to Finance

- 499** Resolved: That the Commissioner of the Department of Public Works and Carl W. Landerholm be invited to appear before a committee of this Council to discuss issues relating to the City's underground waterways, flooding and flooding patterns in the City, and what planning is underway to protect City residents and their property.

Referred to Finance

- 500** Resolved: that the Mayor, the Members of the Traffic Commission, the Commissioner of the Department of Public Works and the City Solicitor be invited to appear before a Committee of this Council to discuss issues related to the intersection of Pleasant Street and Reynolds Memorial Highway

Referred to Finance

LATE FILES

- 501** Order: Allow the Downtown Business Association to display 3 banners over Main Street between the area of Pleasant Street and White Avenue

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

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

Councillor Brophy motioned to accept 16 late files collectively and was properly seconded. The motion carried by a hand vote.

- 502** Communication: From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$914,000 from Unappropriated Estimated Receipts for FY2013 to Stabilization Fund (to increase the balance in that reserve.)

- 503** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$914,000 from Unappropriated Estimated Receipts for FY2013 to Stabilization Fund

- 504** Appropriation:Of \$914,000
From: Unappropriated Estimated Receipts for FY2013
To: Stabilization Fund (to increase the balance in that reserve.)

- 505** Communication: From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$250,000 from Unappropriated FY13 receipts to School Department-Net School Spending to provide a share of the increased revenues to the schools.

- 506** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$250,000 from Unappropriated FY13 receipts to School Department-Net School Spending

- 507** Appropriation: of \$250,000
From: Unappropriated FY13 Receipts
To: School Department-Net School Spending
(to provide a share of the increased revenues to the schools.)

- 508** Communication: From the DPW Commissioner requesting an appropriation of \$215,000 in order to purchase two sander trucks and one small dump truck for the

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LATE FILES (cont'd)

Department of Public Works Operations Division, Highway Section. (in order to replace vehicles which are no longer serviceable, prior to the snow removal season.)

- 509** Communication: From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$215,000 from Unappropriated FY13 Receipts to DPW-Highway Capital (in order to replace vehicles which are no longer serviceable, prior to the snow removal season.)
- 510** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$215,000 from Unappropriated FY13 Receipts to DPW-Highway Capital.
- 511** Appropriation of: \$215,000
From: Unappropriated FY13 Receipts
To: DPW-Highway Capital (in order to replace vehicles which are no longer serviceable, prior to the snow removal season.)
- 512** Communication: From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$262,094 from Unappropriated FY13 Estimated Receipts to Supplemental Reserve Fund (to ensure fiscal stability, in order to bring the balance in that fund to the amount required by Ch. 324 of the Acts of 1990.
- 513** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$262,094 from Unappropriated FY13 Estimated Receipts to Supplemental Reserve Fund
- 514** Appropriation:Of \$262,094
From: Unappropriated FY13 Estimated Receipts
To: Supplemental Reserve Fund
(to ensure fiscal stability, in order to bring the balance in that fund to the amount required by Ch. 324 of the Acts of 1990.)
- 515** Communication: From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize a total appropriation of \$110,000 from Unappropriated FY13 Receipts to Library-Overtime in the amount of \$2,000, to Library-Ordinary Maintenance Goods in the amount of \$20,000, to Library-Ordinary Maintenance Services in the amount of \$8,000 and to Library-Personal Services other than Overtime in the amount of \$80,000 in order to qualify for the state grant.
- 516** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$110,000 from Unappropriated FY13 Receipts to the Library budget
- 517** Appropriation of: \$110,000 From: Unappropriated FY13 Receipts
To: Library-Overtime \$2,000, To: Library-Ordinary Maintenance Goods \$20,000,
To: Library-Ordinary Maintenance Services \$8,000 and To: Library-Personal Services other than Overtime \$80,000 in order to qualify for the state grant.

The communications were accepted and placed on file and the orders were referred to Finance.

Councillor Monahan took a moment of personal privilege to state that tomorrow, November 14, 2012 there will be a Ward Meeting at Georges Café at 7pm.

Finance will be next Monday, November 19, 2012 at 7pm.

Adjourned 8:36pm