

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 10 members being present. Councillor DeNapoli absent.

In City Council, November 26, 2012

### APPOINTMENTS

- 518** Reappointment of Eugene S. Marrow, 128 Healey Terr., Brockton to the Brockton Redevelopment Authority for a three year term ending November 2015.

Referred to Finance

- 519** Reappointment of Joe C. Miranda, 5 Nickerson St., Brockton to the Brockton Community Cable Television Board for a three year term ending November 2015.

Referred to Finance

- 520** Reappointment of Katherine M. Asiaf, of 5 Tarkin Hill Lane, Bridgewater, MA as a Constable in the City of Brockton for a term of 3 years

Referred to Finance

- 521** Reappointment of Joe C. Miranda, 5 Nickerson St., Brockton as a Constable in the City of Brockton for a term of 3 years

Referred to Finance

### PETITIONS

Petition Herard Belizaire of Pentecostal Church of God of the Elects to suspend a sign at 291 Main St., Brockton.

Referred to Public Safety.

### REPORTS

- 522** Of the Finance Committee for its meeting of November 19, 2012.

Accepted and placed on file.

### COMMUNICATIONS

- 523** From the Mayor submitting a letter of resignation of Betty Cohen from the Brockton Council on Aging.

Accepted and placed on file.

- 524** From the Mayor submitting a letter of resignation of Eucley Wooten from the Brockton Council on Aging.

Accepted and placed on file.

- 525** From the Mayor submitting a letter of resignation of Arlene Meltzer from the Brockton Council on Aging.

Accepted and placed on file.

- 526** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$500,000 from Unappropriated FY13 Receipts to Stabilization Fund to increase the balance in that reserve.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 527** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$500,000 from Unappropriated FY13 Receipts to Stabilization Fund
- Accepted and placed on file.
- 528** From the Fire Chief requesting acceptance and expenditure a grant award of \$1,000 from the Spectra Energy Foundation. These funds are intended for the purchase of 2 I-Pads to be used in the field for hazardous materials response, code enforcement, and fire prevention activities.
- Accepted and placed on file.
- 529** 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 \$1,000 from Spectra Energy Foundation Grant to Brockton Fire Department: Spectra Energy Foundation Grant. These funds will go towards the purchase of 2 IPADS needed to modernize the Fire Department's process in the field for hazardous materials response, code enforcement, and fire prevention activities.
- Accepted and placed on file.
- 530** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$1,000 from Spectra Energy Foundation Grant to Brockton Fire Department: Spectra Energy Foundation Grant.
- Accepted and placed on file.
- 531** From the Director of Community & Social Services requesting acceptance of the Strategic Prevention Framework-Partnership for Success II Grant from the Massachusetts Department of Public Health in the amount of \$360,000 from December 1, 2012 through September 29, 2015. This grant requires the City to use evidence-based prevention programs, policies, and practices to reduce prescription drug misuse and abuse in the 12-25 year old age group.
- Accepted and placed on file.
- 532** 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 \$360,000 from Massachusetts Department of Public Health, Bureau of Substance Abuse Services: Strategic Prevention Framework-Partnership for Success II (SPF-PFSII) Grant to Mayor's Department- Strategic Prevention Framework-Partnership for Success II (SPF-PFSII) Grant. This grant requires the City to use evidence-based prevention programs, policies, and practices to reduce prescription drug misuse and abuse in the 12-25 year old age group. These funds will go out in a RFP to provide the services required by the grant. There is no cash match from the City.
- Accepted and placed on file
- 533** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$360,000, in accordance with the terms of the grant from Massachusetts Department of Public Health, Bureau of Substance Abuse Services: Strategic Prevention Framework-Partnership for Success II (SPF-PFSII) Grant to Mayor's Department- Strategic Prevention Framework-Partnership for Success II (SPF-PFSII) Grant.
- Accepted and placed on file.

## UNFINISHED BUSINESS

- 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. (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 MacMillan stepped down.

- 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.  
 (FAVORABLE)

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

Councillor MacMillan stepped back in.

- 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.** (FAVORABLE)

Councillor Petti stated that he opposed the appropriation of \$300,000. He stated that MATEP provides energy to hospitals and office space in Cambridge and that we should look at different ways to save money. He also stated that the decision regarding the power plant has been overturned. Council President Brophy stated that Councillor Petti was out of order. Councillor Petti wanted to challenge the chair. The question shall be on the decision to uphold the out of order for Councillor Petti. The motion carried by a roll call vote taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councillor Petti voting in the negative. Councillor DeNapoli absent. The Council President stated that he cannot discuss the powerplant and the topic would have to be regarding the appropriation. Councillor Petti stated that if anyone wanted to discuss the matter further, his telephone number is 508 897-6892 or email him at tgpetti@msn.com.

- 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.  
 (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

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

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

Councillor Monahan motioned to amend the appropriation by striking “\$914,000” and replaced with “\$414,000” and was properly seconded.

Councillor Stewart on the motion, wanted the implications explained. Councillor Petti stepped down. Councillor DuBois motioned to move under suspension of the rules and allow Mr. Condon to answer any questions. Mr. Condon stated that it would take an extra \$500,000 off of the tax levy. The savings to the average tax payer would be \$20.00. Councillor Cruise asked if there would be any immediate impact of services. Mr. Condon stated that there wouldn't be. Any unforeseen disaster would impact the city. Right now, the City is well positioned, but they may need the money for Capital requirements or snow removal or contract negotiations. Councillor Petti stepped back in. Councillor MacMillan stated that he would like to further reduce the tax levy so it would be easier for taxpayers. Councillor Petti stated that he supported the motion. The governor's projections state that there will be 50 million dollars less than last year. We may get less from the state. Councillor Stewart wanted to know the followup on contract settlements. Mr. Condon stated that the City side and School side are separate. Councillor Petti stepped down. Mr. Condon stated that 1.2 million of the money may go towards the contract negotiations, if they can come to an agreement. Councillor Petti stepped back in. The question was on the motion to amend by a hand vote. The amendment passed. Adopted as amended by a roll call vote taken by “yeas” and “nays”: ten members present and all voting in the affirmative. Councillor DeNapoli absent. Councillor MacMillan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 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.) (FAVORABLE)

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

- 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.) (FAVORABLE)

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

- 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.) (FAVORABLE)

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

## UNFINISHED BUSINESS (cont'd)

- 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.  
(FAVORABLE)

Councillor Cruise stepped in as President in place of Councillor Brophy.  
Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and  
all voting in the affirmative. Councillor DeNapoli absent.

Councillor Brophy motioned to file for reconsideration with the wish that it not  
prevail on items **496, 507, 511, 514** and **517** and was properly seconded. The  
motion carried by a hand vote. Reconsideration failed by a hand vote.

## ORDERS

- 534** Ordered: The City Council of the City of Brockton petitions the Great and  
General Court under the provisions of Section 8 of Article 89 of the Amendments  
to the Constitution of the Commonwealth of Massachusetts for an Act as follows:  
AN ACT RELATIVE TO ESTABLISHMENTS IN THE CITY OF BROCKTON  
LICENSED TO SELL ALCOHOL PURSUANT TO G.L. CH 138

Councillor Brophy stated that a few years ago, they tried to roll back the time to 1  
oclock. Brockton shouldn't be a late night destination. Establishments who are  
breaking the law, should be able to be dealt with quickly. Through the Police, we  
should have authority. It will be rarely used and it is for the safety of the public.

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

- 535** Appropriation: of \$500,000  
From: Unappropriated FY13 Receipts  
To: Stabilization Fund ( to increase the balance in that reserve.)

Councillor Cruise motioned to move under suspension of the rules and act on the  
order tonight and was properly seconded. The motion carried by a hand vote. He  
also moved under suspension of the rules to allow Mr. Condon to speak on the  
order. Councillor Petti questioned how does the order tie in with order **#504?**  
Mr. Condon stated that they are separate votes. If the Council says no to both,  
they will reduce the tax levy by 1 million dollars. It will save the taxpayers  
approximately \$40.00 each. The question was on adoption by a roll call vote  
taken by “yeas” and “nays”; ten members present and all voting in the negative.  
Councillor DeNapoli absent. Councillor MacMillan motioned to file for  
reconsideration with the wish that it not prevail and was properly seconded.  
Reconsideration failed by a hand vote.

- 536** Appropriation: of \$1,000  
From: Spectra Energy Foundation Grant  
To: Brockton Fire Department: Spectra Energy Foundation Grant.  
These funds will go towards the purchase of 2 IPADS needed to modernize the  
Fire Department's process in the field for hazardous materials response, code  
enforcement, and fire prevention activities.

Referred to Finance

**130**  
**ORDERS (cont'd)**

- 537** Appropriation of the grant award in the amount of \$360,000  
From: Massachusetts Department of Public Health, Bureau of Substance Abuse Services: Strategic Prevention Framework-Partnership for Success II (SPF-PFSII) Grant  
To: Mayor's Department- Strategic Prevention Framework-Partnership for Success II (SPF-PFSII) Grant.

Referred to Finance

Councillor DuBois takes a moment of personal privilege to state that there will be a Ward Meeting December 5, 2012 at 7pm at the Mary Baker School.

Councillor Petti asked for a moment of silence for a great Brocktonian who passed away, Jane Folino, who is also Mary Mucci's sister.

Councillor Sullivan asks for a moment of silence for Arthur "Bing" Sergi, Richard Sergi's brother, who has passed away.

There will be a Special Meeting on December 3, 2012 at 7:00pm in the Council Chambers on determining the percentages of the local tax levy. Though everyone will have a chance to be heard, there will be no signs, buttons or disruptions allowed at the meeting.

Adjourned at 8:45pm