

A special meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 7:06 pm with ten members being present. Councillor Studenski absent

In City Council, December 3, 2012

**SPECIAL MEETING  
AGENDA**

**COMMUNICATIONS**

**538** Call of the Meeting

Accepted and placed on file

**HEARING**

**539** Return of Notice

Accepted and placed on file

**540** Ordered: That the City Council hereby determines the percentages of the local tax levy in accordance with the provisions of M.G.L., Ch. 40, Section 56, to be borne by each class of real property, as defined in Section 2A of Chapter 59, and personal property.

The Council President read the order and explained that the vote for the factor had to be by a 2/3 vote of the Council in the affirmative and called the hearing to an opening.

The Assessor, Paul Sullivan was there to answer any questions. He stated that the meeting was to set the 2013 tax rate. He stated that the City had one of the lowest rates in the surrounding towns that are similar to Brockton. Last year the rate was 1.56.

Councillor Sullivan questioned why the rate for residential cannot go below 65%. The Assessor stated that the M.G.L. and the D.O.R. state that it cannot be lower.

Councillor DuBois asked for the breakdown for new growth.

Councillor Petti stepped down. The Assessor explained the breakdown to Councillor DuBois. Councillor Petti stepped back in.

Councillor Stewart questioned the process. The Assessor explained that when the budget was being created in June, that basically set the tax rate for the next fiscal year. The minimum residential factor would be 1.64. 1.56 was chosen last year. Councillor Stewart stated that he voted against the budget, due to the DPW's budget breakdown. The Assessor stated that if they don't set a budget, the city would have to borrow money to cover the bill and then pay it back. Every year it is difficult. Councillor Stewart stated that residents should be engaged in the budget process in June. Councillor Monahan questioned what specific rates would mean to the residents. Councillor MacMillan stated that if a house was worth more than the median priced house, the taxes would be more. He stated that the amount was decreased by one million dollars last week by the council. Councillor DuBois stated that the new growth is mostly commercial growth. The assessor stated that the D.O.R. doesn't let the city go lower than 16.5%.

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**HEARING (cont'd)**

The CFO, John Condon spoke on the comparison of 2006 tax rates and 2013, which was mentioned in the Enterprise Newspaper. He stated that there are many factors that influence the rate, such as Prop.21/2 and the Council budget in June. The biggest changes were in the Enterprise Funds. The Aquaria contract, wastewater treatment plant and the school went up. There is a shortfall in money we would have normally gotten from the state, so we have to make up for it in schools. We took money from other reserves to balance the budget. Health insurance and the Enterprise fund effects the balance. He urges the Council to make a decision. We have approximately a week to do it.

Recessed at 8:02pm for Finance Meeting

Back in session at 8:11pm

Councillor Monahan questioned the CFO about free cash. The CFO stated that there is no free cash available. It was spent on the FY2013 budget. In the spring money will be freed up for 2014 budget.

Councillor Stewart asked if the Enterprise Account is a fee and is it the same as tax. The CFO stated that a fee is based on usage and tax is across the board. The June budget determines the water rates, etc. The state puts a statute on the amount. Our bond rating is based on the amount in the Stabilization Fund. Our reserves are adequate, but not healthy. The CFO stated that overtime is not a big factor, because it is straight money, not having to pay health insurance on it or sick days based on it.

Councillor Petti thanked Paul Sullivan and John Condon. He stated that the numbers we are crunching could be larger if we used the power plant and we would have plenty of money. He questioned what the impact of changing the status of Good Sam was. Monahan stepped down. The CFO stated that the levy is based on business growth. Councillor Sullivan commented that if the city had a power plant, residents would be moving out of the city and the city would be in worse shape. Councillor Sullivan also questioned what the amount would be if they didn't set a tax levy fee? The CFO stated that the money that we would need to borrow would cost us \$25,000 in interest to pay back. Councillor Sullivan questioned the money saved through the street light acquisition program, would it help next year's budget. The CFO stated it wouldn't really help. Councillor Sullivan also stated that it was a wonderful show of support on the part of the residents and it is the residents who vote the council in and he works for the public. Councillor DeNapoli thanked the residents for attending the meeting. He stated that it is a difficult vote and he also has seen an increase in his taxes. Councillor Monahan questioned whether the health insurance money would help the tax levy. The CFO stated it depended on the health insurance fees next year. Councillor MacMillan stated that he agrees with Councillor Sullivan and that he thinks the residents should get a break. Councillor Cruise questioned if the city needs permission to set the rate and the CFO stated that any rate would have to be set by the council. Councillor Petti stated that at the previous council meeting, the council reduced the levy by one million dollars. The council appropriated \$300,000 to the Solicitor's Office for legal fees and that amount could have been used elsewhere. Councillor Eaniri as a point of order, stated that the appropriation keeps the Law Department working. Councillor Petti stated that 2/3 of the Solicitor's budget went towards one thing; not having the power plant.

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**HEARING (cont'd)**

The following list of people signed up to speak at the council meeting in regards to the tax increase and stated their opinions:

|                   |                                 |
|-------------------|---------------------------------|
| Richard Zaccaro   | 55 Oneida Ave,                  |
| Kate Archard      | 6 Woodard Ave.                  |
| Ed Byers          | 40 Industrial Blvd.             |
| Ron Matta         | 49 Breer St.                    |
| Bishop Teixeira   | 156 Grove St.                   |
| Anne Ponticelli   | 221 Oak St. #38                 |
| Steven Foote      | 306 Sully Rd.                   |
| Suzanne Metivick  | 3 Chestnut Ln.                  |
| Robert Pellegrine | 954 Centre St.                  |
| Peter Matta       | 3 Alger St.                     |
| Paul Beckner      | 92 Quincy St.                   |
| Gene Lawton       | 77 Grove St.                    |
| Craig Bunker      | 7 Carrlyn Rd.                   |
| Thomas Sedell     | 36 Westwood Ave.                |
| Patrick Quinn     | 78 Addison St.                  |
| Donna Tilson      | 19 Belgravia Ave.               |
| Larry Curtis      | 156 Dixon Rd.                   |
| Chris Cooney      | Metro South Chamber of Commerce |

Hearing held.

Councillor DuBois motioned for the tax rate to be set at 1.62 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with one voting in the affirmative. Councillors Brophy, Cruise, DeNapoli, Eaniri, MacMillan Monahan, Petti, Stewart and Sullivan voting in the negative. Councillor Studenski absent. Councillor DuBois motioned for the tax rate to be set at 1.61 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with three voting in the affirmative. Councillors Brophy, Cruise, DeNapoli, MacMillan, Monahan, Petti and Stewart voting in the negative. Councillor Studenski absent. Councillor DuBois motioned for the tax rate to be set at 1.60 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with three voting in the affirmative. Councillors Brophy, Cruise, DeNapoli, MacMillan, Monahan, Petti and Stewart voting in the negative. Councillor Studenski absent. Councillor Monahan motioned for the tax rate to be set at 1.58 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with four voting in the affirmative. Councillors Brophy Cruise, DeNapoli, MacMillan, Petti and Stewart voting in the negative. Councillor Studenski absent. Councillor Cruise motioned for the tax rate to be set at 1.56 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with four voting in the affirmative. Councillors DuBois, Eaniri, MacMillan, Monahan, Petti and Sullivan voting in the negative. Councillor Studenski absent. Councillor Sullivan motioned for the tax rate to be set at 1.57 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with five voting in the affirmative. Councillors Brophy, Eaniri, MacMillan, Monahan, and Petti voting in the negative. Councillor Studenski absent. . Councillor MacMillan motioned for the tax rate to be set at 1.64 and was properly seconded. The motion failed by a roll call vote taken by “yeas” and “nays”: ten members present with one voting in the affirmative. Councillors Brophy, Cruise, DeNapoli, DuBois, Eaniri, Monahan, Petti, Stewart and Sullivan voting in the negative. Councillor Studenski absent. Councillor Petti questioned the Assessor on if the hospital is the largest business in the city. He stated that it is and the increase of taxes for the hospital is 2.8 million dollar increase. He also asked about Market Basket and the Westgate Mall property. The Assessor stated that Market Basket had a Tif.

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**HEARING (cont'd)**

Councillor Stewart questioned what percentage of the businesses are small businesses. He stated that he would be against raising the tax levy on residents. The Assessor stated that it is hard to determine which businesses are small, it is complicated; there are many variables. Councillor MacMillan stated that the residents need a break. Councillor Monahan motioned for the tax rate to be set at 1.57 and was properly seconded. Councillor Sullivan stated that although they had already had a motion for the same rate, they should listen to the residents and try to make the tax levy lower next year.

Recessed at 10:39pm

Back in session at 10:45pm

The motion passed by a roll call vote taken by “yeas” and “nays”: ten members present with eight voting in the affirmative. Councillors MacMillan and Petti voting in the negative. Councillor Studenski absent. Councillor DeNapoli motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote with Councillor MacMillan voting in the affirmative. Councillor Studenski absent.

Adjourned 10:51pm