

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:05pm with eleven members being present.

Nominations for Council President were opened with Councillor Monahan nominating Councillor Cruise and was properly seconded by Councilor DeNapoli. Councillor Studenski motioned to close the nominations and was properly seconded. Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. Councillor Cruise stepped up as the new president and Councillor Brophy stepped down. Councillor Cruise thanked Councillor Brophy for the job he has done as president. Councillor Cruise gives the Committee Assignments for 2013.

In City Council, January 14, 2013

APPOINTMENTS

- 1 Reappointment of Thomas A. DeChellis as a Special Police Officer of the City of Brockton for a one year term ending January 2014.

Referred to Finance

HEARINGS

Petition of Antero Rodrigues & Joao Depina, Unique Collision & Repair Center for a Motor Vehicle Repair Mechanical/Body License located at 225 North Montello St.

Antero Rodrigues and Joao Depina appeared in favor. Councillor DuBois motioned to postpone the hearing until the next council meeting, in order to talk to the petitioners and was properly seconded. The motion carried by a hand vote.

PETITIONS

Of Janelle Palomba dba Chic 2 Chic for a Second Hand Articles License located at 165 Westgate Drive.

Councillor MacMillan motioned to move under suspension of the rules and act on the petition tonight and was properly seconded. Duane Williams appeared on behalf of the petitioner. Councillor MacMillan questioned how many employees will work there. Mr. Williams stated the total is ten; nine hired from Brockton. Councillor MacMillan as a point of information, stated that he had visited the property and another location and it is clean and well-organized. Councillor Sullivan questioned if it is just for women. Mr. Williams stated that the only items being sold are clothing, shoes and handbags. Granted by a hand vote.

Of Antonio Sequeira for a Hawker and Peddler’s License located at 91 West Chestnut Street.

Referred to Public Safety

REPORTS

- 2 Of the Finance Committee for its meeting of January 7, 2013.

Accepted and placed on file

Councillor DuBois stepped down.

COMMUNICATIONS

- 3 From the Mayor in accordance with the Brockton Contributory Retirement Board provisions of Chapter 139 of the Acts of 2012, recommending that the City Council vote to approve the adoption by unanimous vote of the Brockton Contributory Retirement Board of the local option to increase the annual benefits payable to widows and widowers of disabled public employees to \$12,000.00 per year.

COMMUNICATIONS (cont'd)

Accepted and placed on file

- 4** From the CFO in accordance with the provisions of Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed increase of pension benefits payable to certain surviving spouses of disabled employees, to the amount of \$12,000.00 per year.

Accepted and placed on file

- 5** From the Treasurer/Collector requesting to transfer \$5,000 from Treasurer's purchase of services-security/fire control to Treasurer's Personnel services overtime. This transfer is necessary to cover the expected overtime costs for the remainder of the fiscal year.

Accepted and placed on file

- 6** From the Mayor recommending an appropriation in the amount of \$5,000 from Treasurer's purchase of services-security/fire control to treasurer's personal services-overtime in order to cover the expected overtime costs for the remainder of the fiscal year.

Accepted and placed on file

- 7** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$5,000 from Treasurer's purchase of services-security/fire control to treasurer's personal services-overtime

Accepted and placed on file

- 8** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the appropriation of \$18,895 from Stabilization Fund FY13 to Mayor-Personal Services for the separation costs for Kenneth Thompson.

Accepted and placed on file

- 9** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$18,895 from Stabilization Fund FY13 to Mayor-Personal Services.

Accepted and placed on file

- 10** From the Mayor in accordance with provisions of Section 29 and 30 of Ch. 176 of the Acts of 2011 hereby recommending that the City Council vote to approve the adoption by a unanimous vote of the Brockton Contributory Retirement Board of the local option to increase the minimum monthly pension allowance from \$250.00 to \$500.00 to beneficiaries of employees eligible to retire who died in service prior to retirement.

Accepted and placed on file

Councillor DuBois stepped back in.

- 11** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed increase of the minimum monthly pension benefits payable to certain surviving spouses of employees, who were eligible to retire but who were deceased before retirement to the amount of \$500 per month.

Accepted and placed on file

- 12** From the Director of Emergency Management Agency requesting a grant from MEMA in the amount of \$8500. The grant will be used for equipment for the Police Department.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 13** From the Mayor in accordance with M.G.L., Ch. 44 recommending an appropriation of \$8,500 in grant funds from the MEMA (EMPG) Performance Grant Program. The Brockton Emergency Management (BEMA) intends to use the grant funds for radios and radio equipment for the Brockton Fire and Brockton Police Department. No matching funds are required.

Accepted and placed on file

- 14** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$8,500 from the Massachusetts Emergency Management Agency (EMPG) Performance Grant Program.

Accepted and placed on file

UNFINISHED BUSINESS

- 554** Appropriation of the grant award in the amount of \$55,590.50
From: Available Funds-Executive Office of Elder Affairs-FY2013 Formula Grant
To: Council on Aging-Elder Affairs Grant. (FAVORABLE)

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

- 556** Resolve:
1. That the Mayor of Brockton be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
 2. That the Mayor of Brockton be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Brockton Redevelopment Authority; and
 3. That this resolution shall take effect upon passage. (FAVORABLE AS AMENDED)

The question is on the amendment. The amendment passed by a hand vote. Adopted as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative.

- 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 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. (FAVORABLE)

The question is on the amendment. The amendment passed by a hand vote. Adopted as amended, by a roll call vote taken by “yeas” and “nays”; eleven members present with nine voting in the affirmative. Councillors Petti and Studenski voting in the negative.

- 544** Resolve: that a representative of Verizon and National Grid be invited to appear before a committee of this council to discuss damaged poles and damaged lines. (FAVORABLE)

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

ORDERS

- 15** Ordinance: An Ordinance Amending Chapter XXVII of the Revised Ordinances of the City of Brockton. Chapter 27. Zoning is hereby amended by adding Sec. 27-24.3 - Medical Use of Marijuana.

ORDERS (cont'd)

Councillor DuBois spoke on the ordinance. She stated that she will be introducing ordinances and resolves regarding proposed marijuana laws.

Referred to Ordinance and Planning

- 16** Appropriation of \$5,000
 From: Treasurer's purchase of services-security/fire control
 To: Treasurer's personal services-overtime
 (In order to cover the expected overtime costs for the remainder of the fiscal year)

Referred to Finance

- 17** Appropriation of \$18,895
 From: Stabilization Fund FY13
 To: Mayor-Personal Services
 (for the separation costs for Kenneth Thompson)

Referred to Finance

- 18** Order: Rules and Regulations governing motor vehicles for hire under Chapter 159A for the carrying of passengers.

Councillor Brophy motioned to move under suspension of the rules regarding items **18-22** and was properly seconded. The motion carried by a hand vote.

- 19** Order: Assessors to act as agents of City Council in matter of apportionment of betterments.
- 20** Order: Clerk to give notice of hearings before Council.
- 21** Order: Regulations governing the operation of hawkers and peddlers within the City of Brockton.
- 22** Order: Pawnbrokers are to deliver a list of purchased/pawned articles to the Chief of Police.

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

- 23** Ordered: That the Mayor and Department of Public Works Commissioner be authorized to execute the Intermunicipal Agreement Between Town of Kingston and City of Brockton for Footbridge Construction and Maintenance.

Referred to Finance

- 24** Ordered: That the City Council votes to approve the adoption by the Brockton Contributory Retirement Board of the local option to increase the annual benefits payable to widows of disabled public employees to \$12,000.00 per year, in accordance with the provisions of M.G.L. Ch. 32 Sec. 101.

Referred to Finance

- 25** Ordered: That the City Council votes to approve the adoption by the Brockton Contributory Retirement Board of the local option to increase the minimum monthly pension allowance from \$250.00 to \$500.00 to beneficiaries of employees eligible to retire who died in service prior to retirement pursuant to Option (d) under M.G.L., Ch. 32 Sec. 12.

Referred to Finance

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ORDERS (cont'd)

- 26** Ordered: That the following named sum be and the same is hereby appropriated as the same was submitted by the Mayor as follows appropriation of the grant award in the amount of \$8,500 in grant funds from the MEMA (EMPG) Performance Grant Program. (The Brockton Emergency Management (BEMA) intends to use the grant funds for radios and radio equipment for the Brockton Fire and Brockton Police Department. No matching funds are required)

Referred to Finance

LATE FILES

Councillor DuBois motioned to accept four late files and was properly seconded. The motion carried by a hand vote.

- 27** Resolve: The City of Brockton supports the Mass Municipal Association's petition to the State legislature asking the legislature to pass a law that would delay the enactment of the new Medical Marijuana for 6 months.

Councillor DuBois motioned to move under suspension of the rules on item **27** and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative. Councillor DuBois motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 28** Resolve: that the City of Brockton's Assessor's Department investigate and make a recommendation to the City Council on how best to draft an ordinance that would require "payment in lieu of taxes" (PILOT) from not-for-profit agencies.

Referred to Finance

- 29** Ordinance: No Medical Use of Marijuana shall be allowed on any property owned by the City of Brockton.

Referred to Ordinance

- 30** Ordinance: Medical Use of Marijuana shall not be apparent, on private property, to any passersby, subject to reasonable expectations of privacy as afforded by Massachusetts General Law.

Referred to Ordinance

Adjourned at 8:30pm