

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:03 pm with ten members being present. Councillor Cruise was absent.

In City Council, December 9, 2013

Councillor Sullivan takes a moment of silence of Hernani Branco, who passed away. He was a teacher in the alternative school.

Councillor Petti requests that the citizens please remove their hats in the Council Chambers out of respect.

Councillor DeNapoli motioned to take two hearings out of order and was properly seconded. The motion carried by a hand vote.

HEARINGS

526 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 hearing opened. Paul Sullivan, of 21 Carl Ave., from the Board of Assessors appeared in favor. He thanked Councillors Brophy MacMillan and Petti for all their years of service. He explained what the different factors would mean. Councillor Stewart questioned Mr. Sullivan on the three areas of the infrastructure. Councillor Sullivan questioned Mr. Sullivan on how a uniform rate would effect people. Councillor MacMillan questioned using the free cash for the tax levy.

The following individual appeared to speak regarding the tax rate:

Robert Ford, of 61 Moody St., Richard Zaccaro of 55 55 Oneida Ave., Ron Matta, 29 Breer St., Paul Beckner of 92 Quincy St., Thomas Sedell of 36 Westwood Ave., Eugenia Moore Jenkins of 20 Oneida Ave., Vincent Colarusso of 95 Wilder St., Aries Spear of 69 Odessa Rd., Chris Cooney of 60 School St., Lawrence Siskind of 51 Briarcliff Rd.

Councillor Stewart questioned Mr. Sullivan.

A recess was called.

Back in session.

Councillor Sullivan as a point of interest, if the rate was 1.57, it would be an increase of \$1.18 increase for residents and \$2.27 for commercial.

Councillor Brophy motioned to set the tax rate at 1.52. Councillor Brophy motioned to set the tax rate at 1.53 and was properly seconded by Councillor Studenski. The motion failed with one voting in the affirmative. Councillors DeNapoli, DuBois Eaniri Macmillan Monahan Petti Stewart Studenski and Sullivan voting in the negative. Councillor Brophy motioned to set the tax rate at 1.54 and was properly seconded by Councillor Stewart. The motion failed with 3 voting in the affirmative. Councillors DeNapoli, DuBois Eaniri Macmillan Monahan Petti and Sullivan voting in the negative. Councillor Monahan motioned to set the tax rate at 1.55 and was properly seconded by Councillor Brophy. The motion failed with four voting in the affirmative. DeNapoli, DuBois Eaniri Macmillan, Petti and Sullivan voting in the negative. . Councillor DeNapoli motioned to set the tax rate at 1.57 and was properly seconded by Councillor Brophy. The motion failed with all voting in the negative. Councillor Monahan motioned to set the tax rate at 1.56 and was properly seconded by Councillor

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Studenski. The motion failed with three voting in the affirmative. Councillors DeNapoli, DuBois Eaniri Macmillan, Petti, Stewart and Sullivan voting in the negative. Councillor DuBois

motioned to set the tax rate at 1.63. Councillor Monahan motioned to set the tax rate at 1.58 and was properly seconded by Councillor Studenski.

The motion failed with two voting in the affirmative. Councillors Brophy, DeNapoli, DuBois Eaniri MacMillan, Petti, Stewart and Sullivan voting in the negative.

A two minute recess was called.

Back in session.

Councillor Brophy motioned to set the tax rate at 1.55 and was properly seconded by Councillor Monahan. The motion failed with four voting in the affirmative. Councillors DeNapoli, DuBois Eaniri Macmillan, Petti and Sullivan voting in the negative. Councillor Monahan motioned to set the tax rate at 1.56.

Councillor Monahan motioned to set the tax rate at 1.59 and was properly seconded by Councillor Studenski. The motion failed with two voting in the affirmative. Councillors Brophy, DeNapoli, DuBois Eaniri MacMillan, Petti, Stewart and Sullivan voting in the negative. Councillor Monahan motioned to set the tax rate at 1.52 and was properly seconded by Councillor Brophy. The motion failed with two voting in the affirmative. Councillors DeNapoli, DuBois Eaniri, Monahan, Petti, Stewart, Studenski and Sullivan voting in the negative.

Councillor MacMillan motioned to set the tax rate at 1.0 and was properly seconded by Councillor Brophy. The motion failed with two voting in the affirmative. Councillors DeNapoli, DuBois Eaniri, Monahan, Petti, Stewart, Studenski and Sullivan voting in the negative. Councillor DeNapoli motioned to set the tax rate at 1.50 and was properly seconded by Councillor Brophy. The motion failed with four voting in the affirmative. Councillors DeNapoli, DuBois, MacMillan and Petti voting in the negative. Councillor DuBois motioned to set the tax rate at 1.59 and was properly seconded by Councillor Monahan. The motion failed with one voting in the affirmative. Councillors Brophy, DeNapoli, DuBois Eaniri, MacMillan, Petti, Stewart, Studenski and Sullivan voting in the negative. Councillor DuBois motioned to set the tax rate at 1.58 and was properly seconded by Councillor Monahan. The motion failed with one voting in the affirmative. Councillors Brophy, DeNapoli, Eaniri, MacMillan, Petti, Stewart, and Sullivan voting in the negative. Councillor MacMillan motioned to set the tax rate at 1.56 and was properly seconded by Councillor Monahan. The motion failed with five voting in the affirmative. Councillors Brophy, DeNapoli, DuBois, Eaniri, Petti and Sullivan voting in the negative. Councillor Monahan motioned to set the tax rate at 1.60. Councillor Petti motioned to set the tax rate at 1.56 and was properly seconded by Councillor Monahan. The motion failed with five voting in the affirmative. Councillors DeNapoli, DuBois, Eaniri, Petti and Sullivan voting in the negative. On the motion, Councillor Petti stated that the factor needed to be determined in order for the tax bills to go out. Councillor Stewart motioned to set the tax rate at 1.57 and was properly seconded by Councillor Monahan. The motion failed with five voting in the affirmative. Councillors Brophy, DeNapoli, DuBois, Monahan and Sullivan voting in the negative. Councillor Monahan motioned to set the tax rate at 1.58 and was properly seconded by Councillor Sullivan . The motion failed with five voting in the affirmative. Councillors Brophy, DeNapoli, MacMillan, Petti and Stewart voting in the negative. Councillor DuBois motioned to set the tax rate at 1.60 and was properly seconded by Councillor Sullivan . The motion failed with four voting in the affirmative Councillors Brophy, DeNapoli, MacMillan, Monahan, Petti and Stewart voting in the negative. Councillor MacMillan motioned to set

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the tax rate at 1.56 and was properly seconded by Councillor Monahan. The motion carried with six voting in the affirmative Councillors DeNapoli, DuBois, Petti and Sullivan voting in the negative.

A brief recess was called.

Back in session.

The motion was to adopt the order by a roll call vote taken by “yeas” and “nays”; ten members present with six voting in the affirmative. Councillors DeNapoli, DuBois, Petti and Sullivan voting in the negative. Councillor Cruise absent.

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

Petition of Jean Elmond Gerilus dba Elmond Auto Body and Repair, Inc. for a Motor Vehicle Repair Mechanical/Body License located at 10 Pinkham St.

Jean Gerilus of 651 Winter St., E. Bridgewater, MA, appeared in favor.

Councillor Stewart stepped down.

Councillor Studenski motioned to put the following stipulations on the license:

Hours M-F 8am-6pm; Sat. 8am-4pm. No Sundays

Maximum number of vehicles associated with this business to be on the premises during the day will be 17, including employee and customer vehicles as well as vehicles in need of repair and any vehicle related to accessory businesses associates with the license.

Maximum number of vehicles to be stored outside overnight is 12. This includes all vehicles associated with any business operated by the license holder on this property including any business such as used car sales

No outside storage of automotive parts and/or products such as oil, grease, gasoline, etc.

No outside coin operated machines including but not limited to pay phones and vending machines

The property shall be kept clean and neat and free of debris at all times

No painting, priming, or bonding until such time as the proper equipment has been installed and approved by the Brockton Fire Department

The license shall not be issued by the City Clerk until the Building Inspector shall provide written confirmation that the following conditions have been satisfied:

A gas trap, as required by the building department , shall be installed

A dumpster with concrete pad with screening fence shall be installed

Councillor Stewart stepped back in.

Councillor Stewart questioned the petitioner on if he could follow the stipulations and he said he could. Hearing held.

Councillor Studenski motioned to accept the stipulations. The motion carried by a hand vote. Granted as stipulated, by a hand vote.

REPORTS

527 Of the Real Estate Committee for its meeting of December 2, 2013

Accepted and placed on file

COMMUNICATIONS

- 528** From the Mayor submitting a letter of resignation of Patricia Foley from the Brockton Commission on Women's Issues.

Accepted and placed on file

- 529** From the Mayor submitting a letter of resignation of Robert A. Jarvis from the Brockton Redevelopment Authority.

Accepted and placed on file

- 530** From the President of Trinity Brockton, Inc., general partner of Trinity Brockton Limited Partnership requesting that the City Council approve the attached loan agreements in order to close on the Project financing and move forward with the downtown Project.

Accepted and placed on file

- 531** From the Mayor Re: Revised Loan Agreements for Second Round of Grant Monies from the Massachusetts Executive Office of Housing and Economic Development, Development of the "Enterprise Block", requesting that the City Council accept the substitution of the original Loan Agreements for amended Loan Agreements, copies of which have been provided for your review. And further requesting that the City Council act on this item under suspension of the rules.

Accepted and placed on file

- 532** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed order to allow the substitution of loan agreements between the Brockton 21st Century Corporation and affiliates of Trinity Financial, Inc. for those similar documents approved by City Council on October 28, 2013

Accepted and placed on file

UNFINISHED BUSINESS

Petition of Mouhamadou Goudiaby dba Court Street Service, for a Motor Vehicle Repair Mechanical License located at 65 Court St. (IN CITY COUNCIL, NOVEMBER 25, 2013, POSTPONED)

John O'Connor, the owner of the property appeared in favor. No one was in opposition. Hearing held.

Councillor DeNapoli motioned to grant the license with the following stipulations:

Hours M-F 8am-6pm; Sat. 8am-5pm. No Sundays or holidays.

No outside storage of auto parts or by products.

No junk cars to be stored.

No outside telephones or vending machines.

Dumpsters must be enclosed.

No. of cars to be stored inside is 6.

No. of cars to be stored overnight no more than 10.

The motion was properly seconded. Granted as stipulated, by a hand vote.

UNFINISHED BUSINESS (cont'd)

- 461** 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: Ch. 27. Zoning of the Revised Ordinances of the City of Brockton is hereby amended by amending the Zoning District Map on the Southerly Side of Field Street easterly of North Main Street (Assessor Map 103, Plots 109 and 110 Field Street) (PUBLIC HEARING HELD, FAVORABLE) (IN CITY COUNCIL, NOVEMBER 25, 2013, PASSED TO A THIRD READING BY A HAND VOTE)

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

- 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 (FAVORABLE AS AMENDED)(IN CITY COUNCIL, NOVEMBER 25, 2013, THE AMENDMENT PASSED BY A HAND VOTE. PASSED TO A THIRD READING AS AMENDED, BY A HAND VOTE)

Ordained as amended, by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Cruise absent.

- 83** Ordinance: An Ordinance by which the City of Brockton accepts M.G.L. Ch. 59, Section 5N, in order to authorize establishment of a program to allow veterans, as defined in clause M.G.L. Ch. 4, Section 7, Clause 43, to volunteer to provide services in exchange for a reduction in the real estate property tax obligations of that veteran on the veteran’s tax bills, which reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled. (FAVORABLE AS AMENDED) (IN CITY COUNCIL, NOVEMBER 25, 2013, THE AMENDMENT PASSED BY A HAND VOTE. PASSED TO A THIRD READING AS AMENDED, BY A HAND VOTE)

Ordained as amended, by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Cruise absent.

- 484** Ordered: That the Mayor and/or Treasurer/Collector is hereby authorized to execute any and all documents necessary to convey the property located at and known as **Plot 40-1 Foster Street Parcel ID: 065-074** to George Millett, 925 Centre Street, Brockton, MA 02302 for the purchase price of Two Thousand Dollars (\$2,000.00). (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councillor Brophy voting in the negative. Councillor Cruise absent.

ORDERS

Councillor DeNapoli motioned to move under suspension of the rules on item **533** and was properly seconded. The motion carried by a hand vote with Councillor Brophy voting in the negative. He also stated that the CFO was present to answer any questions.

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ORDERS (cont'd)

533 Ordered: That the City Council authorize the approval of the attached Loan Agreements between the Brockton 21st Century Corporation and Trinity Brockton Commercial Master Tenant Limited Partnership, Trinity Brockton Phase One Limited Partnership and Trinity Brockton Four Phase One Limited Partnership in substitution of the Loan Agreements approved by order of the City Council dated October 29, 2013

Councillor Brophy questioned Caitlyn Leach on the reason for this order. She stated that it was just to change the form of the agreement. A few small changes were needed.

Councillor Sullivan questioned if Brockton 21st. Century Corp. had their own lawyer. Caitlyn Leach stated that they do, but they also work hand in hand with the city.

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present with eight voting in the affirmative. Councillors Brophy and MacMillan voting in the negative. Councillor Cruise absent.

Councillor Sullivan motioned to file for reconsideration on items **83** and **484** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor DeNapoli motioned to file for reconsideration on item **533** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

LATE FILE

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

534 Ordered: That the naming of Day Avenue also be known as Tartaglia Way.

Councillor Petti spoke on the reason for this order. Charles Tartaglia is very giving to the community. He is the owner of George’s Café. Councillor Petti motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Cruise absent. Councillor Brophy motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Sullivan takes a moment of personal privilege to thank the Councillors for supporting the ordinances. He thanked everyone who participated in the Jingle Bell Run.

Councillor Brophy stated that the last meeting of the year will be held on December 23, 2013 and it will be the last meeting for all of the current councillors.

Adjourned at 10:38pm