

1. Election of City Clerk- Clerk to the Council

APPOINTMENTS:

2. Of Mario Lopes Alves, 23 Smith Ave., Brockton as a Constable in the City of Brockton for a term of (3) years.
3. Reappointment of David A. Asiaf, 5 Tarkin Hill Lane, Bridgewater as a Constable in the city of Brockton for a term of three (3) years

HEARINGS:

4. Petition of Monro Muffler Brake, Inc., for a Motor Vehicle Repair Mechanical license located at 753 Belmont St., Brockton.
5. Petition of Gerard E. Toppa DBA Speedee Oil Change for a Motor Vehicle Repair Mechanical license located at 800 Crescent St.
6. Petition of Jean Bastien for a Garage License located at 1061 Montello St.
7. Petition of Jean Bastien DBA JCB Auto Repair & Towing for a Motor Vehicle Repair Mechanical/Body license located at 1061 Montello St.

REPORTS:

8. Of the Finance Committee for its meeting of September 8, 2015.
9. Of the Real Estate Committee for its meeting of September 8, 2015.
10. Of the Ordinance Committee for its meeting of September 14, 2015.

COMMUNICATIONS:

11. From the Water Commission recommending that the City Council hire an independent legal counsel to evaluate the Aquaria existing contract to determine if it has been breached to release the City from its obligation.
12. From Mayor in accordance with M.G.L., Ch. 44, in order to fund all of the costs, including retroactive costs, of a collective bargaining agreement between the city and Local 1142 of the Laborers Union for the three (3) year period of 7/1/2013 through 6/30/2016, hereby recommending that the City Council authorizes the appropriation of \$450,156 from the Unappropriated FY16 Tax Levy and \$38,000 from Unappropriated FY16 Refuse Enterprise Estimated Revenues, total of \$488,156.
13. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will be adequate for **FY16 ONLY** to support the proposed appropriation from various sources of \$488,156 to various departments for purposes of settling a three (3) year contract with the laborers union. This is a conditional certification for **FY16 ONLY**. He is able to provide the certification for FY16 because the funding comes from unappropriated FY16 revenues, primarily tax levy growth. However, for FY17 and beyond, this contract will exacerbate the budgetary imbalance described in his FY16 budget letter and in the credit reports of Moody's and Standard and Poor. These are available on the Finance Department Web page.
14. From the Board of Assessors, after review of the balances in the various Overlay Accounts, recommending the following be transferred to Overlay Surplus;
Fiscal Year 2008 \$190,000
Fiscal Year 2009 \$220,000
Fiscal Year 2011 \$340,000
These funds may be used for any purpose before the end of the Fiscal Year

15. From the Mayor in accordance with the provisions of Ch. 44 of the M.G.L., recommending that the City Council authorize the appropriation of \$340,000 from FY2011 Overlay Surplus, and \$220,000 from FY2009 Overlay Surplus to the Stabilization Fund, for a total appropriation of \$560,000 to that fund. This funding comes from the surplus in Overlay Accounts as identified by the Board of Assessors in a letter dated July 20, 2015.
16. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$220,000, from Overlay Surplus of FY2009 and \$340,000 from Overlay Surplus of FY2011 to the Stabilization Fund.
17. From the Board of Assessors, after review of the balances in the various Overlay Accounts, recommending the following be transferred to Overlay Surplus;

Fiscal Year 2008	\$190,000
Fiscal Year 2009	\$220,000
Fiscal Year 2011	\$340,000

 These funds may be used for any purpose before the end of the Fiscal Year
18. From the Mayor in accordance with the provisions of Ch. 44 of the M.G.L., recommending that the City Council authorize the appropriation of \$130,000 from overlay Surplus of FY 2008 to Stabilization Fund to provide additional funding in the Stabilization Reserve. The funding comes from Overlay Surplus amounts as declared by the Board of Assessors. The total declared for Fy2008, 2009, and 2011 was \$750,000 inclusive. He proposes using \$60,000 from the FY 2008 amount (\$40,000 for holiday decorations and \$20,000 for a Library grant match), but also proposed moving the balance to the Stabilization Fund. The total to stabilization from the three years will be \$690,000.
19. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed \$130,000 from FY08 Overlay Surplus to Stabilization Fund
20. From the Board of Assessors, after review of the balances in the various Overlay Accounts, recommending the following be transferred to Overlay Surplus;

Fiscal Year 2008	\$190,000
Fiscal Year 2009	\$220,000
Fiscal Year 2011	\$340,000

 These funds may be used for any purpose before the end of the Fiscal Year
21. From Mayor in accordance with M.G.L., Ch. 44, in order to fund a Memorandum of Agreement between the city and the Library Union, recommending that the City Council authorizes the appropriation of \$20,000

From: Overlay Surplus of FY2008	\$20,000
To: Library Personnel Services Overtime	\$8,000
Library Purchase of Service	\$12,000

 To provide the funding necessary for the agreement to add to a grant from the Library Foundation for the extending of hours at the West and East branches (eight (8) hours per week at each branch for the balance of the fiscal year). This funding adds to the contribution of \$75,000 from the Brockton Library Foundation. Furthermore, requesting that the City Council authorize the acceptance and expenditure of \$75,000 from the Brockton Library Foundation for purposes of providing an additional eight (8) hours per week at each of the West and East branches for the rest of this fiscal year. In order to get maximum benefit of this program, asking for passage under suspension of the rules.
22. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance and expenditure of a \$75,000 grant from the Brockton Library Foundation for purposes of extending hours at the West and East branches, and the proposed appropriation of \$20,000 in order to accomplish this purpose in accordance with the agreement of the Library union.
23. From the DPW Commissioner requesting an appropriation of \$40,000 in order to purchase and install holiday decorations for the new streetlights that were recently installed on Main Street and to purchase lights to decorate the trees on Main Street and around the City Hall Complex.

24. From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorizes the appropriation of \$40,000
From: Overlay Surplus- FY 2008 \$40,000
To: DPW Highway Department- \$40,000
Ordinary Maintenance
To provide purchase and installation of holiday decorations and lights for the new street lights on Main Street and for City Hall Plaza.
25. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$40,000 from Overlay Surplus FY2008 to DPW Highway Department-OM-Purchase of Goods.
26. From the Assistant Auditor certifying that the balance of the Reserve Receipts Reserve for Appropriations as of September 15, 2015 is \$136,781.95
27. From the Chief of the Fire Department requesting a transfer from the Ambulance Receipts Account for \$16,590.00 to Department Equipment for the following 2 purchases:
 1. \$15,690.00 for nine Perform Mobile Software licenses for use by the contracted ambulance service. This will provide the ability for a two-way flow of dispatching information between Fire Alarm and the ambulances in the field. This enhances safety of the members and security of information. Included in this request is the annual maintenance fee for support services of the mobile licenses.
 2. \$900.00 for the purchase of three Emergency Medical Dispatch (EMD) guide cards with racks. These will be used by the Fire Alarm Operators when receiving and dispatching Emergency Medical incidents in compliance with current standards.
28. From the Mayor in accordance with M.G.L., Ch. 44, recommending a transfer of \$16,590 from Fire Department Ambulance Receipts to Fire Department Equipment. This will allow for nine Perform Mobile Software licenses for use by the contracted ambulance service. This will provide the ability for a two-way flow of dispatching information between Fire Alarm and the ambulances in the field. This enhances safety of the members and security of information. Included in this request is the annual maintenance fee for support services of the mobile licenses. This also funds the purchase of three Emergency Medical Dispatch (EMD) guide cards with racks. These will be used by the Fire Alarm Operators when receiving and dispatching Emergency Medical incidents in compliance with current standards.
29. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfer of \$16,590 from Fire Department Ambulance Receipts to Fire Department Equipment.
30. From the Assistant City Auditor certifying that the balance of the Thatcher Street Landfill as of September 15, 2015 is \$1,103,227.99
31. From the DPW Commissioner in accordance with M.G.L., Ch. 44, Section 28C requesting an appropriation of \$366,330.00 from the Landfill Reserve Account. The Landfill Reserve Account was created for the purpose of maintaining the closed landfill. The reason for this request is for the maintenance, repair, replacement and other related projects for the continuing maintenance of the Thatcher Street Landfill.
32. From the Mayor in accordance with M.G.L., Ch. 44, Section 28C requesting an appropriation of \$366,330.00 from Landfill Reserve Account to Thatcher Street Landfill. (for maintenance, repair, replacement and other related projects for the continuing maintenance of the Thatcher Street Landfill).
33. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$366,330.00 from Landfill Reserve Account.

34. From the Emergency Management Director requesting acceptance of the Massachusetts Emergency Management Agency SHSP grant in the amount of \$4,928.75. The intended use for this funding will be to purchase portable radio communications equipment. No match is required.
35. From the Mayor in accordance with M.G.L., Ch. 44, recommending acceptance of \$4,928.75. from Massachusetts Emergency Management Agency SHSP grant to Brockton Emergency Management Agency Grant Fund. The Brockton Emergency Management Agency (BEMA) intends to use these grant funds to purchase portable radio communications equipment. No match is required.
36. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed acceptance of \$4,928.75. from the Massachusetts Emergency Management Agency SHSP Grant
37. From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the creation of the proposed D.W. Clark Economic opportunity Area (EOA), and also that the City Council approves the application for approval of this EOA to the state Economic Assistance Coordinating Council (EACC).
38. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed creation of the proposed D.W. Clark Economic opportunity Area and submission of this to the state's EACC.
39. From the Treasurer/Collector requesting an appropriation of \$2,000 be added to the Treasurer/Collector's budget to cover the additional costs of the City's 1.45% portion of Medicare Tax. This increase is needed due to the potential hiring of 5 additional police officers.
40. From the Chief of Police requesting an amendment to his July 13, 2015 request for 6 additional police officers. This request is for a total of 12 officers and there is adequate funding in the departments budget for these additional officers.
41. From the Director of Personnel requesting an additional appropriation of \$50,000 from the FY16 Personnel Department Health Insurance Appropriation Account. This appropriation is based on 5 additional police officers, Family Blue Care Elect, City Contribution of \$1,697 per month x 5 employees x 6 months.
42. From the Mayor in accordance with M.G.L, Ch. 44 recommending that the City Council authorizes the appropriation of \$218,000 from Unappropriated Receipts FY16 Tax Levy \$218,000 to Police Department Personnel Services other than overtime \$165,000, Personnel Department Employee Benefits \$51,000, Treasurers Medicare Tax \$2,000 in order to provide funding for six additional police recruits and their benefits for six months.
43. From the CFO in accordance with Section 5 of Chapter 324 of the acts of 1990, certifying the proposed appropriation for **FY16 ONLY** in the amount of \$218,000 from Unappropriated Receipts FY16 Tax Levy \$218,000 to Police Department Personnel Services other than overtime \$165,000, Personnel Department Employee Benefits \$51,000, Treasurers Medicare Tax \$2,000. This is a conditional certification for FY16 ONLY. This funding will allow for six new recruits, in addition those already in the budget, bringing the size of the requested class to eleven. The CFO cannot provide a positive certification for the years after FY16, because this action exacerbates the fiscal budgetary imbalance which we are now experiencing.
44. From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the appropriation of \$167,000 from Unappropriated Estimated Reciepts-FY16 Tax Levy \$167,000 to Library Personnel Services other than overtime \$165,500, Library Personal Services Overtime \$1,500. In order to provide funding for all of the costs, including retroactive costs, of a collective bargaining agreement between the City and its Library Union employees, Local 808 unit of SEIU, for the three (3) year period of 7/1/2013 through 6/30/2016.

45. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$167,000 from Unappropriated FY16 Estimated Receipts Tax Levy to Library Personal Services appropriations to provide funding for the three year Library union contract (FY14-FY16). This is a conditional certification for **FY16 ONLY**. The funding is available for **ONLY** FY16 because it comes from unappropriate FY16 tax levy revenues. However, for FY17 and beyond this contract's cost will exacerbate the budgetary imbalance described in the CFO's FY16 budget letter and credit report of Moody's and Standard and Poor.
46. From the Mayor in accordance with M.G.L., recommending that the City Council authorize the Tax Increment Financing Plan between the City and Commercial Yard, LLC on behalf of DW Clark Inc, and the Tax Increment Financing Agreement between the City and Commercial Yard, LLC and DW Clark, Inc.
47. From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed approval of the Tax Increment Financing Plan between the City and Commercial Yard, LLC on behalf of DW Clark Inc, and the Tax Increment Financing Agreement between the City and Commercial Yard, LLC and DW Clark, Inc. This proposal would result in renovation of a vacant foundry into a precision metals manufacturing plant, gain a \$6 million investment in the City, create new jobs, and generate new property tax growth.

UNFINISHED BUSINESS:

48. Ordinance: An Ordinance Amending Part II of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows. Part II of the Revised Ordinances of the City of Brockton are hereby amended by increasing various fees. (FAVORABLE)
49. Ordinance: An Ordinance amending Ch. 23 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Pursuant to Chapter 23, Section 30 (f) (6), in substitution for the water rate increase proposed by the Brockton Water Commission on February 10, 2015. (FAVORABLE)
50. Ordinance: An Ordinance Amending Chapter VIII of the Revised Ordinances of the City of Brockton. Be it Ordained as follows: Chapter 8. Garbage and Trash is hereby amended by adding the following new Article: Article III Abandoned Shopping Carts. (FAVORABLE AS AMENDED)
51. Ordered: That the sum of \$400,000 is appropriated to pay costs of stormwater management planning, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City (FAVORABLE)
52. Ordered: That the sum of \$1,200,000 is appropriated to pay costs of purchasing a new fire ladder truck, and for payment of all costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$1,200,000 under and pursuant to G.L. c. 44 s.7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City. **PROVIDED THAT THE CITY OBTAINS THE AUTHORITY OF THE VOTERS BY MEANS OF A REFERENDUM TO EXCLUDE THE ANNUAL COST OF THE DEBT SERVICE FROM THE PROVISIONS OF PROPOSITION 2 ½. THIS IS A CONDITIONAL CERTIFICATION WHICH MUST BE INCLUDED ON THE FACE OF THE CITY COUNCIL ORDER.** (FAVORABLE) (IN CITY COUNCIL, AUGUST 24, 2015 PASSED TO A THIRD READING BY A HAND VOTE)
53. Ordered: That the sum of \$1,840,000 is appropriated to pay costs of various sewer system improvements, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City. **PROVIDED THAT DURING THE LIFE OF THE LOANS, THE CITY COUNCIL PERIODICALLY ADOPTS A RATE STRUCTURE WHICH IS CAPABLE OF FULLY SUPPORTING ALL OPERATING AND**

MAINTENANCE COSTS OF THE SEWER ENTERPRISE SYSTEM, INCLUDING DEBT SERVICE. THIS IS A CONDITIONAL CERTIFICATION WHICH MUST BE INCLUDED ON THE FACE OF THE CITY COUNCIL ORDER. (FAVORABLE) (IN CITY COUNCIL, AUGUST 24, 2015 PASSED TO A THIRD READING BY A HAND VOTE)

54. Ordered: That the sum of \$3,810,000.00 is appropriated to pay costs of improvements to various water mains, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City. **PROVIDED THAT THE CITY COUNCIL ENACTS A RATE INCREASE OF THIRTY PERCENT ON EACH RATE BLOCK AS REQUESTED BY THE WATER COMMISSION, PROVIDED FURTHER THAT IF THAT INCREASE IS ENACTED IN PHASES, THAT THE FULL EFFECT OF THAT INCREASE IS REFLECTED ON ALL BILLINGS MAILED NO LATER THAN JANUARY 1, 2017, AND PROVIDED FURTHER THAT THEREAFTER, THE CITY COUNCIL PERIODICALLY RAISES RATES AS NECESSARY TO ENSURE THAT THE WATER REVENUES ARE SUFFICIENT TO PROVIDE FULL RECOVERY OF THE COSTS OF OPERATING AND MAINTAINING THE WATER ENTERPRISE FUND, INCLUDING THE COST OF DEBT SERVICE. THIS IS A CONDITIONAL CERTIFICATION WHICH MUST BE INCLUDED ON THE FACE OF THE CITY COUNCIL ORDER. (FAVORABLE) (IN CITY COUNCIL, AUGUST 24, 2015 PASSED TO A THIRD READING BY A HAND VOTE)**

55. Ordered: That the sum of \$4,880,000.00 is appropriated to pay costs of water improvements, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City. **PROVIDED THAT THE CITY COUNCIL ENACTS A RATE INCREASE OF THIRTY PERCENT ON EACH RATE BLOCK AS REQUESTED BY THE WATER COMMISSION, PROVIDED FURTHER THAT IF THAT INCREASE IS ENACTED IN PHASES, THAT THE FULL EFFECT OF THAT INCREASE IS REFLECTED ON ALL BILLINGS MAILED NO LATER THAN JANUARY 1, 2017, AND PROVIDED FURTHER THAT THEREAFTER, THE CITY COUNCIL PERIODICALLY RAISES RATES AS NECESSARY TO ENSURE THAT THE WATER REVENUES ARE SUFFICIENT TO PROVIDE FULL RECOVERY OF THE COSTS OF OPERATING AND MAINTAINING THE WATER ENTERPRISE FUND, INCLUDING THE COST OF DEBT SERVICE. THIS IS A CONDITIONAL CERTIFICATION WHICH MUST BE INCLUDED ON THE FACE OF THE CITY COUNCIL ORDER. (FAVORABLE) (IN CITY COUNCIL, AUGUST 24, 2015 PASSED TO A THIRD READING BY A HAND VOTE)**

56. Ordered: That the sum of \$642,000 is appropriated to pay costs of purchasing vehicles for the use of various City departments as set forth below, vehicles, including the payment of all costs incidental and related thereto:

1 Transit Van for the Public Property Department	\$27,000
6 Marked and 4 Unmarked Police Cruisers	\$310,000
1 Box Truck for the School Department	\$78,000
1 Bobcat for the School Department	\$47,000
2 Sander Trucks for the DPW	\$180,000

Total \$642,000

and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$642,000 under and pursuant to G.L. c. 44 s.7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City **PROVIDED THAT THE CITY OBTAINS THE AUTHORITY OF THE VOTERS BY MEANS OF A REFERENDUM TO EXCLUDE THE ANNUAL COST OF THE DEBT SERVICE FROM THE PROVISIONS OF PROPOSITION 2 ½. THIS IS A CONDITIONAL CERTIFICATION WHICH MUST BE INCLUDED ON THE FACE OF THE CITY COUNCIL ORDER. (FAVORABLE) (IN CITY COUNCIL, AUGUST 24, 2015 PASSED TO A THIRD READING BY A HAND VOTE)**

57. Ordered: That the sum of \$234,000 is appropriated to pay costs of purchasing the items of departmental equipment described below, including the payment of all costs incidental and related thereto:

Wide Format Color Copier/Printer for the Planning Department	\$14,000
Voting Machines for the Board of Elections	\$220,000

Total \$234,000

and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$234,000 under and pursuant to G.L. c. 44 s.7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City **PROVIDED THAT THE CITY OBTAINS THE AUTHORITY OF THE VOTERS BY MEANS OF A REFERENDUM TO EXCLUDE THE ANNUAL COST OF THE DEBT SERVICE FROM THE PROVISIONS OF PROPOSITION 2 ½. THIS IS A CONDITIONAL CERTIFICATION WHICH MUST BE INCLUDED ON THE FACE OF THE CITY COUNCIL ORDER. (FAVORABLE) (IN CITY COUNCIL, AUGUST 24, 2015 PASSED TO A THIRD READING BY A HAND VOTE)**

58. Appointment of Officer Antonio Randolph of the Brockton Police Department as a Weigher of Trucks in the City of Brockton. (FAVORABLE)
59. Appointment of Jean Derenoncourt, 15 Midland St., Brockton to the Brockton Library Board of Trustees for a three year term. (FAVORABLE)
60. Appointment of Dr. Joseph P. Policape, 715 Main St., Brockton to the Board of Trustees for the Brockton Public Library for a three year term ending August 2018. (FAVORABLE)
61. Appointment of Aminah Pilgrim, 10 Columbia St., Brockton to the Board of Trustees for the Brockton Public Library for a three year term ending August 2018. (FAVORABLE)
62. Appointment of Andrea Small Burton, 67 Bigney Ave., Brockton to the Brockton Planning Board for a five year term. (FAVORABLE)
63. Appointment of Harold C. Marrow, Jr., 230 West St., Brockton to the Brockton License Commission for a three year term. (FAVORABLE)
64. Appointment of Carlos Varela, 40 Briarcliff Rd., Brockton to the Brockton Community Access Board of Directors for a three year term. (FAVORABLE)
65. Appointment of Ulisses Varela, 40 Briarcliff Rd., Brockton to the Brockton Parks and Recreation Commission for a five year term. (FAVORABLE)
66. Appropriation of \$45,000
From the Executive Office of Health and Human Services Massachusetts Department of Mental Health/Police-Based Jail Diversion Grant for 2015
To: City of Brockton Police Department Jail Diversion-Grant Fund.
(This grant gives the Brockton Police Dept. overtime funds to continue to train first responders in the specialized field of Mental Health First Aid. The goal for this grant is to also divert from arrest, when possible, individuals with mental health and/or behavior issues. Also, this year the additional hiring a part time clinician to work on the Plymouth House of Correction with inmates to render mental health and follow-up services both inside and upon their return to Brockton.) (FAVORABLE)
67. Ordered: That the Mayor and/or Treasurer be authorized to execute any and all documents necessary to sell to Everett's Realty LLC, having a usual place of business at 561 Thatcher St., Brockton, the parcel of land located at and known as: The vacant land off Thatcher Street in Brockton, Ma, The purchase price for said parcel of land shall be Seven Thousand Five Hundred Dollars (\$7,500) (FAVORABLE)

ORDERS:

68. Ordinance: An Ordinance Amending Chapter XXVII of the Revised Ordinance of the City Of Brockton, Article IV, Temporarily Prohibiting the Construction of New Personal Wireless Service Facilities (Cell Towers). Section 27.36.5. Temporary Moratorium on the Constitution of new Personal Wireless Service Facilities.
69. Ordinance: An Ordinance Amending Chapter II of the Revised Ordinances of the City of Brockton. Be it ordained as follows: Chapter 2 Administration, Article IV. Financial Affairs: Sec. 2-256. Abatements.

70. Ordered: That the Board of Assessors is directed to submit to the City Council, through the Office of the City Clerk, on or before October 15, 2015, an electronic file (in excel and pdf) of the records of abatements for the years 2013,2014, and 2015 required to be kept by the Board of Assessors pursuant to M.G.L. ch. 59, sec.60
71. Ordered: That the City Council approves the boundaries of the proposed D.W. Clark Economic opportunity Area more particularly described as 14 East Union Street, Assessor's Map 129, Plot 1, Parcel ID 129-233 East Union Street and approves the application for approval of the D.W. Clark EOA to the Economic Assistance Coordinating Council (EACC)

72. Appropriation totaling \$488,156 as follows:
- | | |
|-------------------------------------------------------|-----------|
| From: Unappropriated Estimated Receipts FY16 Tax Levy | \$450,156 |
| To: Cemetery Department- | |
| Personal Services Other than OT | \$20,747 |
| Cemetery Department-P.S. OT | \$17,387 |
| DPW Highway- | \$160,931 |
| Personal Services other than OT | |
| DPW Highway-P.S. Overtime | \$73,900 |
| DPW Maintenance-P.S. Other than OT- | \$15,653 |
| DPW Maintenance-P.S. Overtime | \$9,994 |
| Library Department-P.S. Other than OT- | \$12,805 |
| Library Department-P.S. Overtime | \$900 |
| Public Property-P.S. Other than OT | \$23,104 |
| Public Property-P.S. Overtime | \$3,225 |
| Parking Authority P.S. Other than OT | \$30,156 |
| Park/Recreation Department | |
| P.S. Other than OT | \$58,354 |
| Park/Recreation Department P.S. OT | \$23,000 |
| A further appropriation of \$38,000 | |
| From: Unappropriated Refuse Enterprise | |
| Estimated Receipts | \$38,000 |
| To: DPW Refuse P.S. Other than OT | \$28,000 |
| DPW Refuse P.S. OT | \$10,000 |

The CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifies that the financial resources and revenues of the City of Brockton are and will be adequate for **FY16 ONLY** to support the proposed appropriation from various sources of \$488,156 to various departments for purposes of settling a three (3) year contract with the laborers union. This is a conditional certification for **FY16 ONLY**. He is able to provide the certification for FY16 because the funding comes from unappropriated FY16 revenues, primarily tax levy growth. However, for FY17 and beyond, this contract will exacerbate the budgetary imbalance described in his FY16 budget letter and in the credit reports of Moody's and Standard and Poor. These are available on the Finance Department Web page.

73. Appropriation totaling \$560,000
- | | |
|------------------------------|-----------|
| From: FY2009 Overlay Surplus | \$220,000 |
| FY2011 Overlay Surplus | \$340,000 |
- To: the Stabilization Fund,
This funding comes from the surplus in Overlay Accounts as identified by the Board of Assessors in a letter dated July 20, 2015.
74. Appropriation: of \$20,000
- | | |
|------------------------------------------|----------|
| From: Overlay Surplus of FY2008- | \$20,000 |
| To: Library Personnel Services Overtime- | \$8,000 |
| Library Purchase of Service- | \$12,000 |
- To provide the funding necessary for the agreement to add to a grant from the Library Foundation for the extending of hours at the West and East branches (eight (8) hours per week at each branch for the balance of the fiscal year). This funding adds to the contribution of \$75,000 from the Brockton Library Foundation. Furthermore, requesting that the City Council authorize the acceptance and expenditure of \$75,000 from the Brockton Library Foundation for purposes of providing an additional eight (8) hours per week at each of the West and East branches for the rest of this fiscal year.

75. Appropriation: of \$130,000
 From: Overlay Surplus of FY 2008
 To: Stabilization Fund
 (to provide additional funding in the Stabilization Reserve). The funding comes from Overlay Surplus amounts as declared by the Board of Assessors. The total declared for FY2008, 2009, and 2011 was \$750,000 inclusive. The intended use is \$60,000 from the FY 2008 amount (\$40,000 for holiday decorations and \$20,000 for a Library grant match), but also the intent is moving the balance to the Stabilization Fund. The total to stabilization from the three years will be \$690,000.
76. Transfer of \$16,590.00
 From: the Ambulance Receipts Account
 To: Department Equipment
 for the following 2 purchases:
1. \$15,690.00 for nine Perform Mobile Software licenses for use by the contracted ambulance service. This will provide the ability for a two-way flow of dispatching information between Fire Alarm and the ambulances in the field. Included in this request is the annual maintenance fee for support services of the mobile licenses.
 This enhances safety of the members and security of information.
 2. \$900.00 for the purchase of three Emergency Medical Dispatch (EMD) guide cards with racks.
 These will be used by the Fire Alarm Operators when receiving and dispatching Emergency Medical incidents in compliance with current standards.
77. Appropriation of \$366,330.00
 From: Landfill Reserve Account
 To: Thatcher Street Landfill.
 (for maintenance, repair, replacement and other related projects for the continuing maintenance of the Thatcher Street Landfill).
78. Appropriation of \$4,928.75.
 From: Massachusetts Emergency Management Agency SHSP grant
 To: Brockton Emergency Management Agency Grant Fund.
 (The Brockton Emergency Management Agency (BEMA) intends to use these grant funds to purchase portable radio communications equipment) No match is required.
79. Appropriation of \$167,000
 From: Unappropriated Estimated Receipts-FY16 Tax Levy \$167,000
 To: Library Personnel Services other than overtime \$165,500
 Library Personal Services Overtime \$1,500
 (In order to provide funding for all of the costs, including retroactive costs, of a collective bargaining agreement between the City and its Library Union employees, Local 808 unit of SEIU, for the three (3) year period of 7/1/2013 through 6/30/2016. This three-year settlement provides for increases to base wages of 2% for FY14, 2% for FY15 and 1.25% for FY16 for a total of 5.25%. It also provides for a one-time cash payments equal to 1% of base wages of FY14 and FY15. This funding is from tax levy new growth, which is greater than budgeted, not from the unused levy amounts inside the levy limit allowed from 2.5% annual growth.) This is a conditional certification for **FY16 ONLY**. The funding is available for **ONLY** FY16 because it comes from unappropriate FY16 tax levy revenues. However, for FY17 and beyond this contract's cost will exacerbate the budgetary imbalance described in the CFO's FY16 budget letter and credit report of Moody's and Standard and Poor.
80. Appropriation of \$218,000
 From: Unappropriated Receipts FY16 Tax Levy
 To: Police Department Personnel Services other
 than overtime \$165,000
 Personnel Department Employee Benefits \$51,000
 Treasurers Medicare Tax \$2,000
 (in order to provide funding for six additional police recruits and their benefits for six months.) This is a conditional certification for **FY16 ONLY**. This funding would allow for six new recruits, in addition those already in the budget, bringing

the size of the requested class to eleven. The CFO cannot provide a positive certification for the years after FY16, because this action exacerbates the fiscal budgetary imbalance which we are now experiencing.

81. Resolve: That the City Council hereby requests that Brian Moriary and Cindy Pendergast or a representative of Neighborworks, a Southern, MA program, come before a committee of this council to report and lay out the plan for this organization.
82. Resolve: That the City Council hereby authorizes a Tax Increment Financing Plan encompassing the property described as 14 East Union Street Assessor's Map 129, Plot 1, Parcel ID 129-233 East Union Street, and further that the City Council approves the Tax Increment Financing Plan of Commercial Yard, LLC on behalf of D.W. Clark, Inc., and forwards said application to the Massachusetts Economic Assistance Council for its approval and endorsement.