

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding. The meeting was called to order at 8:02pm with eleven members being present.

In City Council, September 28, 2015

Councillor DeNapoli requests a moment of silence for his friend, and former City Councillor, Peter Asiaf, who passed away this past week.

**521** Election of City Clerk- Clerk to the Council

Nominations were opened with Councillor Studenski nominating Anthony J. Zeoli. The motion was properly seconded by Councillor DeNapoli . The motion carried by a hand vote. Councillor Sullivan motioned to close the nominations and was properly seconded. The motion carried by a hand vote. Elected by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Asack takes a moment of personal privilege to acknowledge Pat Houle, President and Member of the DW Field Park Association and gave her a citation for her dedication and years of service.

**APPOINTMENTS**

**461** Of Mario Lopes Alves, 23 Smith Ave., Brockton as a Constable in the City of Brockton for a term of (3) years.

Referred to Finance

**462** 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

Referred to Finance

**HEARINGS**

Petition of Monro Muffler Brake, Inc., for a Motor Vehicle Repair Mechanical license located at 753 Belmont St., Brockton.

George Jarrett appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote.

Petition of Gerard E. Toppa DBA Speedee Oil Change for a Motor Vehicle Repair Mechanical license located at 800 Crescent St.

Gerard Toppa , Michael Mather, Gary Leonard and Ollie Spears appeared in favor. No one was in opposition. Councillor DeNapoli motioned to grant the license with the following stipulations:  
No outside vending machines or telephones. No outside storage of autoparts and/or by products

Granted by a hand vote as stipulated

Petition of Jean Bastien for a Garage License located at 1061 Montello St.

Jean Bastien , Eve Cajuste, Marlene Amedee , Larry Silva, Leander DeRosa Melissa Leonard, appeared in favor. No one was in opposition. Hearing held. Granted by a hand vote.

**105**  
**HEARINGS (Cont'd)**

Petition of Jean Bastien DBA JCB Auto Repair & Towing for a Motor Vehicle Repair Mechanical/Body license located at 1061 Montello St

Jean Bastien appeared in favor. No one was in opposition. Hearing held. Councillor Studenski motioned to grant the license with the following stipulations:

1. Hours of Operation: M-F 8am-7pm, Saturday 9am-pm, No Sundays
2. The maximum number of vehicles associated with this business to be on the premises during the day will be 24 including employee and customer vehicles as well as vehicles in need of repair and any vehicle related to accessory businesses associated with the license.
3. The maximum number of vehicles to be stored outside overnight is 16. This includes all vehicles associated with any business operated by the license holder on this property including any business such as used car sales.
4. No outside storage of automotive parts and/or products such as oil, grease, gasoline, etc.
5. No outside coin operated machines including but not limited to pay phones and vending machines.
6. The property shall be kept clean and neat and free of debris at all times.
7. No painting, priming or bonding until such time as the proper equipment has been installed and approved by the Brockton Fire Department.
8. 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 and a dumpster and concrete pad with screening fence shall be installed.

The license was granted, as stipulated, by a hand vote.

**REPORTS**

**463** Of the Finance Committee for its meeting of September 8, 2015.

Accepted and placed on file.

**464** Of the Real Estate Committee for its meeting of September 8, 2015.

Accepted and placed on file.

**465** Of the Ordinance Committee for its meeting of September 14, 2015.

Accepted and placed on file.

**COMMUNICATIONS**

**466** 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.

Accepted and placed on file.

**467** 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.

Accepted and placed on file.

**106**  
**COMMUNICATIONS (cont'd)**

**468** 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.

Accepted and placed on file.

**469** 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

Accepted and placed on file.

**470** 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.

Accepted and placed on file.

**471** 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.

Accepted and placed on file.

**472** 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

Accepted and placed on file.

**473** 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.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 474** 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

Accepted and placed on file.

- 475** 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

Accepted and placed on file.

- 476** 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.

Accepted and placed on file.

- 477** 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.

Accepted and placed on file.

- 478** 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.

Accepted and placed on file.

- 479** 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.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 480** 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.

Accepted and placed on file.

- 481** From the Assistant Auditor certifying that the balance of the Reserve Receipts Reserve for Appropriations as of September 15, 2015 is \$136,781.95

Accepted and placed on file.

- 482** 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.

Accepted and placed on file.

- 483** 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.

Accepted and placed on file.

- 484** 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.

Accepted and placed on file.

- 485** From the Assistant City Auditor certifying that the balance of the Thatcher Street Landfill as of September 15, 2015 is \$1,103,227.99

Accepted and placed on file.

- 486** 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.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 487** 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).

Accepted and placed on file.

- 488** 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.

Accepted and placed on file.

- 489** 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.

Accepted and placed on file.

- 490** 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.

Accepted and placed on file.

- 491** 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

Accepted and placed on file.

- 492** 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).

Accepted and placed on file.

- 493** 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.

Accepted and placed on file.

- 494** 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.

Accepted and placed on file.

- 495** 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.

Accepted and placed on file.

**110**  
**COMMUNICATIONS (cont'd)**

- 496** 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.

Accepted and placed on file.

- 497** 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.

Accepted and placed on file.

- 500** 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.

Accepted and placed on file.

- 499** 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.

Accepted and placed on file.

- 498** 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.

Accepted and placed on file.

- 501** 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.

Accepted and placed on file.

## COMMUNICATIONS (cont'd)

- 502** 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.

Accepted and placed on file.

## UNFINISHED BUSINESS

- 416** 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)

Passed to a third reading by a hand vote.

- 417** 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)

Passed to a third reading by a hand vote. Councillor Cruise motioned to refer to Finance Committee and was properly seconded. The motion carried by a hand vote. Councillor Cruise motioned to refer to Finance Committee and was properly seconded. The motion carried by a hand vote.

- 214** 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)

The amendment passed by a hand vote. Passed to a third reading, as amended, by a hand vote.

- 421** 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)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with nine voting in the affirmative. Councillors DeNapoli and DuBois voting in the negative.

- 422** 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)

## UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present and all voting in the affirmative. Councillor DeNapoli motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 423** 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)**

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with nine voting in the affirmative. Councillors DeNapoli and DuBois voting in the negative.

- 424** 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)**

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with nine voting in the affirmative. Councillors DeNapoli and DuBois voting in the negative.

- 425** 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)**

**UNFINISHED BUSINESS (cont'd)**

Councillor DuBois spoke regarding order #425 in particular, and all of the other loan orders and spending issues. She stated that approximately 4 million dollars is being spent and the council should think carefully when voting and that the amounts are going to be passed onto the public.

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with nine voting in the affirmative. Councillors DeNapoli and DuBois voting in the negative.

- 426** 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)**

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

- 427** 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)**

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

Councillor Cruise motioned to take items **447, 440,449,448,441,442,443,444** collectively and was properly seconded. The motion carried by a hand vote.

- 447** Appointment of Officer Antonio Randolph of the Brockton Police Department as a Weigher of Trucks in the City of Brockton. (FAVORABLE)

- 440** Appointment of Jean Derenoncourt, 15 Midland St., Brockton to the Brockton Library Board of Trustees for a three year term. (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

- 449** 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)
- 448** Appointment of Dr. 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)
- 441** Appointment of Andrea Small Burton, 67 Bigney Ave., Brockton to the Brockton Planning Board for a five year term. (FAVORABLE)
- 442** Appointment of Harold C. Marrow, Jr., 230 West St., Brockton to the Brockton License Commission for a three year term. (FAVORABLE)
- 443** Appointment of Carlos Varela, 40 Briarcliff Rd., Brockton to the Brockton Community Access Board of Directors for a three year term. (FAVORABLE)
- 444** Appointment of Ulisses Varela, 40 Briarcliff Rd., Brockton to the Brockton Parks and Recreation Commission for a five year term. (FAVORABLE)

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

- 460** 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)

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

- 459** 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)

Councillor Studenski motioned to adopt a Substitute Order and was properly seconded. Councillor Stewart questioned the Substitute Order. Legal Counsel, Mark Gildea, explained that the Substitute Order clarifies certain issues to ensure compliance by the city with the Uniform Procurement Act. It ensure that the issues being addressed by the proposed order are satisfactory. Councillor DuBois questioned what the changes were. Mark Gildea stated that it wasn’t an issue with compliance of Procurement, but rather to show that Procurement did comply. It was probably just an oversight. Councillor DeNapoli questioned where the land was that was affected by this order and was it a buildable lot. Councillor Barnes motioned to postpone and was properly seconded. Councillor Sullivan stated that it did pass unanimously in Real Estate and that attorney Burke was present and he could answer any questions. He represents Roy Andrade, the owner of Everetts, LLC. He answered questions and explained the reason for the change. Councillors DeNapoli, DuBois and Barnes questioned Attorney Burke. Councillor Stewart stated that the business is a great asset to the city. Councillor Sullivan stated that the City Solicitor and legal counsel were at the Real Estate meeting.

**UNFINISHED BUSINESS (cont'd)**

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

**ORDERS**

- 503** 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.

Referred to Ordinance and Planning

- 504** 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.

Referred to Ordinance

- 505** 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

Councillor DuBois motioned to move under suspension of the rules and act on item #505 tonight 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.

- 506** 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)

Referred to Finance

- 507** 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

**ORDERS (cont'd)**

**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.

Referred to Finance

- 508** 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.

Referred to Finance

Councillor DuBois motioned to file for reconsideration on item **#505** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 509** 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.

Referred to Finance

- 510** 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.

Referred to Finance

- 511** 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.

Referred to Finance

- 512** 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).

Referred to Finance

- 513** 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.

Councillor Barnes motioned to move under suspension of the rules on item **#513** 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.

- 514** 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. 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.

Referred to Finance

- 515** 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.

Referred to Finance

Councillor Sullivan questioned the number of Police Officers on the order, if it was 11 or 12 officers.

The legal counsel will clarify

- 516** 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.

Referred to Finance

- 517** 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

Referred to Finance

### LATE FILES

Councillor Monahan motioned to move under suspension of the rules and act on it tonight and was properly seconded. The motion carried by a hand vote.

- 518** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of \$36,000 from Unappropriated Estimated Receipts-FY16 Tax Levy to Procurement Personal Services Other than Overtime-\$36,000 (in order to fund a settlement agreement between the City of Brockton and Massachusetts Laborers District Council, Local 1162, pursuant to the city's budget restriction for Fy16, which resulted in position eliminations through attrition and layoffs. This settlement provides a new position of Floating Principal Clerk Procurement/License Commission

Accepted and placed on file

- 519** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$36,000 from Unappropriated Estimated Receipts-FY16 Tax Levy to Procurement Personal Services Other than Overtime to provide funding for the new position Floating Principal Clerk Procurement/License Commission

Accepted and placed on file

- 520** Appropriation: of \$36,000  
From: Unappropriated Estimated Receipts-FY16 Tax Levy  
To: Procurement Personal Services Other than Overtime  
(in order to fund a settlement agreement between the City of Brockton and Massachusetts Laborers District Council, Local 1162, pursuant to the city's budget restriction for Fy16, which resulted in position eliminations through attrition and layoffs). This settlement provides a new position of Floating Principal Clerk Procurement/License Commission

Pat Sullivan was present to answer any questions and explain the order. He stated that Laurie was laid off and that this order will have her come back with a new title and a joint position; for the procurement and license commission.

Councillor DuBois questioned Pat regarding the differences in the positions.

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

Councillor Barnes motioned to move under suspension of the rules on item **#513** 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 DeNapoli motioned to file for reconsideration on items **#520** and **#513** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Finance Committee meeting will be held on Monday, October 5, 2015 at 7:00pm.

The next Council meeting will be held on Tuesday October 13, 2015, due to Columbus day holiday. Councillor Studenski takes a moment of personal privilege to state that this Wednesday evening at 6:30pm at the Davis School in ward 4 on Plain St., the Social Justice people will be there in reference to the air quality as far as the power plant going in and how it affects the air quality. There will also be a blood drive at the corner of Crescent and Main St. on October 15, 2015. A photo ID is required. Joe Angelo’s is sponsoring it.

Councillor DuBois asks for a moment of personal privilege to talk about the Wed. evening meeting in ward 4. EEAEJ draft policy can be discussed.

Councillor Studenski thanked Councillor DuBois for her work in this area.

The Council President mentioned that he is still working along side of Councillor Studenski in naming the old Crescent Credit Union building after Paul V. Studenski, Jr., Mayor. They are designing the sign. Everything should be in place by the middle of October.

Councillor Cruise asks for a moment of personal privilege to state that tomorrow will be the groundbreaking on West Elm St. Construction at 1:30pm. All are invited.

Councillor Sullivan thanked everyone for voting at the polls. The turnout was higher than expected. He hopes more people vote on Nov. 3, 2015.

Adjourned at 9:38pm