

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding. The meeting was called to order at 8:05pm with 9 members being present. Councillors Asack and Stewart absent.

In City Council, October 13, 2015

The Council President stated that Councillor Asack is sick tonight and Councillor Stewart just got off the plane.

PETITIONS

Councillor Sullivan motioned to take the petitions collectively and was properly seconded. The motion carried by a hand vote.

Of Metro Sign & Awning to place a sign at 50 Centre St.

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Referred to Public Safety

REPORTS

526 Of the Finance Committee for its meeting of October 5, 2015

Accepted and placed on file

COMMUNICATIONS

527 From the Chief of the Fire Department requesting that the City Council authorize the acceptance and expenditure of a grant in the amount of \$500.00 from the Spectra Energy Foundation. This is a non-matching grant with no cost to the city. The Fire Department intends to use these funds towards the purchase of one laptop computer to be used in the field for hazardous materials responses, code enforcement, and fire prevention activities.

Accepted and placed on file.

528 From the Mayor recommending that the City Council authorize the acceptance and expenditure of a grant in the amount of \$500.00 from Spectra Energy Foundation to City of Brockton Fire Department Spectra Energy Foundation Grant Fund. This is a non-matching grant with no cost to the city. The Fire Department intends to use these funds towards the purchase of one laptop computer to be used in the field for hazardous materials responses, code enforcement, and fire prevention activities.

Accepted and placed on file

529 From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of the award of \$500.00 from Spectra Energy Foundation to City of Brockton Fire Department Spectra Energy Foundation Grant Fund.

Accepted and placed on file

530 From the Chief of the Fire Department requesting that the City Council authorize the acceptance and expenditure of a donation in the amount of \$300.00 from HarborOne Bank. (the intended use is in the area of youth, education and prevention). These funds will be utilized by our Fire Prevention Officer to assist in delivering the message of Fire Safety to the students of Brockton. This is a donation with no cost to the City.

121
COMMUNICATIONS (cont'd)

Accepted and placed on file

- 531** From the Mayor recommending that the City Council authorize the acceptance of a donation in the amount of \$300.00 from HarborOne Bank to City of Brockton Fire Department (the intended use is in the area of youth, education and prevention). This is a donation with no cost to the City.

Accepted and placed on file

- 532** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance of the donation from HarborOne Bank to City of Brockton Fire Department

Accepted and placed on file

- 533** From the Chief of the Police Department requesting a transfer of ownership of two motor vehicles (retired DIAL-A-BAT minibuses) donated to the Brockton Police Department by the Brockton Area Transit Authority. The only stipulation is that the Brockton Police Department pays the cost of the leased tires; a total of \$800.00 for both vehicles. The department will do this from its FY16 budget.

Accepted and placed on file

- 534** From the Mayor recommending that the City Council authorize the acceptance of a donation of 2 retired DIAL-A-BAT minibuses from Brockton Area Transit Authority to City of Brockton Police Department. The only stipulation is that the Brockton Police Department pays the cost of the leased tires; a total of \$800.00 for both vehicles. The department will do this from its FY16 budget.

Accepted and placed on file

- 535** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance of the donation of 2 retired DIAL-A-BAT minibuses from Brockton Area Transit Authority to City of Brockton Police Department.

Accepted and placed on file

- 536** From the Superintendent of Schools requesting the City Council accept the grant award in the amount of \$571,152 under the McKinney-Vento Education of Homeless Children and Youth Assistance Act. This reimbursement is to supplement the transportation costs associated with homeless student and is crucial to the continued success of this program.

Accepted and placed on file

- 537** From the Mayor in accordance with the M.G.L., Ch. 44 recommending from Receipts Reserved for appropriation, a supplemental appropriation in the amount of \$571,152 under the McKinney-Vento Education of Homeless Children and Youth Assistance Act of FY2016 Non-Net School Spending Budget. This act provides funds to reimburse some costs of the mandated transportation associated with homeless students and provide additional buses to serve all eligible students.

Accepted and placed on file

- 538** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance of the proposed Receipts Reserved for appropriation of \$571,152 from McKinney-Vento Education of Homeless Children and Youth Assistance Act to Brockton School Department's FY2016 Non-Net School Spending Budget.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 539** From the Massachusetts Board of Library Commissioners requesting the City Council to accept the grant in the amount of \$15,000. These funds will be disbursed by the MBL in the amount of \$7,500 for the fiscal year 2016 and an additional \$7,500 for fiscal year 2017. These funds are for the STEM program which works to support and improve science and technology education. There is no match requirement.

Accepted and placed on file

- 540** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the appropriation of the grant award in the amount of \$15,000 from Massachusetts Board of Library Commissioners State Plan for Library Services and Technology Act (LSTA) Direct Grant Program entitled "Serving Tweens and Teens" to Brockton Library Department: Library Services Technology Act Direct Grant Program Fund. These funds will be disbursed by the MBL in the amount of \$7,500 for the fiscal year 2016 and an additional \$7,500 for fiscal year 2017. These funds are for the STEM program which works to support and improve science and technology education. There is no match requirement.

Accepted and placed on file

- 541** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the acceptance and expenditure of \$15,000 from Massachusetts Board of Library Commissioners State Plan for Library Services and Technology Act (LSTA) Direct Grant Program entitled "Serving Tweens and Teens" to Brockton Library Department: Library Services Technology Act Direct Grant Program

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) (IN CITY COUNCIL, SEPTEMBER 28, 2015, PASSED TO A THIRD READING)

Ordained by a roll call vote taken by "yeas" and "nays"; nine members present with seven voting in the affirmative. Councillors Barnes and Rodrigues voting in the negative. Councillors Asack and Stewart absent.

- 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) (IN CITY COUNCIL, SEPTEMBER 28, 2015, PASSED TO A THIRD READING, AS AMENDED)

Ordained by a roll call vote taken by "yeas" and "nays"; nine members present with eight voting in the affirmative. Councillor DeNapoli voting in the negative. Councillors Asack and Stewart absent.

- 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) (IN CITY COUNCIL, SEPTEMBER 28, 2015, PASSED TO A THIRD READING)

123
UNFINISHED BUSINESS (cont'd)

Councillor DuBois takes a moment of personal privilege to state that the raising of the water rates was done without giving any consideration to single persons or the elderly.

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present with eight voting in the affirmative. Councillor DuBois voting in the negative. Councillors Asack and Stewart absent.

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

Confirmed by a roll call vote taken by “yeas” and “yeas”; nine members present and all voting in the affirmative. Councillors Asack and Stewart absent.

- 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 (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “yeas”; nine members present and all voting in the affirmative. Councillors Asack and Stewart absent.

- 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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “yeas”; nine members present and all voting in the affirmative. Councillors Asack and Stewart absent.

- 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. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “yeas”; nine members present and all voting in the affirmative. Councillors Asack and Stewart absent.

Councillor DuBois stepped down

- 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). (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

- 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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

- 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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

- 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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

- 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 |

UNFINISHED BUSINESS (cont'd)

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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

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. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

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) (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "yeas"; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

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. (FAVORABLE)

UNFINISHED BUSINESS (cont'd)

Adopted by a roll call vote taken by “yeas” and “yeas”; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent.

ORDERS

- 523** Ordered: That the City Council authorizes the acceptance of a donation of 2 retired DIAL-A-BAT minibuses
 From: Brockton Area Transit Authority
 To: City of Brockton Police Department
 The only stipulation is that the Brockton Police Department pays the cost of the leased tires; a total of \$800.00 for both vehicles. The department will do this from its FY16 budget.

Referred to Finance

- 524** Appropriation: of \$500.00
 From: Spectra Energy Foundation
 To: City of Brockton Fire Department Spectra Energy Foundation Grant Fund.
 (the intended use for these funds is towards the purchase of one laptop computer to be used in the field for hazardous materials responses, code enforcement, and fire prevention activities). This is a non-matching grant with no cost to the city.

Referred to Finance

- 525** Appropriation: of \$300.00
 From: HarborOne Bank
 To: City of Brockton Fire Department
 (the intended use is in the area of youth, education and prevention).
 This is a donation with no cost to the City.

Referred to Finance

- 542** Appropriation of \$571,152
 From: McKinney-Vento Education of Homeless Children and Youth Assistance Act of FY2016
 To: Non-Net School Spending Budget.
 (This act provides funds to reimburse some costs of the mandated transportation associated with homeless students and provide additional buses to serve all eligible students)

Referred to Finance

- 543** Appropriation: of \$15,000
 From: Massachusetts Board of Library Commissioners State Plan for Library Services and Technology Act (LSTA) Direct Grant Program entitled “Serving Tweens and Teens”
 To: Brockton Library Department: Library Services Technology Act Direct Grant Program Fund. (These funds will be disbursed by the MBL in the amount of \$7,500 for the fiscal year 2016 and an additional \$7,500 for fiscal year 2017. These funds are for the STEM program, which works to support and improve science and technology education. There is no match requirement)

Referred to Finance

LATE FILES

- 544** Resolved: that the Mayor and City Solicitor be invited to appear before a Committee of this Council to report on what is being done to have the Commonwealth return to the City the Ganley Building Property and if nothing is being done, to discuss commencing efforts to have the Commonwealth return this Property to the City.

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LATE FILES (cont'd)

Referred to Finance

Councillor Sullivan motioned to accept a late file and act on it under suspension of the rules and was properly seconded. The motion carried by a hand vote.

- 522** Appropriation of \$40,000
From: Overlay Surplus- FY 2008
To: DPW Highway Department- 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)

Adopted by a roll call vote taken by “yeas’ and “nays”; eight members present and all voting in the affirmative. Councillors Asack, DuBois and Stewart absent. Councillor Sullivan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

The next Finance Committee meeting will be on October 19, 2015 at 7pm.

Councillor Rodrigues asks for a moment of personal privilege to state that there will be a meeting sponsored by the Cape Verdean Association from 6-9:30pm tomorrow night regarding immigration at St. Edith Stein Church

Adjourned at 8:31pm