

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding. The meeting was called to order at 8:07pm with ten members being present. Councillor DeNapoli absent.

In City Council, November 9, 2015

Councillor Cruise asked for a moment of silence for past Ward 1 Councillor, Edmund Leonard, who was a great Brocktonian that passed away this weekend. He was Gary Leonard's father.

The Council President takes a moment to acknowledge the new councillors elect, Anne Beauregarde of Ward 5, and Jack Lally of Ward 6.

The Council President stated that the next Finance Committee meeting is on Monday.

### COMMUNICATIONS

- 553** From the Mayor in accordance with M.G.L., recommending that the City Council authorize the appropriation of \$553,978 from Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth) to various departments. This appropriation is needed in order to provide funding for the labor costs to be incurred in FY16 for the two proposed collective bargaining agreements between the City and the Brockton City Employees Union.

Accepted and placed on file

- 554** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$553,978 from Fy16 Unappropriated Estimated Receipts-Tax Levy (New Growth) to various departments. **This is a conditional certification for FY16 only. The FY16 revenue base is sufficient to support these costs. However, for FY17 and beyond this cost will exacerbate the budgeting imbalance described in the CFO's FY16 budget letter and in the credit reports of Moody's and Standard and Poor.**

Accepted and placed on file

- 555** From the Mayor in accordance with M.G.L., recommending that the City Council authorize the appropriation of \$416,816 Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth) to various departments. This appropriation is needed in order to provide funding for the labor costs to be incurred in FY16 for the two proposed collective bargaining agreements between the City and the Brockton City Hall Administrative Services Association.

Accepted and placed on file

- 556** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$416,816 from FY16 Unappropriated Estimated Receipts-Tax Levy (New Growth) to various departments. **This is a conditional certification for FY16 only. The FY16 revenue base is sufficient to support these costs. However, for FY17 and beyond this cost will exacerbate the budgeting imbalance described in the CFO's FY16 budget letter and in the credit reports of Moody's and Standard and Poor.**

Accepted and placed on file

- 557** From the Mayor in accordance with M.G.L., recommending that the City Council authorize the appropriation of \$108,355 Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth) to various departments. In order to provide funding for the labor costs, including retroactive costs, of a collective bargaining

135  
COMMUNICATIONS (cont'd)

agreement between the City and its Department Heads Union Employees Local 888 unit of SEIU, for the three year period of July 1, 2013 through June 30, 2016.

Accepted and placed on file

- 558** 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 \$108,355 from FY16 Unappropriated Estimated Receipts-Tax Levy (New Growth) to various departments' appropriations to provide funding for a three year Department Head union contract (FY14-FY16). **This is a conditional certification for FY16 only. The certification is for FY16 only 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 FY16 budget letter and in the credit reports of Moody's and Standard and Poor.**

Accepted and placed on file

- 559** From the DPW Commissioner requesting to restore \$500,000 to the DPW Utilities Division Water FY16 Budget. The funding for this request is to be paid by the anticipated extra revenue from the recently approved water rate increase. The purpose for this request is to restore some cuts to the Personnel Services Overtime, Ordinary Maintenance Goods & Supplies, EPA Mandates and Reimbursements to the General Fund.

Accepted and placed on file

- 560** From the Mayor in accordance with M.G.L., Ch. 44 recommending that the City Council authorize the appropriation of \$500,000 from Unappropriated Estimated Receipts of the Water Enterprise Fund (rate increase) to Water Enterprise Fund: PS Overtime \$200,000, OM Goods/Supplies \$100,000, EPA Mandate \$50,000, Expense Reimbursement to the General Fund \$150,000. In order to restore certain cuts made to the Water Enterprise budget, paid for by the anticipated extra revenue.

Accepted and placed on file

- 561** From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying the proposed appropriation of \$500,000 from Unappropriated Estimated Receipts- of the Water Enterprise Fund (rate increase) \$500,000 to PS Overtime \$200,000, OM Goods/Supplies \$100,000, EPA Mandate \$50,000, Expense Reimbursement to the General Fund \$150,000.

Accepted and placed on file

- 562** From the Assistant City Auditor certifying that as of November 2, 2015, there is \$49,956.12 of available funds in Fire Department Reimbursable Overtime revolving account. The funds were not included on the tax recap calculation as a source of funds.

Accepted and placed on file

- 563** From the Chief of the Fire Department requesting a renewal of the revolving account for Reimbursable Overtime in the amount of \$50,000 (for HAZMAT team overtime, overtime costs associated with Fire Alarm Operators who receive 911/EMD training each year, for Technical Rescue Overtime for 3 firefighters who are members of the Plymouth County Technical Rescue Team who train several times a year, and Overtime costs for the Signal Division associated with traffic signal knockdowns). The estimated total reimbursable overtime in a given

**136**  
**COMMUNICATIONS (cont'd)**

fiscal year would be nearly \$50,000 and a revolving account funded at that level should be sufficient.

Accepted and placed on file

- 564** From the Mayor in accordance with the provisions and stipulations of Section 53E1/2 of Ch. 44 of the M.G.L., recommending the authorization of a revolving fund for fiscal year 2016, for the purpose of funding overtime expenditures in the Fire Department to be paid from reimbursements to the city from third parties for authorized overtime. The Fire Department Reimbursable Overtime Revolving Fund shall receive the receipts of payments from reimbursements for overtime expenditures from various sources for such purposes as Hazardous Material Team Response and Training, 911 Emergency Dispatch Training, and training for the Plymouth County Technical Response Team. The expenditures from the fund shall be made on the authority and direction of the Fire Chief, provided that not more than \$50,000 may be so expended during fiscal year 2016. The Fire Chief shall comply with the reporting requirements of M.G.L., Ch. 44, Section 53 ½.

Accepted and placed on file

- 565** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed authorization of the Fire Department Reimbursement Overtime Revolving Fund for fiscal 2016, limited to annual expenditures of not more than \$50,000, during fiscal year 2016.

Accepted and placed on file

- 566** From the DPW Commissioner requesting approval of the proposed intermunicipal agreement between the City of Brockton, Town of West Bridgewater, and the new Family Dollar Store. (in accordance with the Intermunicipal Agreement, the Town of West Bridgewater and City of Brockton desire to work cooperatively for the mutual benefit of one another to foster economic development along their adjoining borders). The Town of West Bridgewater has no existing common sewer system for collection site.

Accepted and placed on file

- 567** From the Mayor recommending that the City Council approve the proposed intermunicipal agreement between the City of Brockton, Town of West Bridgewater, and the new Family Dollar Store. Also requesting the authority as Mayor to execute the agreement, to state that the agreement would allow the new Family Dollar Store in West Bridgewater at the Brockton line on Main Street to connect to the Brockton sewer system and bill West Bridgewater for the cost to treat the sewage in accordance with the city's sewer ordinances.

Accepted and placed on file

- 568** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the connection of the new Family Dollar Store in West Bridgewater at the Brockton line on Main Street to the Brockton sewer system and bill West Bridgewater

Accepted and placed on file

**ORDERS**

- 569** Ordered: That the restriction at Plot 301 Main Street (Parcel ID 105-016) valued at \$1,430 shall be a non-build able lot.

Referred to Real Estate

**137**  
**ORDERS (cont'd)**

**570** Ordered: That pursuant to the Massachusetts General Laws, Chapter 44, Section 53E 1/2, the City Council authorizes a revolving fund for fiscal year 2016, for the purpose of funding overtime expenditures in the Fire Department to be paid from reimbursements to the city from third parties for authorized overtime. The Fire Department Reimbursable Overtime Revolving Fund shall receive the receipts of payments from reimbursements for overtime expenditures from various sources for such purposes as Hazardous Material Team Response and Training, 911 Emergency Dispatch Training, and training for the Plymouth County Technical Response Team. The expenditures from the fund shall be made on the authority and direction of the Fire Chief, provided that not more than \$50,000 may be so expended during fiscal year 2016. The Fire Chief shall comply with the reporting requirements of M.G.L., Ch. 44, Section 53 ½.

Referred to Finance

**571** Ordered: That the City Council authorizes the Mayor to enter into the Intermunicipal Agreement between the City of Brockton, Town of West Bridgewater, and the new Family Dollar Store.

Referred to Finance

**572** Appropriation of \$553,978  
From: Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth)  
To: various departments  
(This appropriation is needed in order to provide funding for the labor costs to be incurred in FY16 for the two proposed collective bargaining agreements between the City and the Brockton City Employees Union.)

Referred to Finance

**573** Appropriation of \$108,355  
From: Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth)  
To: Various Departments  
(In order to provide funding for the labor costs, including retroactive costs, of a collective bargaining agreement between the City and its Department Heads Union Employees Local 888 unit of SEIU, for the three year period of July 1, 2013 through June 30, 2016.)

Referred to Finance

**574** Appropriation: Of \$416,816  
From: Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth)  
To: Various Departments  
(This appropriation is needed in order to provide funding for the labor costs to be incurred in FY16 for the two proposed collective bargaining agreements between the City and the Brockton City Hall Administrative Services Association. The first is for the period of July 1, 2013 through June 30, 2016.)

Referred to Finance

**575** Appropriation of \$500,000  
From: Unappropriated Estimated Receipts of Unappropriated Estimated Receipts of the Water Enterprise Fund (rate increase)  
To: Water Enterprise Fund:  
    PS Overtime                   \$200,000  
    OM Goods/Supplies       \$100,000  
    EPA Mandate               \$50,000  
    Expense Reimbursement  
    to the General Fund   \$150,000

**138**  
**ORDERS (cont'd)**

(In order to restore certain cuts made to the Water Enterprise budget, paid for by the anticipated extra revenue)

Referred to Finance

Councillor Asack stepped down.

- 576** Resolved: That the Brockton City Council calls upon our elected officials in the U.S. Senate and U.S. House of Representatives to oppose the TPP and any similar trade deals if they fail to restructure the misguided and failed policies of the past

Referred to Finance

Councillor Sullivan takes a moment of personal privilege to state that there will be a meeting of the Council Committee on Aquaria on Thursday at 6pm. The next Ordinance Committee will meet on November 16, 2015 at 6pm.

Councillor Cruise takes a moment of personal privilege to state that the next Public Safety Committee meeting will be held on November 16, 2015 at 6:50pm.

The Council President stated that the next Finance Committee meeting will be at 7pm on November 16, 2015. He also stated that he received an email stating the the ribbon cutting for Trinity Development will be held on Thursday at 10:30am and the Veteran's Park should be completed as well.

Councillor Dubois stated that there are 7 more weeks until the end of 2015 and expresses early thanks to all of the council and her constituents. She also welcomed Jack Lally. She stated that it is her honor to have a 10 year anniversary as councillor for the city.

Council President Eaniri stated that the Veteran's Day Parade will be held on Wednesday at 10am.

Councillor Barnes stated that Noubé Râteau's documentary "Out of Bounds" will be showing at Randolph Cinemas and you can find out more at [noubeproductions.com](http://noubeproductions.com)

The Council President stated that the City Council is going into Executive Session to discuss litigation strategy regarding the pending case Brockton Power, et al v. City of Brockton et al United States District Court Docket 1:12-cr-11047 LTS

Executive Session – pending Brockton Power litigation strategy Brockton Power et al v. City of Brockton et al United States District Court Docket 1:12-cr-11047 LTS

Councillor DuBois motioned to go into Executive Session and was properly seconded by Councillor Studenski. The motion carried by a roll call vote taken by "yeas" and "nays"; ten members present with all voting in the affirmative. Councillor DeNapoli absent.

Adjourned 8:30pm