

A regular meeting of the City Council was held in the Council Chambers with Councillor Eaniri presiding. The meeting was called to order at 8:00pm with ten members being present. Councillor Rodrigues absent.

In City Council, November 23, 2015

### APPOINTMENTS

- 577** Promotion of Firefighter Brian Doten to the rank of Lieutenant in the Brockton Fire Department.

Councillor Sullivan motioned to move under suspension of the rules and act on item #577 tonight and was properly seconded. The motion carried by a hand vote.

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

A two minute recess was called.

Back in session.

### REPORTS

- 578** Of the Ordinance Committee for its meeting of November 16, 2015

Accepted and placed on file.

- 579** Of the Public Safety Committee for its meeting of November 16, 2015

Accepted and placed on file.

- 580** Of the Finance Committee for its meeting of November 16, 2015

Accepted and placed on file.

### COMMUNICATIONS

- 581** From the Mayor requesting council approval to execute the proposed 20 year agreement between the City and Stonehill College. This agreement provides the term and conditions under which the city would provide sewer services to the college. It provides for an increase in sewer revenues to the city at more than 20 percent, compared to the present contract. It also provides for \$150 thousand dollars in new annual tuition assistance to Stonehill College for qualified graduates of the City of Brockton’s public schools.

Accepted and placed on file.

- 582** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed approval of the proposed contract for sewer services between the city and Stonehill College. The contract provides for more annual revenues than the contract it is replacing without any increase in service.

Accepted and placed on file.

**140**  
**COMMUNICATIONS (cont'd)**

- 583** From the DPW Commissioner requesting that the City Council authorize the acceptance of two Massachusetts Department of Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant (SMRP). The grants were combined by MassDEP to total \$30,000.00.
1. Small Scale Initiative Grant in the amount of \$2,000.00 and;
  2. Recycling Dividends Program in the amount of \$28,000.00.  
(to purchase recycling bins and to aid in our recycling efforts)

Accepted and placed on file.

- 584** From the Mayor recommending that the City Council authorize the appropriation of the Massachusetts Department of Environmental Protection (MassDEP) Grant for \$30,000.00 for purposes of the Sustainable Materials Recovery Program and the Small Scale Recycling Initiative to Refuse Department-Recycling Containers and Small Scale Initiative Grant Fund. (The purpose of these grant funds is to purchase recycling bins and the purpose of the recycling Dividends Program is to aid in our recycling efforts)

Accepted and placed on file.

- 585** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990 certifying the proposed appropriation of \$30,000 grant from the Massachusetts Department of Environmental Protection (MassDEP) to the Sustainable Materials Recovery Program and the Small Scale Initiative Grant Fund, Refuse Department.

Accepted and placed on file.

**UNFINISHED BUSINESS**

- 260** Ordinance: An Ordinance amending Ch. 27 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Chapter 27 is hereby amended by amending the Zoning District Map for various plots on Brockton Assessor's Map 181. (FAVORABLE)

Passed to a third reading, by a hand vote.

- 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. (FAVORABLE)

Passed to a third reading, by a hand vote.

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

Petition of Metro Sign & Awning to place a sign at 50 Centre St. (FAVORABLE)

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Adopted by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Rodrigues and Stewart absent.

- 572** Appropriation of \$553,978  
From: Unappropriated Estimated Receipts of FY2016 (Tax Levy New Growth)  
To: various departments

**141**  
**UNFINISHED BUSINESS (cont'd)**

(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.) (FAVORABLE)

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

- 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.) (FAVORABLE)

Councillor DuBois stepped down.

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

- 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.) (FAVORABLE)

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

- 551** Ordered: That sum of \$2,800,000 is appropriated to pay costs of various energy conservation improvements to City buildings, including the payment of all costs incidental and related thereto, such improvements to be made in accordance with an Energy Services Agreement between the City and Ameresco, Inc.  
(FAVORABLE)

Passed to a third reading, by a hand vote.

Councillor DuBois stepped back in.

- 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. (FAVORABLE)

## UNFINISHED BUSINESS (cont'd)

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

- 429** Appropriation: of \$6,395,631  
 From: FY2016 Unappropriated Estimated Receipts of Water Enterprise Fund  
 To: DPW-Water Enterprise: Desal Fixed Charge \$6,395,631.00  
 (This appropriation will allow the Water Department to pay the FY2016 desal fixed charges as obligated by contract and a home rule petition). (FAVORABLE)

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

- 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

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

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

- 550** Ordered: That according to the requirements of Massachusetts Department of Revenue Bulletin 2015-07B, requesting the City Council authorize the amortization of the FY2015 snow and ice removal deficit of \$2,459,730.62 in not more than three equal installments beginning in FY2016. (FAVORABLE)  
**The CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, is certifying the adoption of an order to permit the amortization of the snow and ice deficit over three fiscal years; however it is the CFO’s recommendation that instead, the City’s present excess levy capacity which is adequate to eliminate that deficit entirely, be utilized to do so.**

Councillor Stewart stepped in at 8:15pm

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

- 552** Ordered: That the DPW Commissioner is authorized to issue one industrial sewer connection at 353 Howard Street (parcel ID 182-043, plot 40-1) for the property owned by John Lyons (Air Distribution Company). (FAVORABLE)

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

- 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. (FAVORABLE)

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

- 183** Resolve: That the City Council hereby requests that a representative and/or representatives of Aquaria appear before the Finance Committee to address questions pertaining to the Desalinization water contract. (FAVORABLE)

**143**  
**UNFINISHED BUSINESS (cont'd)**

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

Councillors Barnes and Stewart 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 (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillor Barnes, Rodrigues and Stewart absent.

Councillor Sullivan motioned that 2 certified copies of item #576 be sent to Senator Cronin and Senator Brady and to Congressman Lynch and was properly seconded. The motion carried by a hand vote.

**ORDERS**

Councillors Barnes and Stewart stepped back in.

- 586** Ordered: That the City Council approves the execution of the proposed 20 year agreement between the City and Stonehill College. This agreement provides the term and conditions under which the city would provide sewer services to the college.

Referred to Finance

- 587** Appropriation of \$30,000.00  
From: The Massachusetts Department of Environmental Protection (MassDEP) Grant for purposes of the Sustainable Materials Recovery Program and the Small Scale Recycling Initiative  
To: Refuse Department-Recycling Containers and Small Scale Initiative Grant Fund.

Referred to Finance

**LATE FILES**

Councillor Sullivan motioned to accept a late file sponsored by himself and Councillor Asack and was properly seconded. The motion carried by a hand vote.

- 588** Resolved: That Pastor Roberto Silveira, of the Universal Missionary Church (and/or his designee), come before the Finance Committee to discuss the efforts, initiatives, and proposals being utilized to address the serious issue of Homelessness within the City of Brockton.

Referred to Finance

Councillor Sullivan motioned to accept 3 late files; two communications and an appropriation and was properly seconded. The motion carried by a hand vote.

- 589** Communication: From the Mayor in accordance with the provisions of Massachusetts General Laws, recommending an appropriation of \$331,000  
From: Unappropriated Estimated Receipts of FY16 (Tax Levy New Growth).  
To: Stabilization Fund  
(in order to make the final appropriation in advance of setting the FY2016 tax rate). This appropriation, anticipates that city council acts favorably on the financial orders, which were recommended favorably by Finance Committee on

**144**  
**LATE FILES (cont'd)**

November 16, including the order to amortize the snow and ice deficit over three fiscal years. If that is the case, after the appropriation the amount of \$2.5 million in available tax levy will have been unappropriated in order to reduce taxes. The appropriation also would result in the addition of more than \$1 million to the Stabilization Fund this year when combined with a previous appropriation. In order to accomplish this appropriation in time to allow setting the tax rate in early December, asks for passage under suspension of the rules.

Accepted and placed on file.

- 590** Communication: From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$331,000 to the Stabilization Fund

Accepted and placed on file.

- 591** Appropriation of \$331,000  
From: Unappropriated Estimated Receipts of FY16 (Tax Levy New Growth).  
To: Stabilization Fund (in order to make the final appropriation in advance of setting the FY2016 tax rate).

Councillor Sullivan motioned to act on it tonight and was properly seconded. The motion carried by a hand vote.

Adopted by a roll call vote taken by “yeas” and “nays”; ten members present and all voting in the affirmative. Councillor Rodrigues 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. He also stated that the CFO was present to answer any questions.

The Council President stated that there will be a Special Meeting on December 7, 2015 at 6:30pm to set the tax rate. The Finance Committee will meet at 7:30pm.

Councillor DuBois takes a moment of personal privilege to state that on Wednesday December 9, 2015 she along with Claire Cronin, Michael Brady, Councillor Studenski and Councillor DeNapoli will be hosting a holiday cheer party. There will be free pictures with Santa, pizza and sweets at the Buckley Performing Arts Center, 1 Massasoit Ave. from 5pm-8pm.

Councillor Barnes gives a reminder that the annual holiday celebrations will be held 10am-4pm at the City Hall. The parade will begin at 1pm. The Santa Hat Challenge at 12pm, and at 2pm on Sunday is the Family Fun Day.

Councillor Cruise stated that on December 5, 2015, the Jingle Bell Run will take place. Contact the Enterprise website for more information on the helping hand fund and Dave Gorman.

Councillor Sullivan wishes everyone a Happy Thanksgiving. He also congratulates Ann Beauregard on the recount as councillor.

Councillor Eaniri wishes everyone a Happy Thanksgiving.

Adjourned 8:27pm