



City Council

CITY OF BROCKTON

CITY HALL

45 School Street • Brockton, Massachusetts 02301

TEL: (508) 580 - 7114

MINUTES – ORDINANCE COMMITTEE

June 26, 2018

The Standing Committee on Ordinances and Rules was called to order at 6:00 p.m. by Councilor Sullivan with Councilors Monahan, Cruise, Farwell, and Rodrigues present.

Meeting held at the War Memorial due to broken elevator.

The Committee first considered the following:

1. An Ordinance Amending Section 27-29 of the Revised Ordinances of the City of Brockton. Section 27-29 – Section (1) – “Principal Permitted Uses” is hereby amended by adding the following to subsection (g) after the words “retail store or shop” – “including wine and malt beverage store.”

Invited to attend:

Councillor Thomas Monahan
Councillor Winthrop Farwell
Attorney Shannon Resnick

Comments by Councilor Farwell

(have to go to license commission, no licenses available right now anyways, interest in stability, this is common sense, businesses incur attorney fees going before ZBA, planning board approved, this is business friendly)

Comments by Councilor Sullivan

(Planning Board agrees, recommended favorably)

Comments by Councilor Cruise

(interested in considering level of review by the ZBA as compared to the license commission)

Comments by Councilor Farwell

(license commission can consider local regs, proximity of establishments to schools, etc.)

Comments by Councilor Monahan

(doesn't think zoning is a necessary step, saves money for businesses)

Comments by Councilor Beauregard

(already commercial operation, doesn't make sense to go to both steps, business location already zoned, redundant, burdensome for small businesses)

Having considered the same, Motion by Councilor Farwell to report FAVORABLE, 2nd by Councilor Monahan. Motion carried, with only Councilor Cruise in opposition.

The Committee next considered the following:

2. Ordinance: An Ordinance Amending Revised Ordinances of the City of Brockton, Chapter 19, Article 1 Section 19-1, to substitute section 19-1 in its Entirety.

Invited to attend:

Police Chief Crowley

Police Union leaders- Bryan Maker - Supervisors Union,

Bill Healy - Patrolmen Union

Attorney Shannon Resnick

Councillor Moises Rodrigues.

Attorney Shannon Resnick, Police Chief Crowley, Supervisors Union rep Bryan Maker, Patrolmen Union rep Bill Healy, all appeared.

Comments by Councilor Rodrigues

Motion to Amend by Councilor Rodrigues to strike last 2 sentences of ordinance, 2nd by Councilor Sullivan.

On the Motion:

Comments by Councilor Cruise

(re why the need for an amendment)

Comments by Councilor Rodrigues

(amendment addresses prior concern of unions)

Comments by Councilor Farwell

(concerned by future years/promotions if doesn't pass)

Comments by Councilor Sullivan

(this ordinance does address constituents' concerns, supervisors still on the streets, cops are cops, benefit to decrease overtime, more unions on the street,)

Comments by Councilor Rodrigues

(City Council passes ordinances, not the Mayor. City Council proposes amendments, he has already expressed his interest in an amendment to the ordinance to work with the Union regarding their concerns)

Comments by Councilor Rodrigues

(comments re supervision coverage, need for patrolling supervisors, not in favor of taking patrolmen off the street, too many instances where supervisors are lacking, we need more patrolmen and patrolmen supervisors, Mayor will back will, new patrol persons added, police has less brass than fire dept)

Vote on the Motion to Amend passed unanimously

Comments by Monahan

(concerns re how many officers make up a shift, doesn't want to take 4 officers off the street)

Comments by Police Chief Crowley

(4/5 sergeants each night, goal to have officer on the street, supervisor at the office when performing a function)

Comments by Councilor Sullivan

(Mayor intends to fill the patrolman vacancies)

Comments by Jay Condon, CFO

(won't happen right away, patrolman class needed, 9 already plus 4 more to enter the next class in the spring)

Comments by Councilor Cruise

(discussions re school dept. lieutenants)

Comments by Officer Miller

(holds school dept. position, backfill, 12 lieutenants then him, outside the existing ordinance)

Comments by Councilor Sullivan

(time before next meeting to vet that out)

Comments by Councilor Farwell

(can't support this now, political optics, have to wait for patrol officers to graduate, interest for applying next year, believes this will be poorly received in the City)

Comments by Jay Condon, CFO

(the ordinance likely won't affect negotiations/contracts, just a promotion, he will check, this was budgeted for)

Motion by Councilor Farwell to Amend to have the ordinance be effect upon the graduation of the next academy, 2nd by Councilor Monahan.

Comments by Councilor Rodrigues

(concern re holding this up because of test, motivation is simply the lives of the residents)

Comments by Councilor Farwell

(concerned about promoting before new patrolmen graduate)

Motion of Councilor Farwell to Amend did not pass, only Councilor Farwell voted yes to amend.

Comments by Councilor Nicastro

(wanted lieutenant to speak, Ordinance Committed declined, she was interested in delaying the ordinance until after the graduation of the patrolmen)

having considered the same, Motion by Councilor Cruise to report FAVORABLE AS AMENDED, 2nd by Councilor Rodrigues. Motion carried, with Councilors Farwell and Monahan in opposition.

The Committee next considered the following:

3. An Ordinance To Increase Access To Voter Registration In The City Of Brockton.

Invited to attend:

Attorney Shannon Resnick
Councillor Jean Bradley Derenoncourt

Motion by Councilor Cruise to substitute ordinance for ordinance as Amended by Councilor Derenoncourt, 2nd by Councilor Rodrigues, motion carried unanimously.

Comments by Councilor Derenoncourt

(incorporated feedback, promoting access to forms)

Motion by Councilor Cruise to strike “Whereas” provisions, 2nd by Councilor Monahan, motion carried unanimously.

Motion by Councilor Cruise to strike “hereinafter” provision, 2nd by Councilor Rodrigues, motion carried unanimously.

Motion by Councilor Sullivan to add provision to section for “including by not limited to...”, 2nd by Councilor Rodrigues, motion carried unanimously.

Motion by Councilor Sullivan to add provision to section for reestablishment of voter registrars at the high school, 2nd by Councilor Cruise, motion carried unanimously.

having considered the same, Motion by Councilor Cruise to report FAVORABLE AS AMENDED, 2nd by Councilor Farwell. Motion carried unanimously.

The Committee next considered the following:

4. An Ordinance Amending Chapter II of the Revised Ordinances of the City of Brockton. Be it ordained as follows: Chapter 2. Administration, is hereby amended by adjusting Sec. 2-135 to reflect the amounts negotiated by the administration in collective bargaining agreements.

Invited to attend:

John Condon, CFO
Attorney Shannon Resnick

Attorney Shannon Resnick, Jay Condon appeared.

Comments by Jay Condon, CFO
(to be consistent with contract)

having considered the same, Motion by Councilor Farwell to report FAVORABLE, 2nd by Councilor Cruise. Motion carried unanimously.

5. 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: Article IV, Financial Affairs, of Division 4, Chief Financial Officer, of the Revised Ordinances of the City of Brockton is hereby amended.

Invited to attend:

John Condon, CFO
Attorney Shannon Resnick

Attorney Shannon Resnick, Jay Condon appeared.

Comments by Jay Condon, CFO
(re capital expenditure increase)

having considered the same, Motion by Councilor Cruise to report FAVORABLE, 2nd by Councilor Farwell. Motion carried unanimously.

6. An Ordinance Amending Article V. Departments, Division 7. Department of Personnel. Be it ordained by the City Council of the City of Brockton as follows: The title of the Ordinance, Department of Personnel, shall be replaced with Department of Human Resources.

Invited to attend:

Mayor Bill Carpenter
Phil Nessralla, City Solicitor
Attorney Shannon Resnick

Attorney Shannon Resnick, Phil Nessralla City Solicitor appeared.

Comments by Councilor Farwell

(changes need to be studied, hiring reqs, what is objective here)

Comments by Phil Nessralla, City Solicitor

(job descriptions, uncomfortable with ambiguities)

Comments by Councilor Cruise

(agrees wants to study, meld two ordinances)

Motion by Councilor Cruise to Continue until an Ordinance meeting in August, 2nd by Councilor Rodrigues

Comments by Councilor Rodrigues

(the City is advertising for the position already)

Councilor Cruise withdrew his motion, all in favor of withdrawing.

Comments by Councilor Farwell

(salary section needed)

Comments by Councilor Eaniri

(advertising based on passage, name change really)

Motion by Councilor Farwell to Amend by deleting all by the name change, 2nd by Councilor Rodrigues, motion carried unanimously.

having considered the same, Motion by Councilor Farwell to report FAVORABLE AS AMENDED, 2nd by Councilor Rodrigues. Motion carried unanimously.

The meeting was adjourned at 7:06 p.m.