



# City Council

CITY OF BROCKTON

CITY HALL

45 School Street • Brockton, Massachusetts 02301

TEL: (508) 580 - 7114

## MINUTES – ORDINANCE COMMITTEE

August 21, 2019

The Standing Committee on Ordinances and Rules was called to order at 6:10 p.m. by Councilor Farwell with Councilors Eainri, Monahan, Farwell, and Councilor Cruise present.

The Committee first considered the following:

1. Acceptance of the minutes of the July 24, 2019 Ordinance Committee meeting.

Motion to ACCEPT Minutes and Report of the August 21, 2019 Ordinance Committee Meeting by Councilor Cruise, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

2. PUBLIC HEARING: Zoning change request from industrial to commercial for the properties map of East Ashland Street. Previously voted on by the Planning Board and forwarded to City Clerk and City Council. The proposed amendment; that the following parcels be included in the proposed change 161-094, 161-096, 161-097, 161-097R, 161-098, and 161-113. The addition of these properties will protect the existing residential zones from the possibility of any future expanded industrial uses. (POSTPONED until August 21, 2019 and public hearing assigned for August 21, 2019 Ordinance Committee meeting).

Public Hearing opened by Councilor Farwell

Comment by Rob May, Director of Planning and Economic Development  
(Planning Board reviewed material, one property originally proposed, recommended concern relative to spot zoning and rec to include abutting properties, all zoned industrial but not necessarily used for all industrial, not part of community-based plan district for Brockton, legal non-conforming uses can still operate, doesn't change existing use, but future would need to be commercial)

Comment by Councilor Beauregard

(in favor, not going to be a marijuana facility, uniform for commercial use, best interest of that community)

Comment by Philip Nessralla  
(prior existing non-conforming use)

Public Hearing closed by Councilor Farwell.

Motion to recommend FAVORABLE by Councilor Cruise, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

3. PUBLIC HEARING: Zoning change request as follows: Chapter 27 of the Revised Ordinances of the City of Brockton is hereby amended by amending the Zoning District Map in the vicinity of the northerly side of Belmont Street, westerly side of Pearl Street and the north easterly side of Stonehill Street, being more particularly defined as follows: Map 6 Route 39 Plot 31-2, Map 6 Route 418 Plot 11, Map 6 Route 37 Plot 10-4, Map 6 Route 36 Plot 10-9, Map 6 Route 35 Plot 10, Map 6 Route 424 Plot 31-D, Map 6 Route 421 Plot 31-C, Map 6 Route 41 Plot 31-B, Map 6 Route 40 Plot 31. Said proposed change to be from R-1 Zone, single-family residential zone to C-5 Zone, office zones. (Public Hearing scheduled for August 21, 2019)

Comments by Councilor Eaniri  
(re miscommunications relative to how this all transpired, communications with Mayor Carpenter, no plan in place, will move to table matter)

Motion to report TABLED by Motion of Councilor Eaniri, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

4. An Ordinance Amending the Revised Ordinances, Chapter 2, Article I, Section 2-9 relative to Executive Director of Election Commission). (POSTPONED until August 21, 2019 Ordinance Committee Meeting)

Comments by Councilor McGarry  
(January 2000, voted to accept mass law to convert to election commission, 3 member board to 4 member board, authority invested by change, all election duties transferred to election commission, except date and time of election, budget to hire staff under Mass. General Law, was the executive director of election commission, appointed to protect potential problems for undue pressure if they were up for reappointed, kept as a union position, with general intent to keep the union position to prevent the position to ever come before the city council, well

accepted throughout the state that there was envy for the position not being appointed, he is opposed to council getting involved, input is when the commissioner is appointed, questioning during the budget process, looking for unfavorable vote)

Comments by Councilor Farwell

(position is within union, unions get involved with elections, they endorse people, give out donations, Mayor is in charge of collective bargaining, re public perception that position is part of union taking positions on elections)

Comments by Councilor McGarry

(recourse through the commission, the commissioners can tell the person what to do, looking at person rather than position, could do resolve to bring the commissioners in)

Comments by Councilor Farwell

(4 election commissioners appointed, they don't report to anyone really, they have broad powers, need accountability)

Comments by Councilor McGarry

(can file an ethics complaint for violation)

Comments by Councilor Farwell

(eligible for union benefits, can move out of the City after 6 years)

Comments by Councilor Cruise

(would be better for job not to be in the union, but city council gives 11 more chances for political influence, job description should include must remain neutral, volunteer boards, city council should not have control over the position)

Comments by Councilor Farwell

(could be said of any position because of any of the positions which the city council confirms the appointment)

Motion to recommend Favorable by Councilor Farwell, 2<sup>nd</sup> by Councilor Cruise. Motion Failed, with only Councilor Farwell voting in favor.

Next the Committee considered the following:

5. An Ordinance Amending Chapter I of the Revised Ordinances Chapter 15, Article II, Section 15-222 of the Revised Ordinances is hereby amended. (Relative to Superintendent of Parks) (POSTPONED until August 21, 2019 Ordinance Committee meeting)

Comments by Councilor Farwell

(Not sure Mayor was formally invited), fragment of city government for department heads)

Comments by Councilor Monahan

(recourse for issues, Mayor still has powers over it)

Comments by Timothy Carpenter

(fixed schedule of meetings, report to commission about projects, revenues at golf course, any issues, recommends from the committee, department head union is a different union than the director of the election commission, re-appointments, Mayor can petition the board for any changes, Mayor can consider its appointment to the boards, performance review by the Mayor, would strongly argue that he listens to calls from city councilors and follows through, doesn't see a disconnect as a practical matter)

Comments by Councilor Monahan

(never an issue)

Comments by Councilor Farwell

(re organizational issues)

Comments by Phil Nessralla

(suggestion to allow solicitor's office to comment on what can and cannot be done relative to union issues)

Comments by Councilor Farwell

(this has nothing to do with job performance, this is about structural changes to city government)

Motion to POSTPONE until the Next Ordinance Meeting, by Councilor Cruise, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

6. An Ordinance Amending Chapter II, Division 5, Section 2-183 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton: Section 2-183 of Chapter II of the Revised Ordinances is hereby amended by inserting subsection "c" as follows: "Section (c) The City Solicitor shall provide to the City Council copies of all documents which would otherwise be available to the public, and which are related to any Civil or other legal action wherein the City, its officers, agents, or departments, are named as a defendant or respondent, or where the City is a plaintiff. For the purposes of this section, 'public' is defined as those documents which are received by the city, or filed by the city, and

which are deemed 'public' pursuant to applicable Court rules, regulations or law. The Solicitor shall provide such copies within fourteen (14) days of the date of filing of said documents. Annually, not later than April 1<sup>st</sup> and thereafter, the City Solicitor shall provide to the City Council a quarterly report of pending legal actions and the status of that litigation. (POSTPONED until August 21, 2019 Ordinance Committee meeting )

Comments by Councilor Nessralla

(was in agreement with this, 2 paralegals have requested this, stack in the office, needs to be reviewed for privilege information, hoping to have it done by Friday)

Comments by Councilor Cruise

(not lawyers, not sure the legal documents would help, but a synopsis would,

Comments by Councilor Farwell

(interested in damage amount, interested in trends)

Comments by Attorney Nessralla

(re report for bond company, so many documents requests)

Motion by Councilor Cruise to delete the section of the proposed ordinance beginning at, "Section (c) The City Solicitor shall.." and continuing to delete through and including "and the status of the litigation", 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Motion to recommend FAVORABLE AS AMENDED by Councilor Cruise, 2<sup>nd</sup> by Councilor Eaniri. Motion carried unanimously.

Next the Committee considered the following:

7. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: Chapter 11, "Licenses, Permits, and Business Regulations," is hereby amended by adding the following section: Section 1 (a). (relative to a Neighborhood Code Enforcement Program). (POSTPONED until August 21, 2019 Ordinance Committee meeting)

Comments by Councilor Farwell

(re grant award)

Motion to TABLE by Councilor Cruise, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

8. Ordered: Pursuant to Article II, section 2-93 of the Revised Ordinances of the City of Brockton, it is referred to the Ordinance Committee the responsibility to undertake a review of the current salary for all positions governed by the Ordinances of the city as well as the proposed creation of any new position. Provided further, the Ordinance Committee shall present any recommended amendments to the Ordinances governing positions and salary levels to the City Council for review and approval. (Relative to salary of Dir. of Human Resources and the creation of the position of Assistant Director of Human Resources). (POSTPONED until August 21, 2019 Ordinance Committee meeting)

Comment by Councilor Farwell  
(to pass the "chair" position to Councilor Eaniri)

Comment by Councilor Farwell  
(looked at salary for ordinance position, wanted to look at all department heads, Mayor position set by state law, consumer price index, would it be prudent to apply CPI in an ordinance to salary positions by ordinance, average is 2.3%)

Comments by Councilor Monahan  
(agrees with Councilor Farwell)

Motion by Councilor Farwell to direct Legislative Counsel to draft ordinance to apply CPI to salary of ordinance positions beginning July 1, 2020 and continuing thereafter on July 1 each year, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Comments by Councilor Farwell  
(nothing to do with position, just an overall analysis, position was already funded in the budget)

Comments by Councilor Cruise  
(to be clear that the position was already in the budget)

Motion by Councilor Farwell to direct Legislative Counsel to draft ordinance to pair superintendent of building and DPW commissioner to be in same class as of July 1, 2019, 2<sup>nd</sup> by Monahan. Motion carried unanimously.

Comments by Councilor Farwell  
(re executive director of parking authority, self-funded, ordinance position)

Motion by Councilor Farwell to direct Legislative Counsel to include recommendation in report, 2<sup>nd</sup> by Councilor Cruise. Motion carried unanimously.

Comments by Councilor Farwell  
(re small stipends to volunteer boards, comments by ZBA, \$125 per meeting, \$200 per meeting for chair for added duties)

Comments by Councilor Cruise  
(not mentioned in ordinance)

Motion by Councilor Cruise to include recommendation in report, 2<sup>nd</sup> by Councilor Monahan.  
Motion carried unanimously.

Comments by Councilor Farwell  
(re CFO position and other positions)

Comments by Councilor Cruise  
(interested in comparison to other cities)

Motions by Councilor Farwell to include recommendation in report, 2<sup>nd</sup> by Councilor Cruise.  
Motion carried unanimously.

Comments by Councilor Farwell  
(re assistant positions, looking to build a relationship before pushing forward on an ordinance)

Comments by Councilor Cruise  
(interested in hearing from department heads)

Motion by Councilor Cruise to include recommendation in report, 2<sup>nd</sup> by Councilor Monahan.  
Motion carried unanimously.

Comments by Councilor Farwell  
(re City Clerk, same salary par as an assistant city solicitor)

Motion by Councilor Farwell to include recommendation in report, 2<sup>nd</sup> by Councilor Cruise.  
Motion carried unanimously.

Comments by Assistant CFO  
(based on these approvals, class impact of \$116k, \$25k already included in budget, impact of \$91k for next year according to CPI)

Motion to recommend report favorably by Councilor Cruise, 2<sup>nd</sup> by Monahan.

Motion to adjourn by Councilor Cruise, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

The meeting was adjourned at 7:50 p.m.