

MINUTES – ORDINANCE COMMITTEE
July 25, 2019

The Standing Committee on Ordinances and Rules was called to order at 6:09 p.m. by Councilor Farwell with Councilors Cruise, Monahan, and Eaniri present.

Clerk read the agenda into the record.

The Committee first considered the following:

1. Acceptance of the minutes of the May 8, 2019 Ordinance Committee Meeting.

Motion to ACCEPT Minutes and Report of the April 4, 2019 Ordinance Committee Meeting by Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

2. Ordered: That the zoning request change from industrial to commercial for the properties map of East Ashland Street. Previously votes 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.

Comments by Councilor Anne Beauregard

(attention brought by Councilor Farwell, everything in this area is commercial, except this area, which is industrial, believe this is better for the residential area, we don't want metal crushing shops in the area, noise and environmental concern for residents, minimal to change in landscape of the area, all of it should be commercial, not spot zoning, overlooked years ago)

Comments by Councilor Cruise

(re new purchases)

Comments by Mr. Casseri

(re variances run with the property)

Comment by Councilor Cruise

(re effect of ordinance on business operating that is conforming)

Comment by Councilor Farwell

(not wanting industrial uses in the area)

Comment by Councilor Cruise

(does not want to hurt business, re need of public hearing)

Motion to POSTPONED until August 21, 2019 and assign a public hearing for August 21, 2019 by Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

3. An Ordinance Amending Chapter I of the Revised Ordinances Chapter 19, Article II, Section 19-21 of the Revised Ordinances is hereby amended. (Relative to Police Chief)

Councilor Farwell to countersign

Comment by Mayor Rodrigues

(department heads to be appointed through the same process, ordinance heads and union heads to go through the same process, appointed by Mayor and appointed by the City Council, worked with legislative counsel, disconnect with the city council when)

Comment by Councilor Monahan

(isn't it the Mayor's authority to enter into contracts)

Comments by Mayor Rodrigues

(doesn't take away powers of the Mayor, appointee needs to be accountable to the Mayor, trying to take politics out of it)

Comments by Councilor Cruise

(believes this does add more politics to it)

Comments by Mayor Rodrigues

(individuals aren't worried about accountability to the city council)

Comments by Councilor Cruise

(still control the purse strings, lots of politics in play with the job)

Comments by Mayor Rodrigues

(Mayor term is 2 years, chief contract is 3 years, overlap there anyways, doesn't necessarily mean the new mayor has to continue with the length of the appointment, it's about accountability)

Comments by Councilor Farwell

(re language in charter, budget cut hurts delivery of services, troubled by attempts to cut budgets and accountability)

Comments by Councilor Cruise

(worried about political claims of future councilors, re language of charter)

Comments by Councilor Farwell
(further refinement)

Comments by Councilor Cruise
(re concern of practical effect)

Motion to Recommend Favorable by Councilor Cruise, 2nd by Councilor Monahan. Motion FAILED to receive a favorable vote, only Councilor Farwell voting in approval, other 3 in opposition.

Next the Committee considered the following:

4. An Ordinance Amending Chapter I of the Revised Ordinances Chapter 2, Article I, Section 2-9 of the Revised Ordinances is hereby amended. (Relative to Executive Director of Election Commission)

Comments by Councilor Farwell
(re union position, collective bargaining, re appeal of acceptance of state law)

Motion to POSTPONE to August 21, 2019 meeting by Councilor Monahan, 2nd by Councilor Eaniri. Motion carried unanimously.

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)

Comments by Mayor Rodrigues
(re support of the ordinance)

Comments by Councilor Cruise
(re union contract, re department head)

Comments by Councilor Farwell
(re charter)

Comments by Mayor Rodrigues
(re incorporation of charter into the proposed ordinance)

Comments by Councilor Farwell
(re study on conflict with charter, mayor needs to be accountable, far afield of this, custom and practice over the years, re collective bargaining issue, concern with regards to this position and control over the actions and accountability of the department)

Comments by Mayor Rodrigues
(chief procurement officer is by contract, board of health)

Comments by Councilor Cruise
(do we get rid of this departments?)

Comments by Mayor Rodrigues
(function is for programming and not necessarily for day-to-day operation, need to figure out what type of city we want to move forward with)

Comments by Councilor Cruise
(believes the park commission is doing very well)

Motion to POSTPONE to August 21, 2019 meeting by Councilor Eaniri, 2nd by Councilor Cruise. Motion carried unanimously.

Next the Committee considered the following:

6. Ordinance: An Ordinance Amending Revised Ordinance of the City of Brockton, Chapter 6, Article 1, Section 6-2 Composition That Chapter 6, Article 1, Section 6-2 of the Revised Ordinances of the City of Brockton be amended to increase the number of Fire Department Captains by one (1), from seventeen (17) to eighteen (18), for a limited period of time, subject to a sunset clause.

Comments by Chief Williams
(lengthy discussion with councilor Sullivan, met with every councilor, facts o the situation, needing 18 from 17)

Comments by Councilor Cruise
(re civil service)

Comments by Councilor Farwell
(re sunset date)

Comment by Chief William
(re reverts back to 17 upon retirement of one of the 18)

Comments by Councilor Cruise
(re union)

Motion to recommend FAVORABLE by Councilor Cruise, 2nd by Councilor Eaniri. Motion carried unanimously.

Next the Committee considered the following:

7. An Ordinance Amending Chapter I of the Revised Ordinances Chapter 2, Article IV,

Section 2-296 of the Revised Ordinances is hereby amended. (Relative to Chief Financial Officer)

Comments by Mayor Rodrigues

(same re reasons, selection of department heads by mayor should be confirmed by the City Council, this about the position not the person)

Comment by Councilor Cruise

(re state law)

Comment by Councilor Farwell

(re home rule petition, believes this could be challenged, because this was written to take away the authority)

Comment by Mayor Rodrigues

(re history of passage relative to state law)

Comment by Councilor Cruise

(re going to be put in receivership)

Comments by Councilor Farwell

(re this position needs to have a good relationship with the CFO)

Comments by Mayor Rodrigues

(re silence in the mass. Law chapter 324 act relative to the financial condition in the city of Brockton, applauds Troy Clarkson re giving updates and be scheduled to give regular updates on the financial position of the city)

Comments by Councilor Farwell

(preference is to change the mass law through home rule petition “and subject to the confirmation of the city council”)

Comment by Councilor Cruise

(disagreed on police chief re policy issue, this position does need silence is an issue, interested in the home rule route, trying to clarify the language a bit after 30 years, we have the time do it because of the next appointment anyways, sit in limbo if city gets sued over this when a home rule petition may resolve it)

Motion to report TABLED by Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

8. 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 1st and thereafter, the City Solicitor shall provide to the City Council a quarterly report of pending legal actions and the status of that litigation.

Comments by Councilor Farwell

(if we get served with papers, we get periodic updates on legal cases so we know about potential expenses, not looking for strategy or redacted documents, not looking for privilege documents)

Comments by Philip Nessralla, City Solicitor

(thousands of documents, doesn't know what benefit that provides, supports quarterly reports, certain documents which may be brought up to date, not understanding what documents would be needed to send out)

Comments by Councilor Farwell

(wants copy of the complaint, response (answer/motion to dismiss), in between not interested in that, motions for judgment)

Comments by Philip Nessralla, City Solicitor

(can do updates on major cases monthly if needed, have 125 transit cases, not related to transactional work, 15 cases with outside counsel)

Comment by Councilor Farwell

(just looking for complaint type documents that he doesn't have to go down to the court house to get a copy)

Comments by Councilor Cruise

(could be a great deal of documents, need to narrow it)

Comments by Councilor Farwell

(many times we are a defendant, looking for specific documents to be identified)

Motion to POSTPONE until August 21, 2019 meeting by Councilor Cruise to postpone, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

9. 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).

Comments by Councilor Farwell

(issue came before, Chief had no issue before, but who would put together on the information on the spreadsheet, every 3 months, quarterly, looking to see repeat violation)

Comments by Lt. LeGrice

(makes more sense to go through his department)

Comments by Councilor Cruise

(department information listed in the ordinance, old task force went out)

Comments by Lt. LeGrice

(maybe each department should provide that information)

Comments by Councilor Farwell

(shared drive, statistical, lots of code enforcement complaint, but the city does a lot in response, tool to gather information to keep us informed)

Comments by Councilor Monahan

(is this asking too much?)

Comments by Lt. LeGrice

(technical concern)

Comment by Councilor Cruise

(re IT proposal)

Comment by Councilor Farwell

(re his own list)

Comment by Councilor Cruise

(shouldn't be up to police department to enter violations from other departments)

Comments by Councilor Monahan

(c-click fix)

Comments by James Cassieri

(comes to all departments, but different subject, responded to 3 violations today)

Comment by Councilor Farwell
(re inviting IT in)

Comments by Councilor Farwell
(re additional invites for next ordinance meeting)

Motion to POSTPONE until August 21, 2019 meeting by Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

10. Ordered: An order amending Licensing and Business Regulations for Marijuana Businesses Section 1.009 (b) (2) of the licensing and business regulations is hereby amended.

Comment by Councilor Farwell
(re bait and switch, may just pay the penalty to switch it)

Comment by Councilor Cruise
(re an applicant that truthful is not able to financial continue to operate and can't stay open)

Comment by Councilor Farwell
(re investor and vetting of financial resources, initial vetting should include this)

Comment by Councilor Cruise
(may get a better company)

Comment by Councilor Farwell
(show a commitment to the city)

Comment by Councilor Cruise
(this may happen)

Comment by Councilor Farwell
(needs approval still)

Motion to recommend FAVORABLE by Councilor Eaniri, 2nd by Councilor Cruise. Motion carried 3-1, with Councilor Cruise in voting in opposition).

Next the Committee considered the following:

11. 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).

Comments by Councilor Farwell

(periodically review salary and position, HR director placed at top step when hired, position not people, general review of directors and department, looking for report back including for example compensation for zoning board of appeals, comments re Collins report, councilors know these positions, different in every city)

Comments by Troy Clarkson, CFO

(make sense for some of these positions for recruitment purposes, FYI 2020 budget for James Caseri to be similar to DPW position, Mayor Rodrigues agreed to scope of work looking at all department head positions to do some comparative analysis, we can conduct this concurrently, reporting by December, some are glaring and apparent enough, agrees with positions under his authority)

Comments by Councilor Farwell

(looking for unified front, looking for comparative analysis)

Motion to POSTONE until August 21, 2019 meeting by Councilor Monahan, 2nd by Councilor Cruise. Motion carried unanimously.

Motion to adjourn by Councilor Cruise, 2nd by Councilor Monahan, all.

The meeting was adjourned at 8:21 p.m.