

MINUTES – ORDINANCE COMMITTEE

June 17, 2020

Out of respect for public health and in response to the Governor's declared state of emergency, this meeting was closed to the public and interested parties were permitted to access the deliberations via a livestream on YouTube and via ZOOM. This meeting was held in accordance with Governor Charlie Baker's signed open meeting law order dated March 12, 2020 which relieves a public body from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

The Standing Committee on Ordinances and Rules was called to order at 6:12 p.m. by Councilor Cruise with Councilors Cruise, Monahan, Eaniri, Rodrigues and Thompson present.

Agenda read into the record.

The Committee first considered the following:

1. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That Section 2-127 of Chapter II is hereby amended by adding the following: Division 7.- Department of Human Resources

Invited to attend:

Sandra Knight, Director of Human Resources
Troy Clarkson, CFO
Designee from Solicitor's Office

Comments by Councilor Cruise

(previously passed, Councilor Farwell asked for referral back, took away personnel department)

Comments by Sandra Knight, Director of Human Resources

(in position since November 2018)

Comments by Councilor Thompson

(re ordinances and changes, worked on between Solicitor's office and legislative counsel, re-deletion of Sec. 2-381A, pre-amble language, consistent with state and federal law)

Comments by Attorney Bridges, Solicitor's Office

(Sec. 2-381A, tried to save as much of it as, pre-amble added)

Comments by Councilor Cruise

(asks Sandra Knight if she is in agreement)

Comments by Sandra Knight, Director of Human Resources
(she is)

MOTION by Councilor Thompson to insert “Establishment and Employment Policy” to section title name after “Established” in Sec. 2-379, 2nd by Councilor Monahan. Motion carried unanimously.

MOTION by Councilor Thompson to insert “The City of Brockton maintains a sincere commitment to the principles of equal employment opportunity, affirmative action and non-discrimination in order to rectify past and present patterns of discrimination. This policy applies to every aspect of employment, including the recruitment, hiring and terms and conditions of service of all full-time and part-time municipal employees. Employment decisions shall be made in accordance with state and federal law and without regard to race, creed, color, religion, national origin, sex, sexual orientation, gender identity, age, or physical/mental disability. ” after the first sentence of Section 2-379, 2nd by Councilor Monahan. Motion carried unanimously.

MOTION by Councilor Thompson to insert “, with the Mayor’s approval,” after the word Director in the second sentence and fix a scrivener’s error to state “an” Assistant Director instead of “and Assistant Director”, 2nd by Councilor Monahan. Motion carried unanimously.

MOTION by Councilor Thompson to strike the words “human resource” from Section 2-381(2), and insert “EEO,” before ADA and “, FMLA” before and FLSA in the same section, 2nd by Councilor Monahan. Motion carried unanimously.

MOTION by Councilor Thompson to insert the following subsections (3) and (4), respectively, to Section 2-381 and thereafter change the corresponding numerical value so that the section is 1-11, “(3) Work with City’s legal counsel and other relevant staff to coordinate City’s response to all reports and/or complaints of discrimination; (4) Serve as City’s ADA coordinator;”, 2nd by Councilor Monahan. Motion carried unanimously.

MOTION by Councilor Thompson to insert the following language to Sec. 2-381A after “shall be deleted in its entirety”:

“I. Subject to the provisions of applicable collective bargaining agreements, Massachusetts State Wide Records Retention Schedule and applicable state and federal law, the following shall apply to employment with the city.

A. Every vacant position shall be advertised on the city's website, in the news media and/or social media, and on such other job boards or websites as the Human Resources director shall deem appropriate. The posting of an open position shall be for at least fourteen (14) calendar days. If a position is posted and remains vacant after ninety (90) days a new posting shall be made to attract an updated list of applicants. A record shall be kept of each posting and the dates and places when the posting appeared.

B. The Human Resources director shall use best efforts to obtain all relevant information from prior employment references and personal references prior to selection for employment with the City of Brockton.

C. Every appointment or promotion in a department shall be accompanied by written certification from the department head that the most qualified person was selected.”
2nd by Councilor Monahan. Motion carried unanimously.

Comments by Councilor Thompson

(Thanks attorney Bridges and Resnick to work together to make a great ordinance)

Motion to report FAVORABLE AS AMENDED by Councilor Monahan, 2nd by Councilor Thompson. Motion carried unanimously

Next the Committee considered the following:

2. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That Section 2-127 of Chapter II is hereby amended by adding the following: Section 2-127. - Pay plan, (relative to the Director of Human Resources.)

Invited to attend:

Sandra Knight, Director of Human Resources
Troy Clarkson, CFO
Designee from Solicitor’s Office

Comments by Councilor Cruise
(re comp grade)

Comments by Councilor Thompson

(committee passed favorably, with his dissenting vote, an amended pay scale, the numbers weren’t based on comps or information, numbers pulled out of the air, thought we could do better, reached out to law department for comps, comps not comparable to Brockton, referring to Collins report)

MOTION by Councilor Thompson to Amend as follows: Minimum to \$112,500; Step 2 \$115,875; Step 3 \$119,331; Step 4 \$122,930; Step 5 \$126,620; Step 6 \$130,420; Step 7 \$134,330.

MOTION WITHDRAWN by Councilor Thompson

Comments by Councilor Thompson

(wanted to submit a Motion based on the original proposed amendment)

MOTION by Councilor Thompson to Amend as follows:

Minimum to \$106,430; Step 2 \$112,450; Step 3 \$116,003; Step 4 \$119,664; Step 5 \$123,443; Step 6 \$127,316; Step 7 \$131,316, 2nd by Councilor Rodrigues. Motion carried unanimously.

Motion to report FAVORABLE AS AMENDED by Motion of Councilor Thompson, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

3. Ordinance: Ordinance to amend the revised ordinances of the City, Section 2-127 Pay Plan, be amended by adding compensation Grade DA/P-2. This classification carries eight steps, ranging from \$63,887 to \$95,467.

Invited to attend:

Robert F. Sullivan, Mayor or his designee
Troy Clarkson, CFO
MaryLynn Peters Chu, City Auditor
Martin Brophy, City Treasurer/Collector

Comments by Councilor Cruise
(re item on agenda in error)

Motion to report TABLED by Motion of Councilor Rodrigues, 2nd by Councilor Eaniri. Motion carried unanimously.

Next the Committee considered the following:

4. Ordinance: Be it ordained by the Brockton City Council: Revised ordinances of the City, Section 14, Article 1-Offenses-Miscellaneous-In General, be amended by inserting the following: Sec. 14-18-Face Covering Mandate.

Invited to attend:

Emanuel Gomes, Police Chief or his designee
Linda Cahill, Interim Director - Board of Health
Dr. Richard Herman, Consultant

Comments by Councilor Cruise
(re intent of the ordinance and face masks, Chief Gomes could not make it tonight)

Comments by Linda Cahill, Interim Director - Board of Health
(cases in Brockton decreasing with the face masks, don't need to be purchased, need to be a face covering, need to continue to watch the numbers)

Comments by Mayor Sullivan
(intent of what was submitted, Governor's order, best practices and healthy standards, wearing a mask helps prevent spread of virus, donations of masks)

Comments by Councilor Cruise

(does not believe we need to make this an ordinance, already law by governor's order, education is much more important per police chief, pointing out these issues help, education is more important than criminalizing the conduct, board of health and police have enough to do, need to de-escalate)

Comments by Councilor Rodrigues

(situations in the community which can create uncomfortable situation, issue with sunset clause, doesn't think we need a law in the books)

Comments by Councilor Thompson

(distance walking, 90% not wearing masks, ticketing not the best message to send, health equity task force, businesses require it, spread in-doors)

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

Next the Committee considered the following:

5. Public Hearing Scheduled

Ordinance: An ordinance amending Chapter 27 of the Revised Ordinance of the City of Brockton concerning restaurants: Be it ordained by the City Council of the City of Brockton as follows: Sec. 27-28. C-1 Zones, Neighborhood Commercial Zones, Paragraph 3, Special Permitted Uses, is hereby amended.

Invited to attend:

Robert F. Sullivan, Mayor

Hank Tartaglia, Director of Licensing

Emanuel Gomes, Police Chief or his designee

Rob May, Director of Planning and Economic Development

Comments by Councilor Cruise

(changes zoning, outdoor dining)

Comments by Rob May, Director of Planning and Economic Development

(restaurants still need to obtain permit and license as needed/required, allowed on temporary order under Governor's executive order, Mayor worked with Councilor Thompson to bring this forward)

Comments by Mayor Sullivan

(thanks Councilor Thompson and Monahan for working on this, re Governor's executive order, which is temporary, this would be a change to the ordinance, examples for businesses with safe guards, will help businesses get back, streamline, need to think out-side-the-box, outdoor dining)

Comments by Councilor Rodrigues

(long over-do, concerns that there are not a clear sense of rules, certain enforcements, confusion within the business community, roads blocked off in other communities, need to work with the businesses)

Comments by Councilor Eaniri

(agrees with Councilor Rodrigues, concerns re his Ward, safety factor)

Comments by Councilor Monahan

(really need this, may have bumps in the road, entertainment, license commission)

Comments by Councilor Cruise

(zoning, changes to license will need to be by license commissions or special permitted use)

Comments by Councilor Thompson

(by right re restaurant without a drive-through, no special permit in the C1 zone, big boost to restaurants in the C1 zone, won't need expense of going through zoning board, attractions to being outside)

PUBLIC HEARING OPENED

IN FAVOR

Rob May, 61 Oak Street,

(beautiful city, should be able to enjoy outdoor dining, great restaurants in Brockton)

Closed.

IN OPPOSITION

(None)

Closed.

Motion to report FAVORABLE by Motion of Councilor Rodrigues, 2nd by Councilor Thompson.
Motion carried unanimously

Next the Committee considered the following:

6. Public Hearing Scheduled

Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council amend Chapter 27 of the revised ordinances of the City of Brockton to create a new zoning overlay district for certain parcels on North Pearl St.

Invited to attend:

Robert F. Sullivan, Mayor

Rob May, Director of Planning and Economic Development
Atty. James Burke
James Lambert, Wood Partners

Comments by Rob May, Director of Planning and Economic Development
(North Pearl Street overly district, potential redevelopment, Zone C5, hard time attracting developers, proposed overly district with a more flexible use, residential development, balance of housing availability, vacant for over 3 years, high quality of site planning, new guidelines for developer to satisfy, tax revenue, uses), special permit, and parking spaces, hotels and event space, planning board meeting, cut-through traffic, proposing to go back to developer re the traffic issue)

Comments by Attorney Burke
(re Woods Partners, did his own research, Woods Partners is one of the lead developers in the United States, uses undesirable to the neighborhoods, met with representatives of the City of Brockton, high-end product, this is going to be a market-rate housing, no affordable housing)

Comments by James Lambert, Wood Partners
(managing director, partner for Wood Partners, integrated real estate company, luxury rental housing, 18 offices around the country, one of the largest developers in rental housing, vertically integrated, GC, property management firm, quality property and management, fitness, work from home space)

Comments by Mayor Sullivan
(took a tour of property, deplorable condition, went to look at pro-type, listened and learned, said needed to be pushed back from street, push back on tie-in agreement, need to work with residents that live around the area, he sees the traffic cut-throughs, traffic commission, listen and learn from residents)

Comments by Councilor Cruise
(no tax breaks, no subsidized housing)

PUBLIC HEARING OPENED

IN FAVOR

(None)

Closed.

IN OPPOSITION

Steven Morris, 69 Nyland Road

(30 years at property, minimal employee parking at existing site, occasional disruption from ambulances, 200 yards, 60 yards from his front door, ownership/townhouses, island of owners, double population and motor vehicle uses, traffic avoidance issue, market rate housing question, standards after development, appreciates developer wants to develop in Brockton, could be further down the street, this will greatly affect the neighborhood)

Paul Ware, 161 Healy Terrace

(lives with life partner, lots of emails, spoke at planning board meeting, spoke to ½ of the residents in this area, universally opposed to zoning overlay and apartment plans, doesn't see need/rationale for apartment complex in this area, parking concerns, congestion, traffic impact assessment questions, had heard no affordable or low income housing, concerns her \$0v, up to 20% could be low income housing)

Kris Minschaella, 31 Nyland Road

(repetitive of last night at planning, appraisal business in Brockton, neighbors there 40 or more years, all opposed to high density housing, purchased in this area because it was Brockton heights, tenants are transient, commercial properties leave a night, seniors not able to find access to ZOOM but calling and stopping her, notes left in her mail box, Rob May contractor her and neighborhood, traffic study comment and Hancock School. 40v development requires exemptions, doesn't see need for so many units, feels this was a done deal already)

Tim Almeida, 39 Nyland Road

(visited 14 acre sit in Walpole, different demographic, how can you promise no subsidized housing)

Mona Lisa Andrade, 40 Alandale

(born and raised in Brockton, parents live there was well, Mom worked at nursing home, federal law enforcement officer, more break-ins, moved to area for a reason, the residents/neighborhood opposed to it, traffic concern)

Susan Purpura, 114 Cashman Road

(agrees with what all the other residents have said, traffic concern, cars go fast in this area, concerned about 200 units in a small area, massive amount of people, parking, unwanted activity, volume of people is overwhelming)

Carrie Ruit Ragion, 9 Nylon Road

(walks children to school, crossing guard not acknowledged by traffic, traffic concerns already, kids in this area have to walk to school, not safe to cross Pearl Street, why not consider high quality senior care facility for this area)

Joise Butler, 169 Healy Terrace

(seen it all and heard it all, skeptical about 40v option and whether this will be market rate housing, bought her property for a quiet neighborhood, cut-through traffic already a concern, congestion, traffic signs hit and knocked down, not in favor of it, homeownership in the area, single family homes was a factor for them when buying, not confident in what the developer is saying, concerning as new residents, invested a lot into small property in this area)

Ray Creedon, 120 Healy Terrace

(40 years at his property, one of the biggest concerns is traffic, valuation of homes, traffic at lights, 300 more cars would be dramatic, left on Pearl Street need to cross 2 lanes of traffic, other commercial options to be considered)

Joan Creedon, 120 Healey Terrace

(40 years resident since she was born, traffic problem, cut-through, seen the area in Walpole, not near densely populated street, should have 2 street egress, traffic has been building up, not going to have a quiet neighborhood, does not want a quick decision)

ZOOM CHAT COMMENTS

John DeRocha, Carrlyn Road

(traffic concern, concern about traffic calming initiatives, undue burden to residents)

Susan Purpura, 114 Cashman Road

(wants to know if the units can be sublet)

Joise Butler, 169 Healy Terrace

(wants clarification on 40b option and affordable housing)

John DeRocha, Carrlyn Road

(wants to know what happens if overlay is allowed and developer backs out, wants to know if the traffic analysis included all the residential side streets)

Steven Morris, 69 Nyland Road

(plan would double population of people accessing North Pearl Sheer, increase in vehicle traffic by 150%)

Carrie Ruit Ragon, 9 Nylon Road

(better suited for quality senior care facility)

Steven Morris, 69 Nyland Road

(proper place would be opposite the Pearl Street entrance to Good Sam Hospital, 300 parking spaces won't be enough for this property so where will they park, loves the quiet neighborhood)

Carrie Ruit Ragon, 9 Nylon Road

(need to invest in its communities and convenience the greater Boston area Brockton is worthy of their business)

Mona Lisa Andrade, 40 Alandale

(questions income requirement for renters)

Carrie Ruit Ragon, 9 Nylon Road

(efforts to attract business such as senior care, why are rental apartments the only option here)

Ray Creedon, 120 Healy Terrace
(section 8 vouchers)

Steven Morris, 69 Nyland Road
(traffic congestion)

Ray Creedon, 120 Healy Terrace
(medical facility just built near cemetery)

Comments by Councilor Thompson
(question re better purpose for this area for commercial opportunities, question re likelihood)

Comments by Rob May, Director of Planning and Economic Development
(very little demand to commercial office space in this area, purpose-built for tenant, lease and sublease space, closed for over 2 years, retail not allowed in this district, demand not there, no one has come forward with proposal, would be appropriate in other parts of the city, area across of Good Sam is a wet land)

Comments by Councilor Thompson
(high percentage of Brockton residents who may be interested in moving into the complex)

Comments by Rob May, Director of Planning and Economic Development
(wasted real estate/space, demographic of young professional needs to be secured into Brockton, type of housing/community to support them, Brockton has opportunity to capture this demography as it continues to grow)

Comments by Councilor Rodrigues
(taxation re development and right now, need to realize that without businesses asking to be put in that location, limited, need to look at revenue producing properties, may run out of choices, does not want to be laying off school teaches, would vote down if there were concrete alternatives)

Comments by Rob May, Director of Planning and Economic Development
(assumed assessed value, somewhere in excess \$540k per year, right now is \$0.00)

Comments by Councilor Cruise
(subsidized housing and no tax increment financing)

Comments by Rob May, Director of Planning and Economic Development

(agreement to stipulate that they would not seek federal subsidies without getting far into the weeds on that)

Comments by James Lambert

(business model across the country, does include affordable housing option when it is required, happy to develop 100% market-rate housing, \$50 million investment, not a bait and switch)

Comments by Councilor Cruise

(re effect of school)

Comments by James Lambert

(112 one bedroom, 77 bedrooms, 7 3 bedrooms, willing to talk about these numbers), model shows average over \$2,000 per unit per month)

Comments by Rob May, Director of Planning and Economic Development

(\$1800 in new development, much higher rate than older home rentals, quality of developer is significant)

Comments by James Burke

(This is not a Chapter 40B project, housing values, Walpole , Woods development didn't bring down the value, City to get back taxes back, construction jobs, collateral benefits for restaurants, retail market, traffic was considered completely)

Comments by James Lambert

(not ignoring traffic, taking it seriously, third-party traffic firm do a traffic study, more than willing to look into it if there are streets they haven't addressed)

Comments by Councilor Eaniri

(wants to hear the traffic report, decision of what is in the best interest of the city, credits Councilor Cruise, desolate piece of property)

Comments by Jim Dirk

(Transportation analysis, residential use, traffic is consistent with uses in this area, dispersed over the course of the day, can use methods to slow traffic down, reviewed and agreed by City's review)

Comments by Councilor Cruise

(one vote, further action needed by City Council)

Comments by Rob May, Director of Planning and Economic Development

(re timing)

Paul Ware, 161 Healy Terrace

(zoning overlay doesn't go through, other opportunities for an overlay change, residents don't have expertise to determine how to develop this area, traffic concern, did job but no mention of Healy Terrace or Carryln Road)

Comments by Councilor Cruise

(discussion with mayor re traffic options, one-way options),

Closed.

Motion to report FAVORABLE by Motion of Councilor Rodrigues, 2nd by Councilor Thompson. Motion carried unanimously. Councilor Monahan not present on ZOOM call for vote.

Next the Committee considered the following:

7. Public Hearing Scheduled

Ordinance: Be it ordained, pursuant to Section 27-5 of the City Ordinances "Zoning Map" whereby reference is made to and incorporation of said boundaries of each of the zones established as shown on the map entitled, "The City of Brockton, Massachusetts Zoning District Map" dated November 10, 1967, and thereafter amended, that the said map be amended to reflect zoning changes from C-2/R-2 (current) to C-2 (Relative to Quincy St. and Centre St.)

Invited to attend:

Robert F. Sullivan, Mayor

Jeffrey Thompson, Councilor Ward 5

Rob May, Director of Planning and Economic Development

Comments by Councilor Thompson

(zoning map has residential zone running about 150-200 feet into the commercial zone, causing owning of the property to not be able to have full use of their property, will require a fence, 50-60 feet of their property would need to be fenced off)

Comments by Rob May, Director of Planning and Economic Development

(several pieces of real estate which are included in this map that are split zoned, clear up the neighborhood)

PUBLIC HEARING OPENED

IN FAVOR

(None)

Closed.

IN OPPOSITION

(None)

Closed.

Motion to report FAVORABLE by Motion of Councilor Thompson, 2nd by Councilor Eaniri.
Motion carried unanimously

Motion to adjourn by Councilor Rodrigues, 2nd by Councilor Thompson, at 9:08 p.m. Motion
carried unanimously.

The meeting was adjourned at 9:08 p.m.