



City Council

CITY OF BROCKTON

CITY HALL

45 School Street • Brockton, Massachusetts 02301

TEL: (508) 580 - 7114

MINUTES – ORDINANCE COMMITTEE

September 29, 2020

The Standing Committee on Ordinances and Rules was called to order at 6:38 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: An Ordinance Amending Section 2-181 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Section 2-181 is repealed in its entirety and in its place the following is inserted: “The city solicitor shall be an active attorney at law in the Commonwealth of Massachusetts, properly licensed and in good standing with the Massachusetts Bar Association. He or she shall have a minimum of five (5) years of experience in the practice of law in Massachusetts with a thorough knowledge of Massachusetts General Laws including municipal law. He or she shall have demonstrated trial experience including the research, preparation, and management of civil or criminal cases during the various stages of litigation. The provisions of Section 2-110 of the Revised Ordinances shall not apply to this position. However, where two or more candidates have equal qualifications and experience as determined by the mayor, preference shall be given to a resident of the city or a candidate willing to move into the city within one (1) year of appointment.”

Comments by Councilor

MOTION by Councilor Rodrigues to dispense of reading of the item, 2nd by Council by Monahan. Motion carried unanimously.

Comments by Councilor Cruise

(Attorney Bridges could not attend, item will be heard at the next Ordinance Meeting)

Motion to report CONTINUED to the next City Council Meeting by Councilor Monahan , 2nd by Councilor Thompson. Motion carried unanimously

Next the Committee considered the following:

2. Brockton Social Equity & Economic Empowerment Ordinance: An ordinance to (establish by public mandate) to prioritize the establishment of minority owned dispensaries and to ensure minority owned businesses have access to participate in the Commercialization of Cannabis.

Comments by Councilor Cruise
(changes proposed received)

Comments by Councilor Cardoso
(CCC has issued guidance to ensure equity in marijuana industry, recommendation to prioritize, social equity and economic empowerment process, ordinance drafted by a residence, challenges, starting point to begin a conversation in this issue, some revisions after discussions, wants serious consideration of ordinance)

Comments by Ian Wood, resident
(thanks the committee for the opportunity to present the ordinance, social equity application, equality, inclusion and fair opportunity for minority Brockton residents, social disparities, five actions requested)

Comments Jamal Brathwaite, 18 Parke Lane, Brockton
(resident, president of north east Brockton neighborhood association, one initiative, legal commercialization of marijuana to revise adverse impact war on drug had on minority communities, access to minority owned business,
1. 4 host agreements to lead to establishments in Brockton
2. Subcommittee to monitor access for minorities
3. Even playing field, 25% of licenses being minority owned
4. Fund for minority incentives
5. Annual report for how tax revenues are spent
Only one minority applicant has retail license in Brockton, public policy priority, to identify what we can agree on, wealth opportunities to Brockton)

Comments by Councilor Thompson
(questions re item #1)

Comments by Jamal Brathwaite
(host agreements to roll over to another applicant, 28%, comments re #3 for a target of 25% minority owned)

Comments by Ian Wood
(wants to guarantee licenses to host agreement holders given by former Mayor Rodrigues)

Comments by Councilor Thompson

(no more licenses available, 8 licenses already granted)

Comments by Councilor Cruise

(Host agreement, not about licenses, not sure the City Council can do that, state law, liquor licenses by population, 20% turned out to be 8, medical marijuana had priority, one may not be available, email from head of CCC glad we were looking at this)

Attorney Resnick to follow up with law department and CCC regarding the 2nd RMD license

Comments by Councilor Cardoso

(re CCC regulations)

Comments by Ian Wood

(re host community agreements, conversation with Mayor, wants all the host community agreement, anything related to marijuana)

Comments by Councilor Cruise

(re history of the legislation and licenses in the City)

Attorney Resnick to find out how many liquor licenses in the City of Brockton

Comments by Councilor Cruise

(some good idea here, resolve, ordinance is the law of the City of Brockton, standing needed to take action, creation subcommittee, #2 and #5 can be done together, #3 may be a little late)

Comments by Jamal Brathwaite

(re annual report by the CFO)

Comments by Councilor Thompson

(re 25% recommendation as an amendment if any new licenses become available)

Comments by Councilor Rodrigues

(fund already established, with CFO re % that goes to youth program, etc., finances are ear marked, re enterprise account created)

Attorney Resnick to contact CFO re annual report on tax revenue spending

Comments by Ian Wood

(re host agreements by Mayor Carpenter)

Comments by Councilor Cruise

(re item #3, license commission will know how many liquor licenses in the City)

Motion to report POSTPONED until the next Ordinance Committee meeting by Motion of Councilor Rodrigues, 2nd by Councilor Thompson. Motion carried unanimously.

Next the Committee considered the following:

3. Ordinance: An Ordinance Repealing Section 17-156 of the Revised Ordinances of the City of Brockton Be it Ordained by the City Council of the City of Brockton as follows: “Section 17-156 of the Revised Ordinances of the City of Brockton is repealed in its entirety.”

Comments by Councilor Farwell

(re existing ordinance, this was before we had a planning department, we have a Brockton redevelopment authority, seeks to repeal role and mandate that what we do goes through Brockton 21st Century Company, housekeeping, they don't meet, this was subsequent to the state act)

Comments by Councilor Cruise

(re dissolving)

Comments by Rob May, City Planner

(spoke with Mayor and City Solicitor, caveat with state law)

Comments by Councilor Thompson

(re state statute)

Comments by Councilor Farwell

(didn't mandate clearing items with Brockton 21st Century)

Comments by Councilor Rodrigues

(re arm of city government to go after grants)

Comments by Rob May

(re advisory, skeleton board, they could still act if this ordinance is passed)

Comments by Councilor Cruise

(read the existing ordinance)

Comments by Councilor Eaniri

(economic situation, trade off)

Comments by Councilor Rodrigues

(re advisory board, for abolishing the corporation, doesn't make sense to eliminate the advisory role)

Comments by Councilor Farwell

(metro south chamber of commerce, etc., select their own members aside from 3 positions)

Comments by Councilor Nicastro

(created in the 1990s, each business owned put up money, it was suppose to give guidance separate of the chamber of commerce, hold debt for the stadium, debt is paid, it's a shell corp.)

Motion to report FAVORABLE by Motion of Councilor Eaniri, 2nd by Councilor Thompson.
Motion carried 4-1, with Councilor Rodrigues voting in opposition.

Next the Committee considered the following:

4. Ordinance: An Ordinance to Provide Noise Control and Establish, and To Enforce, Civil Infraction for Violation
Be it ordained by the City Council of the City of Brockton, a new ordinance to be added to the Revised Ordinances, Chapter 14 – Offenses – Miscellaneous, as Section 14-49 or in the next section available.

Comments by Councilor Thompson
(re collective bargaining)

Comments by Police Chief Gomes
(change in working condition, could require some conversation, not sure it would be a big issue)

Comments by Councilor Thompson
(re would police use the meters)

Comments by Police Chief Gomes
(would determine need, cost, training, re appeals in Court, will get on it, time is of essence, wants it in place as we come out of the winter, noise regulation urged to look at hours of days, communities that isolate, re 5pm vs. 3am, like 11pm-7am at a lower decibel, than during day hours, 11pm seems to be standard statewide, state bar)

Comments by Councilor Thompson
(re inventory)

Comments by Police Chief Gomes
(none, standardized equipment, training, teeth for fines)

Comments by Councilor Thompson
(re decimal level, is 65 adequate?)

Comments by Police Chief Gomes

(65 is middle of the road, 50 for 11pm-7am, 65-70 during the day)

Comments by Councilor Thompson

(re no warning stage, first offense to have monetary penalty, hours, re day decimal reading)

Comments by Police Chief Gomes

(late house parties, whole shift to break it up, warning stage for house calls is standard, not arbitrary to single them out, log item)

Comments by Councilor Eaniri

(chapter 27 replaced in 2005, 2 years ago this was brought up and it didn't go no where, health department)

Comments by Councilor Thompson

(more of a zoning ordinance, specific to Campanelli, reviewed with Councilor Thompson, re application to commercial properties)

Comments by Police Chief Gomes

(another tool with private dwelling, license establishments, re criminal charges, summons to court, that's what the department is doing when they take out the complaints)

Comments by Councilor Thompson

(re civil infraction)

Comments by Police Chief Gomes

(paid right to the City, some cities put it on the tax bills if they are unpaid)

Comments by Councilor Thompson

(wide net, police department would be satisfactory, 21D, police write a citation, 21 days to pay the fine to the City of Brockton)

Comments by Councilor Nicastro

(City of Newton Ordinance, has decimals and hours, current ordinance applies to land in C-7 zones, etc., labelled noise)

Comments by Councilor Asack

(passionate about noise ordinances, glad keeping existing noises, vague had a purpose, thinks adding to existing one would help, agrees with teeth dollar amount as a fine)

Comments by Councilor Rodrigues

(re written warning as a first step, then if police goes back, then its \$300 each offense)

Comments by Police Chief Gomes

(will do what the City's mandate is, they keep a log as a narrative asking to turn the music down, identifying homeowner or who lives there)

Comments by Councilor Asack

(noises in the city are not just music based, re existing ordinance)

Comments by Councilor Rodrigues

(has been to licensing commission in defense of businesses for neighbor's complaint related to not their kind of music or not their kind of place, has received complaints and the neighbors can't hear the music)

Comments by Councilor Thompson

(not subjective)

Comments by Councilor Cruise

(supports written warning, objective with the machine)

Attorney Resnick to look into who processes the payment of the fine within the City

Motion to report POSTPONED until the next Ordinance Meeting by Motion of Councilor Thompson, 2nd by Councilor Eaniri. Motion carried unanimously.

Motion to adjourn by Councilor Monahan, 2nd by Councilor Thompson at 8:12 p.m. Motion carried unanimously.

The meeting was adjourned at 8:12 p.m.