

**MINUTES – ORDINANCE COMMITTEE**  
**May 4, 2021**

The Standing Committee on Ordinances and Rules was called to order at 6:37 p.m. by Councilor Eaniri with Councilors Eaniri, Monahan, Nicastro, Rodrigues, and Thompson present.

Agenda read into the record.

Motion by Councilor Nicastro to take Item #3 out of order, 2<sup>nd</sup> by Councilor Thompson. Motion carried unanimously.

The Committee first considered the following:

3. Ordered: The City Council of the City of Brockton petitions the Great and General Court under the provisions of Section 8 of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts for an Act as follows: An Act Authorizing the City of Brockton To Grant Additional Wine and Malt Beverage Licenses

Comments by Councilor Farwell

(filed after decision to increase number of retail marijuana licenses, wants license commission to have flexibility if there is a request to the license commission for a license for additional wine and malt beverage license, no projects in mind)

Comments Hank Tartaglia

(Randolph just got approved for more, variety stores, taking away from mom-and-pop stores, gets requests for beer and wine packages, between 4-5, business operations having a hard time surviving)

Comments by Councilor Nicastro

(licenses based on population, waiting for result of census, believes population will increase so may be able to increase licenses as a result of that)

Comments by Hank Tartaglia

(for every 5,000 you get another beer and wine license, nervous of results, hasn't had an increase in beer and wine licenses in years, census may give more on top of this request for 5 more)

Comments by Councilor Thompson

(service for existing Brockton businesses that have taken a financial hit, but not specified in the order so could potentially go to new stores, no liquor attached)

Comments by Hank Tartaglia

(lottery may go online, that could harm the businesses as well, no sale of menthol cigarettes, no cigar blunts, Halifax or Hanson petition state and got it)

Comments by Councilor Thompson

(clear point and intention for this home rule petition, supports request, looks for 4, population of Brockton is increasing)

Comments by Councilor Rodrigues

(gift basket licenses, trying to see if she needs to get this type of license, business opportunity)

Comments by Hank Tartaglia

(will look in to it)

Comments by Councilor Rodrigues

(looked to prohibit blunt wrapper sales in Brockton, marijuana is legal, can re-look at this, discussion re 4 licenses, what's the mentality behind 4 vs. a different number, would support a number greater than 4 so that it was fair/process)

Comments by Hank Tartaglia

(20 liquor, 19 beer and wine, in 2022 an increase is expected to be on the ballot, whoever is ready comes before the commission for a hearing)

Comments by Councilor Rodrigues

(interested in the 5 in the order)

Comments by Councilor Eaniri

(re ballot question, are there people calling looking for licenses)

Comments by Hank Tartaglia

(a list is being kept, no package store licenses available in over 8-9 years)

Comments by Councilor Monahan

(good with a request for 5)

Comments by Councilor Rodrigues

(re placement of licenses)

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

Next the Committee 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.” (POSTPONED from January 28, 2021 Ordinance Committee meeting)

Comments by Councilor Farrell

(suggestion to be postponed, believes it’s important to hear from the solicitor Bridges to learn more about what she does, current qualification only requires the position to be filled by an attorney at large and a resident in Brockton, tremendous responsibility, similar to ad hoc committee for clerk and assistant city clerk, interested in Chief Legal Officer)

Comments by Councilor Nicastro

(very good idea, suggests changing to Mass Board of Bar Overseers)

Comments by Councilor Thompson

(re assistant city solicitor job qualifications)

Comments by Councilor Farrell

(need to look at all job descriptions in the city, believes in annual performance reviews, we need to do more to refine minimum qualifications)

Motion to POSTPONE to the next Ordinance meeting by Councilor Rodrigues, 2<sup>nd</sup> by Councilor Monahan. 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 the City Council adopt the following Amendment to the Ordinance Establishing Licensing and Regulation for Adult Use Marijuana Establishments: Section 1.007(2)(a) is amended by striking the entire sentence and inserting the following in its place: “Priority application review will be granted to existing Social Equity Participant or Economic Empowerment Participant applicants for retail licenses. Social Equity Program Participant means an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Cannabis Control Commission. Economic Empowerment Participants means an individual who qualified to participate in the Economic Empowerment Program and is designed as a program participant by the Cannabis Control Commission. For a period of three (3) years, measured by the date at which a retail license becomes available in the City of Brockton, the City

Council shall only review applications for a retail license for Social Equity Participant or Economic Empowerment Participant applicants.”

Comments by Councilor Eaniri  
(re request to postpone)

Motion to POSTPONE to the next Ordinance meeting by Motion of Councilor Thompson, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

4. Ordinance: An Ordinance Amending Article II, Section 1.004 of the Revised Ordinances of the City of Brockton Be It Ordained By The City Council Of The City Of Brockton As Follows: Section 1.004, Regulation of Marijuana Sales, is amended by adding the following sections where appropriate: (a) There shall be no more than two (2) licenses issued for the delivery of marijuana products pursuant to regulations promulgated by the Massachusetts Cannabis Control Commission. Priority shall be given to an applicant for a license to deliver marijuana products who currently holds a license for the conduct of marijuana businesses within the City of Brockton. (b) There shall be a moratorium on the issuance of any license to allow social consumption of marijuana for a period of two (2) years from the date of adoption of this ordinance.

Comments by Councilor Farwell  
(re postponing)

Comments by Councilor Rodrigues  
(interested in separating moratorium for social consumption locations into a separate order of the Council, concerns for consumption place)

Comments by Councilor Thompson  
(re moratorium vs ban)

Motion to POSTPONE to the next Ordinance meeting, by Motion of Councilor Thompson, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

5. Ordinance: An Ordinance Amending Article III, Division 2, Section 2-127 – Pay Plan Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended by striking “\$25,000” in the Rate column for Dir. Emerg. Mgmt. and inserting in its place “\$35,568.00”.

Comments by Councilor Farwell  
(federal employment standards, certain exemptions for overtime, Mr. Hooke is an employee of the City and has not been classified as exempt, since July 1, 2020 he

has worked hundreds of hours, court concerns re overtime that is owed, fair compensation and should be retroactive to July 1<sup>st</sup>, he did the work)

Comments by Councilor Eaniri  
(not a big jump, lots of work involved)

Comments by Councilor Farwell  
(this is something we should do under the law, mindful of the \$10,000 increase, this is a position to compensate)

Comments by Councilor Monahan  
(re staff)

Comments by Stephan Hooke  
(2 part-time employee work 19 hours a week)

Comments by Councilor Farwell  
(re staff payments, budget discussions, Fair Labor standards on his side, resolve f or BEMA)

Comments by Councilor Rodrigues  
(discussion re expanding the department, full staffed, interested in comparison of other city departments)

Comments by Stephan Hooke  
(Brockton needs a dedicated emergency manager)

Comments by Councilor Rodrigues  
(need to take the department more seriously, pay scale, COLA)

Comments by Councilor Farwell  
(politically we do not like to embrace salary increases, but we have professional staff, interested in annual performance reviews, revenues for fiscal year 2023, should evaluate position by position)

Comments by Councilor Rodrigues  
(the department could pay for itself if it had the personnel to look for grants and funding sources, will support this, looking to evaluate pay without changing ordinance every few years, we still have a City to run, professional department)

Comments by Councilor Farwell  
(resolve for committee to go through non-union department head/ordinance positions to start planning, tie compensation to accountability)

Comments by Councilor Eaniri  
(need to be doing something for non-union positions)

Comments by Council Monahan

(re 2018 changes, not sure yet on how to hold accountable and who would be dealing with it)

Comments by Councilor Rodrigues

(re affective date of July 1, 2020)

Motion to Amend to commence payrate change to “7/1/20” by Councilor Rodrigues, 2<sup>nd</sup> by Councilor Nicastro. Motion carried with Motion to Recommend Favorably as Amended.

Motion to report FAVORABLE AS AMENDED by Motion of Councilor Rodrigues, 2<sup>nd</sup> by Councilor Nicastro. Motion carried unanimously.

Motion to adjourn by Councilor Thompson, 2<sup>nd</sup> by Councilor Nicastro at 7:46 p.m. Motion carried unanimously.

The meeting was adjourned at 7:46 p.m.