

**REPORT – ORDINANCE COMMITTEE**  
**March 27, 2024**

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

**#1 on agenda**

having considered the same, report POSTPONED until the Next Ordinance Committee Meeting by Motion of Councilor Lally, 2<sup>nd</sup> by Councilor Thompson.

**#2 on agenda**

having considered the same, report FAVORABLE by Motion of Councilor Lally, 2<sup>nd</sup> by Councilor Farwell.

**#3 on agenda**

having considered the same, report POSTPONED until the Next Ordinance Committee Meeting by Motion of Councilor Nicastro, 2<sup>nd</sup> by Councilor Teixeira.

**#4 on agenda**

having considered the same, report POSTPONED until the Next Ordinance Committee Meeting by Motion of Councilor Thompson, 2<sup>nd</sup> by Councilor Lally.

**#5 on agenda**

having considered the same, report POSTPONED until the Next Ordinance Committee Meeting by Motion of Councilor Lally, 2<sup>nd</sup> by Councilor Teixeira.

**#6 on agenda**

having considered the same, report POSTPONED until the Next Ordinance Committee Meeting by Motion of Councilor Lally, 2<sup>nd</sup> by Councilor Nicastro.

**MINUTES – ORDINANCE COMMITTEE**  
**March 27, 2024**

The Standing Committee on Ordinances and Rules was called to order at 6:00 p.m. by Councilor Farwell, Lally, Thompson, Nicastro and Teixeira present.

Agenda read into the record.

The Committee first considered the following:

**#1 on agenda**

Comments by Councilor Thompson

(bridge and park cleaning ordinance, operation already being done, requires Brockton police and services under the DW Field Park, Perkin Parks, MBTA owned bridges, Salisbury River Plain Park, public health and public safety to clean these bridges, already happening, protection for Brockton police, responsibilities clear, mandating increases duties to parks and DPW department, that's going to require money, budget requests for additional funds to carry out this funds)

Comments by Assistant City Solicitor Stacey Verde

(coordinating services and department, constitutional rights, prohibiting anti-camping cannot require punishment of being unhoused, direction from Supreme Court may be coming, asking for cooperation, nothing the City can legal do if cooperation is not given, criminal activity can be dealt with)

Comments from Councilor Lally

(would like to hear from department heads, are we being too ridged)

Comments by Commissioner Patrick Hill

(reaffirms something the City has been doing in the past, they were on a regular schedule, relationship established, worked out pretty well, schedule is important, limited staff, days and times are okay, timing can be difficult to meet)

Comments by Tim Carpenter

(parks are the first and third Monday of the month, formalized, notification, trash)

Comments by Councilor Minichiello

(how has this gone in the past? Business owners?, simple quality of life improvements)

Comments by Commissioner Patrick Hill

(not within his knowledge, established relationships, generally pretty good, it will be a start, focus on all business areas not just downtown would need substantial investment)

Comments by Councilor Teixeira  
(bridges?)

Comments by Commissioner Patrick Hill  
(MBTA bridges, 6-7, depends on day and how many people, school street or center street)

Comments by Councilor Farwell  
(concerned about going over the line from policy making and scheduling making, dictating the departments, can we just say weekly basis left to the department heads, can we do it for the whole city)

Comments by Councilor Thompson  
(unprecedented condition downtown, other locations have some, but under these bridges and parks there is a high concentration, limited resources, large business and large residential district, trash accumulation, children walking through the bridges, business customers, policy in place that has the power of an ordinance, unique area requiring specific attention, for the long haul)

Comments by Councilor Farwell  
(troubled we are not doing the whole city)

Comments by Councilor Lally  
(thinks the logic is well explained, worried larger scope more to bite off)

Comments by Commissioner Patrick Hill  
(priority considerations, helps the City a lot)

Comments by Councilor Nicastro  
(language contains “shall”, they know what their jobs are, Ward 4 has bridges, has encampments, needs to be broader, doesn’t see revenue opportunity)

Comments by Councilor Thompson  
(litigation, clear policy on the books, not just written down somewhere)

Comments by Councilor Nicastro  
(re City of Boston ordinance)

Comments by Councilor Thompson  
(Supreme Judicial Court ruling forthcoming, examples of business downtown, this does not prohibit resources from being directed elsewhere, helps the city for challenges)

Comments by Councilor Nicastro  
(city wide)

Comments by Councilor Thompson  
(areas most affected)

Comments by Assistant City Solicitor Verde  
(notice for it to be constitutional, not prohibiting cleaning in other parts of the city, thinks this helps protect the city from civil suits, notice to go up 48 hours, undoable for City wide, not moving their things, asking them to take their possessions while the area is being cleaned, purpose is safety, health, and clean, not to be to move unhoused individuals, to keep the areas to be cleaned, hope to be able to expand the ordinance)

Comments by Councilor Farwell  
(speeding example, political standpoint, staff, micromanaging)

Comments by Assistant City Solicitor Verde  
(coordinated effort, input from these departments, notice for constitutional piece, scheduled in the ordinance)

Comments by Councilor Farwell  
(notice)

Comments by Assistant City Solicitor Verde  
(cleaning around, can't touch because no notice has been given, more in depth, history has shown this works)

Comments by Councilor Lally  
(does the structure protect constitutionality)

Comments by Councilor Farwell  
(do work in the committees, micromanaging)

Comments by Councilor Thompson  
(ordinances do micromanage, examples, not out of bounds on this issue, issue of notice is really important here)

Motion to report FAVORABLE by Councilor Thompson, 2<sup>nd</sup> by Councilor Lally. Motion failed in a vote 2-3 with Councilor Thompson and Councilor Lally voting in favor and Councilor Nicastro, Farwell, and Teixeira voting unfavorably.

Motion for Reconsideration by Councilor Teixeira, 2<sup>nd</sup> by Councilor Nicastro. Motion for Reconsideration passed by a hand vote.

Motion to report POSTPONED until the next Ordinance Committee Meeting by Councilor Lally, 2<sup>nd</sup> Councilor Thompson. Motion carried unanimously.

Next the Committee considered the following:

**#2 on agenda**

Comments by Councilor Nicastro

(asked to sponsor this by executive director of the council on aging, one bus and they want to provide transportation to their members and a little fee would be charged so they would like to have a revolving fund)

Comments by Troy Clarkson, Chief Financial Officer

(modest revenues, other revolving funds for demolition, comcast, vacant and abandon building, ambulance, roadway design and construction, to keep their funds within their operations)

Comments by Councilor Nicastro

(balances tracked yearly)

Comments by Councilor Lally

(question re planning department over concern of lack of responsibility of money, concern about that, how would this fund be different)

Comments by Troy Clarkson, Chief Financial Officer

(amount of money is far less than what was proposed in the other fund, purpose is well defined, oversight by renewal of the funds every year)

Comments by Councilor Nicastro

(funds under the direction of the CFO)

Comments by Councilor Lally

(smaller amount of money, huge asset to council on aging, asset to the city, allow flexibility to do their job, clarification)

Comments by Councilor Thompson

(slush fund tossed about, supports this, no oversight, hopes cooler minds prevail)

Comments by Councilor Nicastro

(purpose for transporting seniors)

Comments by Councilor Thompson

(prior one had planning purposes, same \$500,000, notes change of attitude)

Comments by Councilor Farwell

(decisions are made on based on degree of confidence, faith in the director, each done separately)

Motion to report FAVORABLE by Councilor Lally, 2<sup>nd</sup> by Councilor Farwell. Motion carried unanimously.

Next the Committee considered the following:

### **#3 on agenda**

Comments by Councilor Thompson

(good governance ordinance, when a developer has a plan before the city, the review of the plan is being done by 1 company, monopoly over the consultant review of any plans submitted by a developer, high fees, time frame, months long a times, we want to be business and developer friendly, not an efficient process, example, current policy is a disadvantage to the developer, DPW road example sent out to multiple consultants, transparent, , effects on time and cost, changing policy and requires 3 different bids, sound business practice, Attorney Burke present, ordinance sent to Robert May and conservation agent, no objection received)

Comments by Councilor Farwell

(mistake made in not inviting Attorney Burke and Rob May, email read from Rob May)

Comments by Attorney Burke

(Has represented a number of developers in the city, long standing problem in the City, since the City engaged a single entity with a sole contract, no one is watching MGL c. 44 section 53G, no competition, statute that gives authority “reasonable fees”, examples, extraordinary expense, has been going on for years, money is paid to the city and the check is sent to the outfit, make a better system, online filing goes to board/commission, package and go to out to consultants, good developers might not take the low bidder, could be a time concern rather than price concern, common sense)

Comments by Councilor Lally

(time, would this process create additional time?)

Comments by Attorney Burke

(ordinance lists 2 weeks to respond, developer won't take their time in choosing)

Comments by Councilor Lally

(ethics?)

Comments by Councilor Thompson

(city does, qualified consultant, choice should be up to the developer)

Comments by Councilor Lally

(developer to pick consultant, client concern)

Comments by Attorney Burke

(city consultant, suggested as a matter of policy, applies to homeowners, city does this with the department of public works)

Comments by Councilor Thompson

(believes this is the most common practice, surrounding communities may use their own engineers, bidding process used, no ordinance, policy of the boards)

Comments by Councilor Nicastro

(experience, prices and time are unacceptable, very important that the city pays the consultant, loyal to the city, concern with item #4, important for Rob May and conservation and planning board to weigh in)

Comments by Attorney Burke

(professionals, no confusion who they work for, paid for by the developer, fees are likely to go down)

Comments by Councilor Teixeira

(time is everything, transparent, friendly city, had to wait 6 months, need to have options, pdfs can be sent, will support this)

Comments by Councilor Farwell

(re legal statutes)

Motion to POSTPONED until the next Ordinance Committee Meeting, by Councilor Nicastro, 2<sup>nd</sup> by Councilor Teixeira. Motion carried unanimously.

Comments by Councilor Lally

(re process for postponing)

Comments by Councilor Thompson

(who should we invite)

Comments by Councilor Farwell

(Mr. May and legal, not sure the chairs need to be heard)

Comments by Councilor Thompson

(we could check with legal in between)

Comments by Councilor Nicastro

(thinks 3 and 4 needs work)

Comments by Councilor Lally

(thinks director May should be here)

Next the Committee considered the following:

**#4 on agenda**

Comments by Councilor Farwell

(circumstances that arose, CFO wearing 2 hats between City and School Department, need to have a clear and unwavering focus on school revenues and budgeting, this first one is for a school auditor, there are qualifications built in from MMA and other municipalities, same for primary duties and responsibilities, companion ordinance that establishes a salary taken from assistant auditor but this person would be dedicated to the schools, less spent if these salary schedules are adopted)

Comments by Troy Clarkson, Chief Financial Officer

(last several months have been eye opening and educational, this initiative is very beneficial, previous position in Hanover, combined several city and school departments, finance, human resources, payroll and facilities)

Comments by Councilor Lally

(merging is best, really likes this, two positions, how will it be paid for, who pays, wants to indicate these are to be paid out of schedule 19 out of the school department)

Comments by Troy Clarkson, Chief Financial Officer

(reflected on city budget, but schedule 19 is expenses directly related to school expenses so that goes towards the budget appropriation)

Comments by Councilor Lally

(how will we pay for this?)

Comments by Troy Clarkson, Chief Financial Officer

(these resources must be a priority in lean times)

Comments by Councilor Thompson

(concerned about authority, department not yet merged)

Comments by Troy Clarkson, Chief Financial Officer

(37M work, existing 324 language, home rule petition, supporting the notation that we need staff that have a specific responsibility overseeing school finance)

Comments by Councilor Thompson

(existing assistant city auditor)

Comments by Troy Clarkson, Chief Financial Officer



(need, city auditor does have oversight and approves the bills, someone in that office with this focus is appropriate and necessary, need to have a conversation with the school committee and superintendent to move forward)

Comments by Councilor Thompson

(cart before the horse, creating positions prior to consolidation, could this be done at a lower level)

Comments by Councilor Farwell

(re 324 authority, school department drifted away, use these powers to enforce CFO and Auditor control)

Comments by Councilor Thompson

(looking for recommendations from the audit, we should wait for the outcome, thinks this deserves more discussion, talk to the superintendent first)

Comments by Councilor Nicastro

(superintendent hires everyone who works for the school department and includes the current positions and those assistants, would expect this eliminates the need for those positions, how would we do that, gaps in service for auditor positions, needs more organization and accountability)

Comments by Councilor Farwell

(school superintendent appointments by law, no control once budget is approved, hoped the school department would look at these positions as a resource, can't let status quo go forward, passage and advertising will take a while, hoping by July 1<sup>st</sup> where we were going, need to change the dynamic of how the schools operates)

Comments by Troy Clarkson, Chief Financial Officer

(responsibility to increase oversight, 324 allows us to do that, initial report from Open Architects)

Comments by Councilor Teixeira

(who do these position answer to?)

Comments by Troy Clarkson, Chief Financial Officer

(explanation, paid for by the school department through schedule 19)

Comments by Councilor Lally

(necessary to do so)

Comments by Councilor Farwell

(city council response)

Comments by Councilor Thompson

(people in the school finance department, hesitant to create unless these are in lieu of other positions)

Comments by Troy Clarkson, Chief Financial Officer  
(7, day to day oversight would be a couple of accountants and the budget director, need regardless)

Motion to report FAVORABLE by Councilor Lally, 2<sup>nd</sup> by Councilor Nicastro. No action on Motion as Motion was withdrawn.

Comments by Councilor Thompson  
(re continuing)

Comments by Councilor Nicastro  
(wants to know about replacement of these positions)

Comments by Councilor Farwell  
(purpose, embarrassing to see the City go through this again)

Comments by Councilor Lally  
(concern about staffing recommendations)

Comments by Councilor Thompson  
(school committee buy-in, propose these positions)

Comments by Councilor Farwell  
(two positions to help)

Comments by Troy Clarkson, Chief Financial Officer  
(need to have greater oversight on the city side)

Councilor Lally withdraws Motion.

Motion to report POSTPONED until the next Ordinance Committee Meeting by Councilor Thompson, 2<sup>nd</sup> by Council Lally. Roll call vote. Motion carries 4-1 with Councilors Nicastro, Lally, Thompson and Teixeira voting in favor and Councilor Farwell voting in opposition.

Comments by Councilor Lally  
(wants to question the superintendent)

Comments by Councilor Farwell  
(re having these ordinances reviewed by superintendent with CFO and perhaps Mayor)

Comments by Councilor Farwell, Thompson and Lally re same

Next the Committee considered the following:

**#5 on agenda**

Item read. Discussion re meeting with CFO, Mayor and Dr. Cobbs to report back.

Motion to report POSTPONED until the next Ordinance Committee Meeting by Councilor Lally, 2<sup>nd</sup> by Councilor Teixeira. Motion carried unanimously.

Next the Committee considered the following:

**#6 on agenda**

Item read.

MOTION to AMEND by Councilor Lally to include the following language “Salaries for these positions are to be paid through Schedule 19 with the discretion of the Mayor and Chief Financial Officer”, 2<sup>nd</sup> by Councilor Nicastro. Motion carried unanimously.

Comments by Troy Clark, Chief Financial Officer  
(legislative intent)

Comments by Councilor Thompson  
(F-4 position, send pay scale)

Motion to report POSTPONED until the next Ordinance Committee Meeting by Councilor Lally, 2<sup>nd</sup> by Councilor Nicastro. Motion carried unanimously.

The meeting was adjourned at 8:52 p.m.

Documents: 48 Hour Notice of Schedule Cleanup; Email from Rob May re unable to attend