

REPORT – ORDINANCE COMMITTEE
May 7, 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 FAVORABLE AS AMENDED by Motion of Councilor Thompson, 2nd by Councilor Lally.

#2 on agenda

having considered the same, report POSTPONED by Motion of Councilor Thompson, 2nd by Councilor Lally.

#3 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Lally, 2nd by Councilor Nicastro.

#4 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Nicastro, 2nd by Councilor Lally.

#5 on agenda

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Lally, 2nd by Councilor Nicastro.

#6 on agenda

having considered the same, report FAVORABLE AS AMENDED Lally by Motion of Councilor Thompson, 2nd by Councilor

#7 on agenda

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Lally, 2nd by Councilor Thompson.

MINUTES – ORDINANCE COMMITTEE
May 7, 2024

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

Agenda read into the record.

Motion to take Item #7 out of Order by Councilor Lally, 2nd by Councilor Texiera. Motion carried.

The Committee first considered the following:

#7 on agenda

Comments by Mayor Sullivan

(raising fees taken extremely seriously, thanks Councilor Asack for sponsoring this, \$30 increase per quarter, \$120 per year, no increase since the 1990s, contract with Republic, more money to be paid under the terms of the contract, expressed discussions with state watching the meeting, compromise, need this for FY25 budget)

Comments by Troy Clarkson, Chief Financial Officer

(business manager of DPW put together this spreadsheet, demonstrates that the compromise will increase budget and then in balance with slight surplus, compromise for \$15 per quarter for single family, \$30 for multifamily per quarter, long overdue, need to address the fees in some way, affects ability to balance the FY25 budget so we don't have to balance from the general fund, to avoid state intervention)

Comments by Councilor Nicastro

(will compromise be enough?, no increase in 20+ years)

Comments by Troy Clarkson, Chief Financial Officer

(Yes, enough to get through this year, never easy to implement a fee increase, never a good time, smaller incremental fee increases in the future)

Comments by Councilor Thompson

(predicament, never a good time to raise fees, single family \$60 a year, 30 years of not taking on this decision, water rate block issue a few years ago, costs of the refuse funds)

Comments by Patrick Hill, DPW Commissioner

(re water rate block fees, re retained earnings used, refuse fund expenses)

Comments by Councilor Lally
(multi-units being billed)

Comments by Councilor Texiera
(wants to be fair across the board, nothing extra provided to single family vs. multifamily)

MOTION to AMEND by Councilor Farwell to strike the language following “Effective on July 1, 2024...” and insert in its place:

the fee for single family, owner-occupied homes shall be eighty-five dollars per quarter. All other dwelling units shall be one hundred dollars (\$100.00) per quarter.

Effective July 1, 2025, and on each July 1st thereafter, the commissioner of the department of public works, with the approval of the mayor, may increase the fees by not more than four percent (4) of the annual amount due in order to properly fund refuse collection and recycling, but for no other purposes.

Comments by Councilor Thompson
(interested in taking these items separately, does not like automatic increases, ducts the responsibility of the body)

No Second on the Motion to Amend by Councilor Farwell.

MOTION to AMEND by Councilor Farwell to strike the language following “Effective on July 1, 2024...” and insert in its place:

the fee for single family, owner-occupied homes shall be eighty-five dollars per quarter. All other dwelling units shall be one hundred dollars (\$100.00) per quarter.

Motion received a 2nd by Councilor Thompson.

Comments by Councilor Farwell
(single family homes can’t increase the rents, understands the fairness issue)

Comments by Councilor Thompson
(calculations, little room to reduce the multifamily without then increasing the single family)

Comments by Councilor Texiera and Lally
(balance the budget with \$24 per quarter increase, \$20 increase)

Comments by Patrick Hill, DPW Commissioner
(\$110,000 in retained earnings)

Comments by Councilor Asack
(process)

Motion withdrawn Councilor Farwell, 2nd on the motion was withdrawn by Councilor Nicastro. Motion is withdrawn.

Motion by Councilor Teixeira to AMEND the Ordinance as follows: strike the language “four hundred dollars (\$400.00)” and insert in its place “three hundred sixty dollars (\$360.00)” and strike the language “one hundred dollars (\$100.00) and insert in its place “ninety dollars (\$90.00)”, 2nd by Councilor Nicastro. Motion carried unanimously.

Motion by Councilor Farwell to AMEND the Ordinance as follows: to strike the language following “Effective on July 1, 2024...” and insert in its place:

Effective July 1, 2025, and on each July 1st thereafter, the commissioner of the department of public works, with the approval of the mayor, may increase the fees by not more than four percent (4%) of the annual amount due in order to properly fund refuse collection and recycling, but for no other purposes.

2nd by Councilor Nicastro.

Comments by Councilor Thompson
(does not like automatic fee increases)

Comments by Councilor Lally
(agrees)

Comments by Councilor Nicastro
(4% of \$360 is not a lot of money)

Comments by Councilor Lally
(part of the job of the Council)

Comments by Councilor Farwell
(trash bill is small, parking authority determines rates, building and health determine fees)

Comments by Councilor Lally
(decisions of elected politicians, maybe we review it every year by ordinance)

Motion to Amend by Councilor Farwell failed by a roll call vote 2-3, with Councilors Nicastro and Farwell voting in the affirmative and Councilors Lally, Texiera, and Thompson voting in opposition.

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

Next the Committee considered the following:

#1 on agenda

Comments by Councilor Thompson

(worked on proposed changes based on comments from the last ordinance meeting, process in place to clean, process has been happening in the city for years now with success, safe and clean Brockton, applicable to the whole city, flexibility to the parks and DPW departments, timeframe, police department flexibility, expectation the police department will be present for the cleanings)

Comments by Councilor Nicastro

(re parks commission duties)

Comments by Tim Carpenter, Superintendent of Parks

(part of the daily tasks assigned to him)

Comments by Councilor Thompson

(budget concerns)

Comments by Councilor Farwell

(re notice requirement)

Comments by Solicitor Bridges

(no requirement, policy, Johnson case, to appease complaints, thought this to be constitutionally lawful regarding the camping in public limits)

Comments by Councilor Farwell

(re violations of its own policy)

Comments by Solicitor Bridges

(this was written with prescriptions, days and times)

Comments by Councilor Farwell

(voluntary notice, locking in staff)

Comments by Solicitor Bridges

(original draft done with the consultation of Mayor)

Comments by Councilor Thompson

(trying to set a policy for city to do a specific act, these departments are involved in unhoused population needs, roadway ordinance directed police to do a task, not beyond reason for council to direct departments to perform,)

Motion to Amend the Ordinance by Councilor Thompson (based on draft of law department), 2nd by Councilor Lally.

Motion is as follows:

insert the word “coordinated” before cleanings in section 12.155.1(a) and then insert “throughout the City of Brockton” and striking the remaining language in subsection (a); strike the word “scheduled” in section 12.155.1(b) and insert “coordinated” in its place; insert the word “any public property” and strike “the following properties” and to strike “All MBTA owned bridges, D.W. Field Park, Perkins Park, and Salisbury River Plain Park aka Finnegan Park” in section 12.155.2; strike the language “shall oversee the cleaning program for the bridges” and “for the parks” in 12.155.3.(a); insert “shall occur” after the words “The cleanings” and strike the language “under the bridges shall occur on Mondays, Wednesdays, and Fridays” and insert the following language “on days and locations determined by the Commissioner of the Department of Public Works, the Superintendent of Parks, Director of Social Services and the Chief of Police” in section 12.155.3(b); strike sections 12.155.3(c) and (d) in their entirety; strike “at least thirty (30) minutes” in section 12.155.3(f) and insert in the section the following language “unless the Police Department is unavailable due to emergency circumstances” after the language “location of the cleaning.”; to insert “and/or Parks Department” after the words “Department of Public Works.” and inserting “if available” in section 12.155.3(g); inserting “may” in section 12.155.3(e); designating the title of the ordinance to “Public Property Cleaning Ordinance”.

On the Motion:

Comments by Councilor Lally
(48 hours notice)

Comments by Solicitor Bridges
(does not see legal implication, notice was curtesy, can change “shall” to “may”)

Comments by Councilor Farwell
(re “if available” after Director of Social Services)

Comments by Councilor Thompson
(thinks the language accomplished this)

Adding “if available” / Shall to May, and naming of the ordinance as the Public Property Cleaning Ordinance treated as Friendly Amendments to Motion by Councilor Thompson.

Comments by Councilor Nicastro
(re public property cleaning Ordinance)

Motion to Amend carries unanimously.

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

Next the Committee considered the following:

#2 on agenda

Item read. Conflict of invited guests.

Motion to report POSTPONED by Councilor Thompson, 2nd by Councilor Lally. Motion carried unanimously.

Next the Committee considered the following:

#3 on agenda

Item read. Brief recess taken.

Comments by Councilor Farwell
(asked for additional information, which was provided, salary schedule for the city, and school finance)

Comments by Troy Clarkson, Chief Financial Officer
(had a couple of accountants)

Comments by Councilor Farwell
(ratio benefits affect the salary, need for greater accountability of school department revenue and expenses)

Comments by Troy Clarkson, Chief Financial Officer
(supports, budget will include funding for these positions, credit back through schedule 19 and net school spending to charge this to the school department, positions dedicated will allow execution of greater oversight)

Comments by Councilor Farwell
(separate ordinance for salary range, comparable position on the school side is \$63k more)

Comments by Councilor Thompson
(difficulty funding positions at these salary levels, would this have helped the deficit we are in right now)

Comments by Troy Clarkson, Chief Financial Officer
(multiple system failures, difficult to answer)

Comments by Councilor Thompson
(structural issues, cart before the horse, hard time agreeing at this point, wants to hear back from 2 audits and the resolutions to the structural issues, consolidation issues)

Comments by Councilor Farwell
(re FY2 budget for the school, proactive)

Comments by Troy Clarkson, Chief Financial Officer
(this number is known and determined)

Comments by Councilor Nicastro
(does not want to waste money, appreciates Councilor Thompson's concern, may be duplicating efforts, but imperative due to the mess because of overspending on the school side not caught on the city side)

Motion to report FAVORABLE by Councilor Lally, 2nd by Councilor Nicastro. Motion carried 4-1, with Councilor Thompson voting in opposition.

Next the Committee considered the following:

#4 on agenda

Comments by Councilor Farwell
(position and salary)

Comments by Troy Clarkson, Chief Financial Officer
(same comments)

Motion to report FAVORABLE by Councilor Nicastro, 2nd by Councilor Lally. Motion carried 4-1, with Councilor Thompson voting in opposition.

Next the Committee considered the following:

#5 on agenda

Comments by Councilor Farwell
(read the salary changes, paid must less than comparable positions on the school side, union benefits not given as well)

Comments by Councilor Thompson
(re salary ranges)

Comments by Councilor Nicastro
(prior amendment to have these items to be paid out of schedule 19)

Comments by Troy Clarkson, Chief Financial Officer
(re schedule 19 costs and process)

Comments by Councilor Lally

(school committee has not come back for additional money and we have not cut what has been proposed to council in budget)

Motion to report FAVORABLE AS AMENDMED by Councilor Lally, 2nd by Councilor Nicastro. Motion carried 4-1, with Councilor Thompson voting in opposition.

The Amendment to the Ordinance was taken by Motion on March 27, 2024 by Motion of Councilor Lally, 2nd by Councilor Nicastro 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.” Motion carried unanimously.

Next the Committee considered the following:

#6 on agenda

Comments by Councilor Farwell

(special education services are exempt from bidding, though it is a very expensive undertaken, ordinance says that special education transportation services would go out to bid, school committee determines policy, routes, bid documents, transmitted to chief procurement officer, bids open, awarding authority is school committee, conduit of vendors who respond and awarding of bid, published list of vendors selected)

Comments by Councilor Thompson

(state statute exempt from 30B, current practice)

Comments by Councilor Farwell

(100s of vendors that provide transportation)

Comments by Michael Morris, Chief Procurement Officer

(number of service agreements, could have multiple or one, depends on low bid, adds structure and makes it more competitive, more oversight and contract management, contracts instead of service agreement, would need information from school department, scope of services, to draft the bid, he would be conducting the procurement)

Comments by Councilor Thompson

(re process moving forward if procurement is involved, cost certainty)

Comments by Councilor Texiera

(how do we control the bidding, price)

Comments by Michael Morris, Chief Procurement Officer

(school committee and transportation, factors)

Comments by Councilor Farwell
(re Town of Brookline requirement, can charge whatever you want)

Comments by Michael Morris, Chief Procurement Officer
(chief procurement officer)

Motion to AMEND by Councilor Lally to insert “chief” and “or designee”, 2nd by Councilor Nicastro. Motion carried unanimously.

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

Motion to adjourn by Lally, 2nd by Thompson.

The meeting was adjourned at 8:46 p.m.

Documents: Projected Retained Earnings for total per bin charge