

CHARLES RYAN  
President

LELAND DINGEE  
At Large

SEAN POWERS  
At Large

JOHN MULLANEY  
District 2

THOMAS BOWES  
District 3



CHARLES KOKOROS  
Vice President  
District 1

HENRY JOYCE  
District 4

RONALD DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### August 10, 2011

## MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Wednesday, August 10, 2011 beginning at 7:30p.m.

Council President Ryan was in the chair.

Clerk of the Council, James Casey, conducted the roll call.

Present: Charles B. Ryan, President  
Charles Kokoros, Vice President  
Leland Dingee  
Sean Powers  
John C. Mullaney  
Thomas Bowes  
Paul Dan Clifford

Not Present: Henry N. Joyce  
Ronald DeNapoli

Others: Joseph Sullivan, Mayor  
Edward Spellman, Finance Director  
Christine Stickney, Director of Planning/Community Development  
Eric Kinsherf, Town Auditor  
Joseph Powers, Town Clerk

The meeting was opened with the pledge of allegiance and there was a moment of silence for all those serving in our armed services, past and present.

### **CORRESPONDENCE**

None

## **ANNOUNCEMENTS**

- 028 11 – Council President: Liberty School 5k Road Race/Walk
- 031 11 – Councilor Joyce: Remembering Amanda Fundraiser
- **Councilor Powers:** Texting Police Reporting Program
- **Councilor Clifford:** Seal Team Six
- **Councilor Dingee:** Library Upcoming Events
- **Councilor Kokoros:** Saint Catherine Event
- **Councilor Kokoros:** Babe Ruth Baseball Registration
- **Councilor Ryan:** Working Police Dog Foundation
- **Councilor Ryan:** Lyme Disease Meeting

## **APPROVAL OF MINUTES**

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

## **OLD BUSINESS**

- **11 031 – Mayor: Petition for Special Legislation to Grant Additional Liquor Licenses**

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the Committee has recommended favorable action.

Mayor Sullivan commented that there is a large concentration of liquor licenses on the Granite Street corridor. And, the intent of this legislation is to generate economic activity in three designated districts; South Braintree Square, Braintree Square and the Landing. He explained that other communities, such as Dedham and Hingham, established districts with great success.

The Clerk of the Council noted that the proposed motion requires a slight modification; the date “May 2011” should be changed to “June 2011”.

Councilor Kokoros read the following motion; “That the Town Council vote to authorize the Mayor to petition the General Court pursuant to Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts for an Act of Special Legislation authorizing the Town of Braintree to grant additional liquor licenses as set forth in the petition for special legislation filed with the Town Council in June 2011 and on file with the Office of the Town Clerk. Further, that the General Court be authorized to make clerical or editorial changes of form only to the bill before enactment by the General Court, and further, that the

Mayor be authorized to approve amendments which shall be within the scope of the general public objectives of this petition.”

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

• **11 032 – Mayor: Zoning Amendment for Municipal Public Park**

Councilor Dingee, Chairman of the Committee on Ordinance & Rules, reported that the Planning Board recommended favorable action on the zoning amendment last evening and is shown in a letter from the Chairman of the Planning Board and distributed to members prior to the meeting. The Committee on Ways & Means has also recommended favorable action.

Councilor Kokoros read the following motion; “That the Town vote to amend its Zoning By-laws/Ordinances, dated May 1940, as most recently amended, by amending Article I – Purpose and Definitions, Section 135-102 - Definitions by inserting in alphabetical order a definition for “Municipal Public Park” as follows:

Municipal Public Park: A municipal outdoor use as a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the Town of Braintree separate from any other use located on a lot of any size, for the purposes of public rest, play, recreation, enjoyment or assembly, and all parking located thereon or therein. The Town of Braintree may construct or place one building with a footprint of no more than one thousand (1000) square feet for purposes of providing public restrooms.

Further, that the Town vote to amend its Zoning By-laws/Ordinances, dated May 1940, as most recently amended, by amending Article VI – Permitted Uses and Districts, Section 135-601 – Table of Principal Uses by inserting into the Table of Principal Uses under the heading “Institutional” and after the uses for “Municipal Building” the following new use for “Municipal Public Park” as follows:

	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>C123</u>	<u>GB</u>	<u>HB</u>	<u>C</u>	<u>OSC</u>	<u>BWLD</u>
Municipal Public Park	Y	Y	Y	N	N	N	N	Y	Y

Further, that the Town vote to amend its Zoning By-laws/Ordinances, dated May 1940, as most recently amended, by amending Article VII – Area Regulation, Section 135-711.B by inserting the following new subparagraph (4) as follows:

(4) Any Municipal Public Park as defined in Section 135-102 where the area of said lot is greater than 1000 SF.

And further, that the Town vote to amend its Zoning By-laws/Ordinances, dated May 1940, as most recently amended, by amending Article VIII – Off-Street Parking and Loading, Section 135-806 – Schedule of Off-Street Parking Requirements, Paragraph A, by inserting the following new language:

**Use**

**Parking Required**

Municipal Public Park

As required under Site Plan Review”

**Motion:** by Councilor Kokoros

**Second:** by Councilor Clifford

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

• **11 037 – Mayor: Request for Appropriation: Community Preservation Fund – Highlands Playground**

**Motion:** by Councilor Kokoros to Open Public Hearing

**Second:** by Councilor Clifford

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the Committee has recommended favorable action.

Council President Ryan asked if any member of the Council or the Public would like to comment on the matter at hand. No one offered comments.

**Motion:** by Councilor Kokoros to Close Public Hearing

**Second:** by Councilor Clifford

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read the following motion: “In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$275,000 be appropriated from the Community Preservation Act Unreserved Fund for the purpose of funding the construction and purchase of equipment for a new playground to be located at 1969 Washington Street in the Braintree Highlands, subject to the Recreation and Community Events Coordinator providing quarterly reports on the progress of the project to the Community Preservation Committee. Said funds are to be expended under the direction of the Community Preservation Committee and by the Director of Planning and Community Development.”

**Motion:** by Councilor Kokoros  
**Second:** by Councilor Clifford  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

- **11 033 – Mayor: FY2012 Request for Appropriation – Community Preservation Fund**

**Motion:** by Councilor Kokoros to Open Public Hearing  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the Committee has recommended favorable action on each of the five appropriation requests.

Council President Ryan asked if any member of the Council or the Public would like to comment on the matter at hand. Resident, David Shaw, requested that all motions be read by each Committee Chairman prior to requesting public input. As requested by Mr. Shaw, Councilor Mullaney read each of the five prepared motions. Council President Ryan again asked if anyone from from the Council or Public would like to comment on any of the appropriation requests. No one requested to speak.

**Motion:** by Councilor Kokoros to Close Public Hearing  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number one;

1. **Community Housing**

**MOTION:** In accordance with the provisions of Chapter 44B, Section 5 of the General Laws and the recommendation of the Community Preservation Committee, that the sum of \$75,000 be appropriated and set aside for later use from the Community Preservation Fund to the Community Housing Reserve for the acquisition, creation, preservation, or support of community housing or the rehabilitation or restoration of community housing that is acquired or created as provided in Chapter 44B, Section 5 of the General Laws.

**Motion:** by Councilor Kokoros  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number two;

2. **Open Space**

**MOTION:** In accordance with the provisions of Chapter 44B, Section 5 of the General Laws and the recommendation of the Community Preservation Committee, that the sum of \$75,000 be appropriated and set aside for later use from the Community Preservation Fund to the Open Space Reserve for the acquisition, creation, or preservation of open space and for the rehabilitation or restoration of open space that is acquired or created as provided in Chapter 44B, Section 5 of the General Laws.

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number three;

3. **Historic Resources**

**MOTION:** In accordance with the provisions of Chapter 44B, Section 5 of the General Laws and the recommendation of the Community Preservation Committee, that the sum of \$75,000 be appropriated and set aside for later use from the Community Preservation Fund to the Historic Resources Reserve for the acquisition, preservation, rehabilitation, or restoration of historic resources as provided in Chapter 44B, Section 5 of the General Laws.

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number four;

4. **Budgeted Reserve**

**MOTION:** In accordance with the provisions of Chapter 44B, Section 5 of the General Laws and the recommendation of the Community Preservation Committee, that the sum of \$400,000 be appropriated from the FY2012 Community Preservation Fund annual reserves to the FY2012 Community Preservation Budgeted Reserve for FY2012 Community Preservation purposes.

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number five;

5. **Administrative and Operating Expenses**

**MOTION:** In accordance with the provisions of Chapter 44B, Section 5 of the General Laws and the recommendation of the Community Preservation Committee, that the sum of \$30,000 be appropriated from the Community Preservation Fund for fiscal year 2012 administrative and operating expenses of the Community Preservation Committee, with said funds to be expended under the direction of Community Preservation Committee and by the Director of Planning and Community Development.

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

• **11 035 – Mayor: Bonding Request for FY2012 Water Sewer Capital Plan**

**Motion:** by Councilor Kokoros to Open Public Hearing

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Mullaney, Chairman of the Committee on Ways & Means, read the July 14, 2011 memo from Peter Morin, Chief of Staff, outlining each of the four bonding requests. Additionally, Councilor Mullaney reported that the Committee has recommended favorable action on each request.

Council President Ryan asked if any member of the Council or the Public would like to comment on the matter at hand. No one requested to speak.

**Motion:** by Councilor Kokoros to Close Public Hearing

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number one;

“That the Town of Braintree appropriates the sum of Three Million Four Hundred Twenty -Six Thousand Dollars (\$3,426,000) to pay costs of water distribution system improvements in the Town wide, and for the payment of all other costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.”

**Motion:** by Councilor Kokoros  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number two;

“That the Town of Braintree appropriates the sum of Six Hundred Thousand Dollars (\$600,000) to pay costs of rehabilitating the Lincoln Heights Standpipe, including the payment of all costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(7C) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.”

**Motion:** by Councilor Kokoros  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number three;

“That the Town of Braintree appropriates the sum of Nine Hundred and Eighty Thousand Dollars (\$980,000 ) to pay costs of Water Treatment Plant Improvements, including the payment of all costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(7C) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.”

**Motion:** by Councilor Kokoros  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read motion number four;

“That the Town of Braintree appropriates the sum of One Million Two Hundred and Three Thousand Dollars (\$1,203,000) to pay costs of the following capital projects:

<u>Project</u>	<u>Amount</u>	<u>Authorizing Statute</u>
W/S Roadway Resurfacing	\$1,082,000	Ch. 44, s. 7(5)
W/S F-350 Truck/ Plow	\$ 53,500	Ch 44, s 7(9)
W/S Ranger Truck	\$ 18,500	Ch 44, s 7(9)
W/S Compressor	\$ 49,000	Ch 44, s 7(9)

and for the payment of all other costs incidental and related thereto; that the amounts indicated above for each project are estimates and that the Mayor may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Mayor, each of the projects described above can be completed within the total appropriation made by this Order; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to the authorizing statutes described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.”

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

- **11 036 – Mayor: Bonding Request for Phase II 100 Roads Program – Year 1**

**Motion:** by Councilor Kokoros to Open Public Hearing

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Mullaney, Chairman of the Committee on Ways & Means, read the July 14, 2011 memo from Peter Morin, Chief of Staff, outlining the bonding request. Additionally, Councilor Mullaney reported that the Committee has recommended favorable action on the request.

Council President Ryan asked if any member of the Council or the Public would like to comment on the matter at hand. No one requested to speak.

**Motion:** by Councilor Kokoros to Close Public Hearing

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

Councilor Kokoros read the following motion;

That the Town of Braintree appropriates the sum of One Million Seven Hundred Thousand Dollars (\$1,700,000) to pay costs of the following capital projects:

<u>Project</u>	<u>Amount</u>	<u>Authorizing Statute</u>
Roadway Resurfacing	\$750,000	Ch. 44, s. 7(6)
Roadway Reconstruction	\$950,000	Ch. 44, s. 7(5)

and for the payment of all other costs incidental and related thereto; that the amounts indicated above for each project are estimates and that the Mayor may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Mayor, each of the

projects described above can be completed within the total appropriation made by this Order; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to the authorizing statutes described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**Motion:** by Councilor Kokoros

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

## COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- **Council President:** Sustainable Braintree Event

## NEW BUSINESS

### Refer to Committee on Ways & Means

- 11 038 – Mayor: Appropriation from Community Preservation Fund – All Soul’s Church
- 030 11 – Council President: Town Auditor Services
- 031 11 – Council President: Outside Auditor Services

**Motion:** by Councilor Kokoros to refer to Committee on Ways & Means

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

### Refer to Committee on Public Works

- 11 039 – NationalGrid: Petition – French Avenue
- 11 040 – NationalGrid: Petition – Commercial Street

**Motion:** by Councilor Kokoros to refer to Committee on Public Works

**Second:** by Councilor Bowes

**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

### Refer to Committee on Ordinance & Rules

- 11 041 – Councilor Powers: Amend Chapter 2-320 – Town Seal

Councilor Dingee asked if there was an official Town Seal. Joseph Powers, Town Clerk, reported that there were three original Town Seals as well as an electronic version.

**Motion:** by Councilor Kokoros to refer to Committee on Ordinance & Rules  
**Second:** by Councilor Bowes  
**Vote:** For (7), Against (0), Absent (2-DeNapoli, Joyce)

## **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 8:47p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## **Documents provided for Meeting**

- **July 19, 2011 Minutes**
- 11 031 – Mayor: Petition for Special Legislation to Grant Additional Liquor Licenses
- 11 032 – Mayor: Zoning Amendment for Municipal Public Park
- 11 037 – Mayor: Request for Appropriation: Community Preservation Fund – Highlands Playground
- 11 033 – Mayor: FY2012 Request for Appropriation – Community Preservation Fund
- 11 035 – Mayor: Bonding Request for FY2012 Water Sewer Capital Plan
- 11 036 – Mayor: Bonding Request for Phase II 100 Roads Program – Year 1
- 11 038 – Mayor: Appropriation from Community Preservation Fund – All Soul’s Church
- 030 11 – Council President: Town Auditor Services
- 031 11 – Council President: Outside Auditor Services
- 11 039 – NationalGrid: Petition – French Avenue
- 11 040 – NationalGrid: Petition – Commercial Street
- 11 041 – Councilor Powers: Amend Chapter 2-320 – Town Seal