

Thomas M. Bowes
President
District 3

Shannon L. Hume
At Large

CHARLES B. Ryan
At Large

CHARLES C. Kokoros
District 1

JOHN C. MULLANEY
District 2



Sean E. Powers
Vice President
At Large

Stephen C. O'Brien
District 4

Michael J. Owens
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

August 11, 2015

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, August 11, 2015 beginning at 7:30p.m.

Council President Bowes was in the chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, President
Sean Powers, Vice President
Paul Dan Clifford
Shannon Hume
Charles Kokoros
Stephen C. O'Brien
Michael Owens
Charles Ryan

Not Present: John Mullaney

Also Present: Joseph C. Sullivan, Mayor
Edward Spellman, Finance Director
Christine Stickney, Director Planning & Community Development

APPROVAL OF MINUTES

• July 14, 2015

Motion: by Councilor Powers to Approve Minutes of July 14, 2015

Second: by Councilor Kokoros

Vote: For (7), Against (0), Absent (1-Mullaney), Abstain (1-O'Brien)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

• 033 15 Council President: Discussion – Town Auditor position

Motion made at the Committee of Ways & Means meeting by Councilor Hume to revise this job description (revise one paragraph and eliminate another) recommend to the full council.

Motion: by Councilor Hume favorable recommendation to the full council

Second: by Councilor Powers

Vote: For (3), Against (0), Absent (1-Mullaney)

CITIZEN CONCERNS/COUNCIL RESPONSE

- 041 15 Councilor Powers: Speeding Concern Howie Road.

There were many residents from the Howie Road area present at the Council meeting. There were documents given with radar detection information from the Braintree Police Department showing excessive speeds. They were requesting a reduced speed limit and STOP signs at Acorn Street and Howie Road. Councilor Powers and Councilor Kokoros stated they will contact TASC and see the appropriate action is taken to help with the Speeding Concerns.

OLD BUSINESS

- 15 019 REZONE: Proposed Zoning Amendment – Article VII (Area Regulations) or take up any action relative thereto (**PUBLIC HEARING**)

Motion by Councilor Powers to Open Public Hearing for Order 15 019

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (8), Against (0), Absent (1-Mullaney)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 019?

Councilor Clifford stated this was voted at the Committee on Ordinance & Rules for favorable recommendation to the full council.

Motion by Councilor Powers to Close Public Hearing for Order 15 019

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (8), Against (0), Absent (1-Mullaney)

MOTION: Propose to amend Zoning Ordinance Article VII (Area Regulations) under Section §135-701 by adding after the Table of Dimensional and Density Regulations a new note (11) "Properties located in a Highway Business District that use parking structures to meet off-street parking requirements set forth in §135-806, with or without building area above or below such parking structure, may increase the allowable Building Coverage by 5% for a total Maximum Building Coverage of 30% so long as the site provides at least the 25% Open Space and 75% Lot Coverage.

Motion by Councilor Powers to Accept Council Order 15 019

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (7), Against (1-O'Brien), Absent (1-Mullaney)

Councilor Kokoros left the meeting at 8:25pm.

Councilor Owens left the meeting at 8:28 pm.

- 15 024 Mayor: Six Capital Article Requests or take up any action relative thereto (**PUBLIC HEARING**)

This Council Order 15 024 Item (6) – Hazmat Vehicle was TABLED on July 14, 2015 so Council could receive a complete written Motion on this item.

Motion by Councilor Powers to Open Public Hearing for Order 15 024 (6)

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Mullaney, Kokoros, Owens)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 024 (6)?

Motion by Councilor Powers to Close Public Hearing for Order 15 024 (6)

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Mullaney, Kokoros, Owens)

(6) – Hazmat Vehicle

MOTION: That the sum of \$39,780 be transferred from the Town's Fire Department Vehicle replacement account, to the Fire Department / program 62 capital / Hazmat vehicle replacement account.

Motion: by Councilor Powers to approve Order 15 024 (6)

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Mullaney, Kokoros, Owens)

Councilor Owens returned to Council Chambers at 8:33pm

- 15 025 Mayor: Establishment of OPEB Trust or take up any action relative thereto (**PUBLIC HEARING**)

Motion by Councilor Powers to Open Public Hearing for Order 15 025

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 025?

Ed Spellman, Director of Finance stated a revision to the Trust was added per the request of Councilor Mullaney. He requested the Council President or his designee will be part of the Board who oversees this OPEB Trust along with the Town Accountant or his designee.

Motion by Councilor Powers to Close Public Hearing for Order 15 025

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

Councilor Powers read the Motion:

MOTION: That the Town of Braintree hereby establishes an irrevocable Other Post Employment Benefits (OPEB) Trust Agreement, attached.

Motion: by Councilor Powers to accept Order 15 025

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

Councilor Powers read the following resolutions:

RESOLVED: That, the Town of Braintree has established an Other Post-Employment Benefits Liability Trust Fund (“OPEB Trust Fund”) in accordance with the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, section 57 of the Acts of 2011 (the “Act”);

RESOLVED: That, in accordance with the Act, the Town of Braintree hereby designates the Town Treasurer/Collector to serve as custodian of the Municipality’s OPEB Trust Fund;

RESOLVED: That the Mayor of the Municipality be authorized to execute and deliver the Investment Agreement with State Retirement Benefits Trust (“SRBT”) in substantially the form presented to this meeting and attached hereto, and that the Treasurer/Collector be authorized to sign checks and wire OPEB Trust Funds to SRBT or to the Pension Reserves Investment Trust, or as it may otherwise be directed by SRBT, and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as SRBT or the Pension Reserves Investment Management Board may direct; and

RESOLVED: That the sum of \$4,527,985 be appropriated by transferring said sum from the Town’s OPEB Trust Fund to the SRBT Fund.

Motion: by Councilor Powers to accept Order 15 025

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

- 15 026 National Grid Petition: Packard Drive or take up any action relative thereto

Councilor Charlie Ryan, Committee Chair for the Committee on the Department of Public Works stated the Committee recommends favorable action with the following Staff Recommendations:

MOTION: To install and maintain approximately 275 feet of 2 inch gas main from the existing 2 inch main at house # 20 northerly and westerly to house # 45 and #47 Packard Drive for new gas service with staff recommendations.

BELD: Engineering has reviewed the proposed installation plan and has no underground electric utility conflicts within the proposed scope of work.

Please note that there are underground electric and communication utility's serving the development to the East of Packard Dr. at the limits of the proposed excavation and trench plan.

DPW: This section of Packard Drive is not under moratorium. The Town intends to install a new water main through that entire section this year beginning early summer, so prompt completion of the gas main installation would avoid coordination problems with the Town’s contractor. We’d recommend that the

petition be granted under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time; We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and Police Department.”

Motion: by Councilor Ryan to accept Order 15 026

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

- 15 027 Retirement Board Members Compensation or take up any action relative thereto (**Public Hearing for the proposed Ordinance change**)

Jeanne Martineau, Director of Braintree Retirement would like to give an overview of what the Board does. Refer to the Committee on Ordinance & Rules/ Committee on Ways & Means Chairman....

Motion by Councilor Powers to Open Public Hearing for Order 15 027

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 027?

This Order 15 027 was TABLED at the Committee on Ways & Means meeting until some questions can be answered from the Town Solicitor.

Motion by Councilor Powers to Close Public Hearing for Order 15 027

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (3-Mullaney, Kokoros)

Councilor Powers made a motion to TABLE Order 15 027.

Motion: by Councilor Powers to TABLE Order 15 027

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Mullaney, Kokoros)

Councilor Kokoros returned at 8:50pm

- 15 028 East Braintree Fire Station – Additional Funding Request or take up any action relative thereto
(Public Hearing)

Motion by Councilor Powers to Open Public Hearing for Order 15 028

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (8), Against (0), Absent (1-Mullaney)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 028?

Motion by Councilor Powers to Close Public Hearing for Order 15 028

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (8), Against (0), Absent (1-Mullaney)

MOTION:

That the Town appropriate the amount of One Hundred Seventy Four Thousand - Three Hundred and Fifty (\$174,350) Dollars for the purpose of paying the additional costs identified in the proposed change orders to the East Braintree Fire Station. To meet this appropriation the sum of One Hundred Seventy Four Thousand- Three Hundred and Fifty (\$174,350.) Dollars be transferred from the Town's Building Capital Stabilization fund.

Motion: by Councilor Powers to accept Order 15 028

Second: by Councilor Kokoros

Vote: For (8), Against (0), Absent (1-Mullaney)

- 15 030 Peterson Pool/Rink Athletic Facility – Authorization to Transfer Custody of Property or take up any action relative thereto

Mayor Joseph C. Sullivan stated this is only a transfer of land from the School Department to the Mayor's Department. The School Department voted in favor of this.

Council President Bowes stated the Town still owns this land and will continue to do so.

Councilor O'Brien stated he does not like the way this Motion was worded. He will not support this the way it is written.

MOTION:

That the Town Council vote, pursuant to General Laws, Chapter 40, Section 15A, to transfer the care, custody and control of a portion of a parcel of land, commonly referred to as Carson Field, identified on the Assessors Map 1042, Lot 02, consisting of 6.0 acres, more or less, to the Mayor for the purpose of leasing said parcel to a third party to construct, operate and maintain a pool/rink facility on said parcel under conditions deemed favorable to the Town and further to authorize the Mayor to execute any documents needed to carry out this vote, and further to authorize the School Committee to grant an easement or easements to provide access, egress and utilities to the pool/rink facility. The transfer / lease

area is described as follows, but is subject to refinement upon recording of a stamped plan to be prepared following this action:

Beginning at the intersection of the existing northerly boundary line of the Braintree High School property with the easterly side line of Granite Street; thence about 326 feet easterly along that existing northerly boundary line to the projection of a straight line best fitting along the existing fence line separating "Carson Field" from the football / track area; thence about 533 feet southerly along that projected straight line (extending about 46 feet along the easterly edge of the existing paved parking lot) to a point; thence about 424 feet westerly along a line perpendicular to the last and crossing the paved parking lot south of its existing northerly edge; thence about 107 feet southerly along the western edge of the existing paved parking lot; thence about 113 feet on a line perpendicular to the easterly side line of Town Street; thence about 703 feet along the easterly sidelines of Town and Granite Streets to the point of beginning.

Motion: by Councilor Powers to accept Order 15 030

Second: by Councilor Kokoros

Vote: For (7), Against (1-O'Brien), Absent (1-Mullaney)

• **074 14** Councilor Ryan: 5 Year Moratorium or take up any action relative thereto (**PUBLIC HEARING**)

Motion by Councilor Powers to Open Public Hearing for Order 074 14

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-Mullaney)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 074 14?

Councilor Ryan stated he is the Committee Chairman on the Committee of the Department of Public Works. The Committee had eight (8) meetings on this and Town Engineer, Bob Campbell had a lot of input in making these changes to the street moratorium.

Motion by Councilor Powers to Close Public Hearing for Order 074 14

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-Mullaney)

MOTION: To see if the Town will vote to amend its General Ordinances, Chapter 12.08 - Excavation and Obstructions, by amending Section 12.08.010, Permit, for the purpose of adding a new paragraph D and paragraph E as printed in the attachment hereto.

(Please note that the attached text must in fact be attached to this motion, or the entire text of paragraphs D and E must be read as part of the motion.)

Make the following change to the Town Ordinances, Section 12.08.010, ADD subsections D. and E., as follows:

12.08.010

D. Except as noted in Section E. below, no permit shall be granted within the moratorium period specified below for any non-emergency¹ excavation within the improved area.

Improvement	Description	longitudinal Trench	Transverse Trench (or transverse plus longitudinal totalling less than 150 feet.)
Reconstruction	New pavement over repaired or replaced granular base ²	10 years	5 years
Mill & Overlay	New pavement over milled existing pavement	10 years	5 years
Overlay	1-inch plus full lane width overlay of existing pavement ²	10 years	5 years
Shim with Microsurface, Chip Seal, Cape Seal, etc.	less than 1-inch full width surface treatment over paved shim along middle area of road	10 years	5 years
Microsurface, Chip Seal, Cape Seal, etc.	Less than 1-inch full width surface treatment over existing pavement	10 years	3 year
Other treatments	Not known at this time	TBD ³	TBD ³

E. The Town Council may grant a petition of National Grid or other gas company for a permit to excavate in an improved area under the moratorium and may require such mitigation and repairs as it sees fit, and it may require that surety be posted to secure the completion of the required mitigation and repairs.

The Mayor may grant a petition of others for a permit to excavate in an improved area under the moratorium for public safety related concerns, and may require such mitigation and repairs as he sees fit, and he may require that surety be posted to secure the completion of the required mitigation and repairs.

The minimum mitigation and surface repair requirement that should be expected for longitudinal excavation in an improved area in the first seven years of the moratorium is for full width curb to curb milling and re-paving for the full length of the excavation along the road plus another 25 feet at each end.⁴

The minimum mitigation and surface repair requirement that should be expected for a.) all transverse excavation or for b.) longitudinal excavation in the last three years of the moratorium is crown to curb milling and re-paving the extent of the excavation plus another 5 foot length each edge in the direction of traffic.⁴

All pavement markings shall be replaced in-kind. Curbs and sidewalks must be repaired or replaced, each to the satisfaction of the Highway Superintendent. Infrared treatment of seams may be required at the discretion of the Highway Superintendent.

¹ Emergency excavations for National Grid or other gas company shall consist of excavation to fix a "Grade 1" leak. For all others an emergency shall be as defined in Massachusetts' "DIG SAFE" law, MGL C.82S 40 and 40A through 40E.

² Includes Improved sidewalks

³ To be determined by the Town Council as cases arise.

⁴ Length and/or width of repair may be varied at Intersections and in other special circumstances.

Councilor Ryan made a motion to accept Order 074 14.

Motion: by Councilor Ryan to accept Order 074 14

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-Mullaney)

- 14 022 Council President: Update of Chapter 5-565: Peddling & Solicitation (Former By-Law chapter 5.32) or take up any action relative thereto (**PUBLIC HEARING**)

Motion by Councilor Powers to Open Public Hearing for Order 14 022

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-Mullaney)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 14 022?

Council President Bowes referred to Councilor Clifford (Committee Chair) for Committee on Ordinance & Rules for recommendation. Councilor Clifford asked for this item to be TABLED.

Motion by Councilor Powers to Close Public Hearing for Order 14 022

Motion: by Councilor Powers

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-Mullaney)

Councilor Powers made a motion to TABLE Order 14 022 until questions can be answered from the Town Solicitor.

Motion: by Councilor Powers to TABLE Order 14 022

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-Mullaney)

NEW BUSINESS

None

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:06p.m.

Respectfully submitted,

Susan M. Cimino

Clerk of the Council

Documents provided for Meeting

- July 14, 2015 Council Meeting Minutes
- 15 019 REZONE: Proposed Zoning Amendment – Article VII (Area Regulations) or take up any action relative thereto
- 15 024 Mayor: Six Capital Article Requests Item (6) Hazmat Vehicle or take up any action relative thereto
- 15 025 Mayor: Establishment of OPEB Trust or take up any action relative thereto
- 15 026 National Grid Petition: Packard Drive or take up any action relative thereto
- 15 027 Retirement Board Members Compensation or take up any action relative thereto
- 15 028 East Braintree Fire Station – Additional Funding Request or take up any action relative thereto
- 15 030 Peterson Pool/Rink Athletic Facility – Authorization to Transfer Custody of Property or take up any action relative thereto
- 14 022 Council President: Update of Chapter 5-565: Peddling & Solicitation (Former By-Law chapter 5.32) or take up any action relative thereto
- 074 14 Councilor Ryan: 5 Year Moratorium or take up any action relative thereto