

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

### December 1, 2015

## MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, December 1, 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  
John Mullaney  
Michael Owens  
Charles Ryan

Not Present: Stephen C. O'Brien

Also Present: Joseph C. Sullivan, Mayor  
Edward Spellman, Director of Finance  
Robert Brinkmann, Town Assessor  
Board of Assessors  
Karen Shanely, Director of HR  
Russell Jenkins, Police Chief  
James O'Brien, Fire Chief  
Paul McSoley, Police Dept. Finance Director  
Jeffrey Kunz, Director of Trash/Recycling  
Marybeth McGrath, Director of Municipal Licensing  
Barbara Mello, Grant Writer  
Frank Hackett, School Superintendent  
Ed Cronin, School Department  
Terri Stano, Library Director  
Shamila Biswas, Director of Elder Affairs

## **APPROVAL OF MINUTES**

- November 10, 2015

**Motion:** by Councilor Powers to Approve Minutes of November 10, 2015

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1-O'Brien), Abstain (0)

- November 17, 2015

**Motion:** by Councilor Powers to Approve Minutes of November 17, 2015

**Second:** by Councilor Kokoros

**Vote:** For (6), Against (0), Absent (1-O'Brien), Abstain (2-Clifford, Hume)

## **COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS**

- BELD Commissioner Anthony Agnitti came to the Council meeting to give an update on the Telephone Poles that fell into Washington Street near the Tiki Palace last week.

The Councilors had a lot of questions which will be addressed by BELD and then addressed at another Town Council meeting in the future. The questions were:

**Councilor Mullaney:** What is the cost to BELD to purchase the poles? In enquiring the poles did we enquire extra liability with it? If a lot of "Verizon" poles are rotted will there be a renegotiating?

**Councilor Powers:** What is the benefit for BELD to purchase these poles? Can BELD charge rent from Verizon? If Bill or someone can send us over an executive summary of how the previous system worked with the dual ownership of BELD and Verizon and on the maintenance of poles.

**Councilor Clifford:** Several years ago there was a court finding that required Utilities to pay taxes to the Towns the poles would reside in. With BELD buying the telephone poles now – How much is Braintree losing in terms of that additional revenue. There should be a discussion with the Board of Assessors and BELD. The Utilities did not want to pay for those poles in the Municipalities. I would like the Board of Assessors to work with BELD to understand the scope of what that revenue loss might be.

**Councilor Ryan:** When BELD is done having the poles accessed can you come back and give us an update so everyone in town can get the update. (Tony stated we will have the Engineers here also for proper technical answers)

**Councilor Charles Kokoros:** BELD owned the pole that fell down. We didn't make sure that pole was adequate. I would just like to see the report on that pole that we purchased, the assessment of it and the timetable of which it should have been repaired.

## **CORRESPONDENCE**

- 076 15 Councilor Owens: The Gavin Foundation – Youth Support

Mr. John Magan and Mr. Tom Fowkes were in attendance and spoke on what the foundation offers. The Gavin Foundation is a non-profit addiction services program. [gavinfoundation.org](http://gavinfoundation.org)

## OLD BUSINESS

- 022 15 DPW Snow & Ice Report de-briefing or take up any action relative thereto  
Charles Ryan, Chairman of the Committee on the Department of Public Works met with Mayor Sullivan and Tom Whalen, Director of DPW, Stephen J. O'Brien, Highway Superintendent, Walter Sullivan and Nancy Kennedy, DPW clerk to review the Snow & Ice Report. In addition, they discussed lessons learned, understanding the game plan for the upcoming winter season and especially address the need around the Braintree Schools for those having to walk to school and medical emergencies always being the priority.  
Councilor Owens asked Mayor Sullivan about having at the main intersections having a flashing light when there is a parking ban in effect. Mayor Sullivan said he did not want to confuse residents but there can be further discussion on this issue.

- 15 040 Mayor: Tax Rate Classification Approval or take up any action relative thereto (PUBLIC HEARING)

**Motion:** by Councilor Powers to open public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action.

Council President asked if any member of the Council or anyone from the public would like to speak on 15 040.

**Motion:** by Councilor Powers to close public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

1. Regarding the tax rate classification shift.

MOTION: Be it ordained that the Town of Braintree, through the Braintree Council, adopt the recommendation of the Mayor and the Board of Assessors to approve the Classification Tax Rate Shift of 175% to be applied to commercial, industrial and personal property.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

2. Regarding the small business exemption.

MOTION: To approve the "Small Business Exemption" as recommended by the Mayor and the Board of Assessors in a memorandum to the Town Council dated November 10, 2015, and as filed with the Office of the Town Clerk.

**Motion:** by Councilor Powers

**Second:** by Councilor Ryan

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

3. Regarding the open space discount.

**MOTION:** To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum to the Town Council dated November 10, 2015, and as filed with the Office of the Town Clerk, to decline the "Open Space" discount.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

4. Regarding the residential exemption.

**MOTION:** To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum dated November 10, 2015, and as filed with the Office of the Town Clerk, to decline the adoption of the "Residential Exemption."

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

- 15 041 Mayor: Request to Approve the FY 16 Capital Plan or take up any action relative thereto (PUBLIC HEARING)

**Motion:** by Councilor Powers to open public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action.

Council President asked if any member of the Council or anyone from the public would like to speak on 15 041.

**Motion:** by Councilor Powers to close public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

#### **TOWN OF BRAINTREE, MASSACHUSETTS IN TOWN COUNCIL ORDERED:**

To approve the Fiscal Year 2016 Capital Plan as submitted.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

- 15 042 Mayor: Request for Appropriation - Fiscal Year 2016 General Fund Capital Budget or take up any action relative thereto (PUBLIC HEARING)

**Motion:** by Councilor Powers to open public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action.

Council President asked if any member of the Council or anyone from the public would like to speak on 15 042.

**Motion:** by Councilor Powers to close public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

**TOWN OF BRAINTREE, MASSACHUSETTS IN TOWN COUNCIL ORDERED:**

That the Town of Braintree appropriates the sum of Three Million Five Hundred –Forty Thousand Dollars (\$3,540,000) to pay costs of the following capital projects:

<u>PROJECT</u>	<u>AMOUNT</u>	<u>AUTHORIZATION</u>
Roadway Resurfacing	\$1,500,000	Ch. 44, s. 7(6)
School Data Processing Improvements	\$300,000	Ch. 44, s 7(28)/7(29)
School Building Renovations	\$240,000	Ch. 44, s 7(3A)
School Paving Resurfacing	\$440,000	Ch. 44, s. 7(6)
DPW GPS Replacement	\$ 30,000	Ch. 44, s 7(9)
DPW Facilities (Town) Building repairs	\$ 275,000	Ch. 44, s 7(3A)
DPW Cemetery Sweeper and Mower	\$ 75,000	Ch. 44, s 7(9)
DPW Highway Equip. Tractor & Sweeper	\$380,000	Ch. 44, s 7(9)
DPW Recreation Field and Fence repair	\$ 50,000	Ch. 44, s 7(25)
Library Building Renovations	\$250,000	Ch. 44, s 7(3A)

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 Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

- 15 043 Mayor: Request for Appropriation – Fiscal Year 2016 Enterprise Funds Capital Budget or take up any action relative thereto (PUBLIC HEARING)

**Motion:** by Councilor Powers to open public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action.

Council President asked if any member of the Council or anyone from the public would like to speak on 15 043.

**Motion:** by Councilor Powers to close public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

**TOWN OF BRAINTREE, MASSACHUSETTS IN TOWN COUNCIL ORDERED:**

That the Town of Braintree appropriates the sum of Three Million Dollars (\$3,000,000) to pay costs of Town-wide water distribution system improvements, 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, Section 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 Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

**TOWN OF BRAINTREE, MASSACHUSETTS IN TOWN COUNCIL ORDERED:**

That the Town of Braintree appropriates the sum of One Million Five Hundred Twenty Thousand Dollars (\$1,520,000) to pay costs of wastewater system rehabilitation projects, 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, Section 7(1) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

**TOWN OF BRAINTREE, MASSACHUSETTS IN TOWN COUNCIL ORDERED:**

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

<u>Project</u>	<u>Amount</u>	<u>Authorizing Statute</u>
Commerce Drive Pump Station	\$800,000	Ch 44, s 7(34)
Treatment Plant Wash Water Tank	\$200,000	Ch 44 s 8 (4)

and for the payment of all other costs incidental and related thereto; 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 Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

**TOWN OF BRAINTREE, MASSACHUSETTS IN TOWN COUNCIL ORDERED:**

That the Town of Braintree appropriates the sum of Seventy Seven Thousand Dollars (\$ 77,000) to pay costs of the following capital projects:

<u>Project</u>	<u>Amount</u>	<u>Authorizing Statute</u>
Triplex Mower	\$ 30,000	Ch 44, s 7(9)
Sand Trap Rake	\$ 22,000	Ch 44, s 7(9)
Utility Vehicle	\$ 25,000	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 Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

- 15 044 Mayor: Request for Appropriation – FY 2016 Capital Budget - Other Available Funds or take up any action relative thereto (PUBLIC HEARING)

**Motion:** by Councilor Powers to open public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action.  
Council President asked if any member of the Council or anyone from the public would like to speak on 15 044.

**Motion:** by Councilor Powers to close public hearing

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

1) Finance Department

**MOTION:** That the sum of \$50,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of updating ADA compliance issues.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

2) Finance Department

**MOTION:** That the sum of \$50,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of updating Town Telephone system.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

3) Finance Department

**MOTION:** That the sum of \$100,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of electronic archiving and digital imaging of Town Department's files and records.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

4) Planning and Development Department

**MOTION:** That the sum of \$10,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of Town Green Universal Access.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

5) Police Department

**MOTION:** That the sum of \$35,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purposes of various building upgrades.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

6) Police Department

**MOTION:** That the sum of \$10,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of purchasing equipment handguns.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

7) Police Department

**MOTION:** That the sum of \$209,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purposes of purchasing three replacement marked police cruiser, two unmarked police cruisers and a motorcycle.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

8) Police Department

**MOTION:** That the sum of \$50,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of purchasing various data processing equipment.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

9) Police Department

**MOTION:** That the sum of \$21,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of purchasing various radio equipment.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

10) Fire Department

**MOTION:** That the sum of \$75,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of various building repairs and renovations.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

11) Municipal License and Inspections Department

**MOTION:** That the sum of \$30,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of purchasing a permit software program to connect the weights and measures to the automated permitting program.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

12) School Department

**MOTION:** That the sum of \$20,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purpose of replacing the boiler at the Highlands School.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

13) Department of Elder Affairs

**MOTION:** That the sum of \$40,000 be transferred from Fiscal Year 2015 Certified Free Cash for the purposes of parking lot expansion and renovating a bathroom.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (8), Against (0), Absent (1- O'Brien)

- 073 15 Councilor Mullaney: Travel Reimbursement Policy for Braintree Town Councilors or take up any action relative thereto.

Councilor Mullaney stated this has been TABLED at the Committee on Ways & Means meeting for further discussion.

## **NEW BUSINESS**

None

### **Refer to Committee on Ways & Means**

- 15 045 Mayor: Prior Fiscal Year Unpaid Bill or take up any action relative thereto
- 15 046 Mayor: General Fund Free Cash and Retained Earnings Approval or take up any action relative thereto

**Topics the Chair does not reasonably anticipate will be discussed**

### **UPCOMING MEETINGS:**

Next Council Meeting - **TUESDAY, DECEMBER 15, 2015@ 7:30pm**

### **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:47p.m.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

## **Documents provided for Meeting**

- November 10, 2015 Council Meeting Minutes
- November 17, 2015 Council Meeting Minutes
- 15 040 Mayor: Tax Rate Classification Approval or take up any action relative thereto (PUBLIC HEARING)
- 15 041 Mayor: Request to Approve the FY 16 Capital Plan or take up any action relative thereto (PUBLIC HEARING)
- 15 042 Mayor: Request for Appropriation - Fiscal Year 2016 General Fund Capital Budget or take up any action relative thereto (PUBLIC HEARING)
- 15 042 Mayor: Request for Appropriation - Fiscal Year 2016 General Fund Capital Budget **REVISED** 11/23/15 or take up any action relative thereto (PUBLIC HEARING)
- 15 043 Mayor: Request for Appropriation – Fiscal Year 2016 Enterprise Funds Capital Budget or take up any action relative thereto (PUBLIC HEARING)
- 15 044 Mayor: Request for Appropriation – FY 2016 Capital Budget - Other Available Funds or take up any action relative thereto (PUBLIC HEARING)
- 073 15 Councilor Mullaney: Travel Reimbursement Policy for Braintree Town Councilors or take up any action relative thereto