1. Agenda
   
   1.I. 7:30 PM  Town Council
       
       Documents:

       19 NOV 19 AGENDA.PDF

   1.I.i. 7:30 PM  Town Council
         
         Documents:

         19 NOV 19 COUNCIL MTG.PDF

2. Documents
OFFICE OF THE TOWN COUNCIL
– AGENDA –

Tuesday, NOVEMBER 19, 2019 • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30PM

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

ANNOUNCEMENTS
• 049 19 Marge Crispin Center – Holiday Donations
• 050 19 Council President: 10th Annual Braintree Christmas Party, Dec. 5, Granite Grill
• 051 19 Council President: Fill-A-Cruiser, November 30, Town Hall

APPROVAL OF MINUTES
• None

COMMUNICATIONS
• BCAM Update on Impact of Streaming/BELD

OLD BUSINESS
• 19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto (PUBLIC HEARING to continue)
• 19 043 Mayor: Authorization to Fund South Middle School or take up any action relative thereto (PUBLIC HEARING)
• 19 044 Mayor: To Approve the purchase and resale of an affordable-housing unit at Turtle Crossing and the expenditure of funds for that purpose or take up any action relative thereto (PUBLIC HEARING)

NEW BUSINESS
• None

Refer to the Committee of Ways & Means
• 19 045 Mayor: FY2020 Supplemental Appropriations #1 or take up any action relative thereto
• 19 046 Mayor: Tax Rate Classification or take up any action relative thereto

Refer to the Committee on Ordinance & Rules
• 19 047 Mayor: Tri-Town Legislation or take up any action relative thereto

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:
Next Council Meeting scheduled on: Tuesday, December 3, 2019 @ 7:30pm

ADJOURNMENT
Tuesday, NOVEMBER 19, 2019 • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30PM

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UPCOMING MEETINGS:
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ADJOURNMENT
MEMORANDUM

TO: Charles B. Ryan, President of the Town Council
    Town Council
    James Casey, Town Clerk
    Sue Cimino, Clerk of the Council

FROM: Joseph C. Sullivan, Mayor

DATE: October 10, 2019

RE: Transfer of Control of Town Forest Land to the Conservation Commission

With this request to the Town Council I am requesting approval for the transfer of the parcels of land in the Town Forest from the Office of the Mayor to the Conservation Commission.

I offer this recommendation after discussions that I have had with our planning and conservation department as well as the chairperson and other members of the conservation commission and other citizens. The purpose of this land transfer is to ensure that the land within the Town Forest will be permanently dedicated for use solely for open space and conservation purposes, including passive recreation — and to protect this land from any consideration of future development forever and a day.

The 1942 Annual Town Meeting voted, under Article 56 of the warrant, to establish the Town Forest, to be comprised of several parcels of land that had been taken by the Town in tax title foreclosure proceedings. The 1943 Annual Town Meeting, under Article 32 of the warrant, voted to assign additional tax-title parcels to the Town Forest. Several parcels were added to the Town Forest thereafter, in some cases by gift or other conveyance to the Town from private parties. The total area of the Town Forest is approximately 126 acres.
Pursuant to Chapter 45, Section 21 of the General Laws, which authorizes the establishment and management of town forests, the Town Forest was initially managed by a Town Forest Committee. When the new Mayor-Town Council form of government was established, the Town Charter did not provide for the continuation of the Town Forest Committee, and control of the Town Forest passed to the Office of the Mayor as the Town’s executive authority.

Chapter 45, Section 21 of the General Laws does not specify or limit the allowable uses of land that is managed as a town forest. Consequently, while the land within the Braintree Town Forest is currently undeveloped and kept in a natural state, this status could be changed in the future, if the Town were to decide to develop the land for the Town’s own purposes, or to dispose of the land to a private party. I am therefore proposing that the Town Forest be transferred to the care, custody, and control of the Conservation Commission, and that the land be formally dedicated to use solely for open space and conservation purposes (including passive recreation). This would eliminate the possibility that land within the Town Forest might be developed in the future.

Under Section 15A of Chapter 40 of the General Laws, a two-thirds vote of all the members of the Town Council is required to approve the transfer of municipal property that is designated for a specific purpose, from the control of one officer or board to the control of another officer or board, for a different municipal purpose. Section 15A also requires that, prior to that vote, the officer currently in control of the property is to determine that the property is no longer needed for its previous purpose. I hereby make that determination for the Town Forest land.

The attached Motion, if so approved by the Town Council, will transfer the Town Forest land from the Office of the Mayor to the Conservation Commission, and will dedicate the Town Forest land to use solely for open space and conservation purposes, including passive recreation. (The list of the assessors parcels that are currently included in the Town Forest is undergoing review to confirm its completeness, and will be provided prior to Town Council action on the Motion.)

I respectfully request that the Town Council act favorably on the following Motion:

**MOTION:** That the Town Council, pursuant to Section 15A of Chapter 40 of the General Laws of the Commonwealth, vote to transfer from the Office of the Mayor to the care, custody, and control of the Conservation Commission, the parcels of land that comprise the Town Forest, as listed on the attached Exhibit*; and, further, that said parcels shall be dedicated for use solely for open space and conservation purposes, including passive recreation.

* Exhibit to be provided by the Office of the Mayor upon review of assessors records
MEMORANDUM

TO: Charles B. Ryan, President of the Town Council
    Town Council
    James Casey, Town Clerk
    Sue Cimino, Clerk of the Council

FROM: Joseph C. Sullivan, Mayor

DATE: October 30, 2019

RE: #19-042 (Transfer of Control of Town Forest Land to the Conservation Commission): Supplemental Information

In a Memorandum dated October 10, 2019, I requested approval for the transfer of the parcels of land in the Town Forest from the Office of the Mayor to the Conservation Commission. The Memorandum indicated that the list of parcels to be transferred was undergoing review and cross-checking against the Assessors records, before being submitted to the Town Council.

Attached hereto is "Exhibit A: Town Forest Parcels To Be Transferred To The Conservation Commission." Also attached is a map showing the location of the parcels that are to be transferred.

The Exhibit and the map include all of the Assessors’ parcels that are included in the Town Forest, with the exception of four small parcels (totaling 0.65 acres) that are located within the area of land that is bounded by Liberty Street and Old Liberty Street. These four parcels were separated from the remainder of the Town Forest when Liberty Street was constructed. Since these four parcels are not contiguous with the remainder of the Town Forest, the stated objective of preserving the Town Forest for open space and conservation purposes (including passive recreation) will not be adversely affected by excluding these four disconnected parcels from the
remainder of the Town Forest that is to be transferred to the Conservation Commission. The total area of land to be transferred to the Conservation Commission remains approximately 126 acres, the figure stated in the previous Memorandum.
## EXHIBIT A:

**TOWN FOREST PARCELS TO BE TRANSFERRED TO THE CONSERVATION COMMISSION**

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**Total Acreage:** 126.08
Town Forest Parcels to be Transferred to Conservation Commission

October 29, 2019

1500 Feet

250

500

1000

Town Forest
To: Charles B. Ryan, President of the Council  
Susan Cimino, Clerk of the Council  
James Casey, Town Clerk

From: Joseph C. Sullivan, Mayor

Cc: Joseph Reynolds, Chief of Staff and Director of Operations  
Edward Spellman, Director of Municipal Finance

Date: November 5, 2019

RE: Request for Borrowing Authorization for South Middle School Building Project

I am pleased to report that the Massachusetts School Building Authority ("MSBA") recently approved our project to construct a new South Middle School. The project will consist of building a completely new middle school. This significant new addition to our school system will accommodate our 5th graders adjustment to middle school. The total project is expected to cost $86.5 million of which the MSBA has committed to reimbursing the Town at least 53.96% of eligible costs. According to the MSBA guidelines the Town is required to authorize the full amount of the project, and the MSBA will reimburse the Town for its share.

At this time, I am requesting that the Town Council vote to authorize the Town to borrow a "not to exceed” amount of $86.5 million for the new South Middle School with the understanding that the amount borrowed will be reduced by reimbursements received from the MSBA. A motion approving the bond authorization is attached hereto. As you are aware, we are able to accomplish this work without an override or debt exclusion request of the community. With proper planning and our financial strength we are able to incorporate this work within our existing budgetary allotments.

Please be advised that, pursuant to Section 2-9 of the Town’s Charter, this borrowing authorization must be published in a newspaper at least 10 days before its final passage. Also, Section 6-7 of the Charter requires that the Town Council conduct a public hearing on this request, with notice of the public hearing being advertised 7 to 14 days prior to the date set for
the public hearing. One advertisement covering both the amount of the appropriation order and notice of the public hearing will suffice.

Finally, this authorization requires an initial reading before the matter is referred to a subcommittee for recommendation. Your cooperation was appreciated by conducting the initial reading of this matter at your meeting on October 15 and conducting the public hearing on November 19.

Thank you for your continued support on this very important project.
TOWN OF BRAINTREE, MASSACHUSETTS

IN TOWN COUNCIL

ORDERED:

That the Town appropriate the amount of Eighty-Six Million Five Hundred Eighty-Five Thousand Nine Hundred Nineteen Dollars ($86,585,919) for the purpose of paying costs of designing, constructing, equipping and furnishing a new South Middle School, to be located behind the existing South Middle School at 232 Peach Street in Braintree, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-three and ninety-six hundredths percent (53.96%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Note: As this request involves a loan authorization, advertising and a public hearing is required under Sections 2-9 and 6-7 of the Town Charter. In accordance with M.G.L. c. 44, §1, approval requires the affirmative vote of two-thirds of all members of the Town Council.