1. Agenda

1.I. 7:30 PM Town Council

Documents:

   19 DEC 3 AGENDA.PDF

1.II. 7:30 PM Town Council

Documents:

   19 DEC 3 COUNCIL MTG.PDF

2. Documents
Office of the Town Council

– Agenda –

Tuesday, DECEMBER 3, 2019 • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30 PM

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

Approval of Minutes
- None

Communications
- 019 52 Council President: Traffic Calming Update

Old Business
- 19 043 Mayor: Authorization to Fund South Middle School or take up any action relative thereto (PH tabled to 12/3)
- 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 (PH tabled to 12/3)
- 19 045 Mayor: FY2020 Supplemental Appropriations #1 or take up any action relative thereto (PH)
- 19 046 Mayor: Tax Rate Classification or take up any action relative thereto (PH)
- 19 047 Mayor: Tri-Town Legislation or take up any action relative thereto

New Business
- None

Refer to the Committee of Ways & Means
- 19 048 Mayor: Request for Appropriation - Winfield Adams Playground Baseball Field Renovation Project 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 17, 2019 @ 7:30pm

Adjournment
TOWN OF BRAINTEE, MASSACHUSETTS

OFFICE OF THE TOWN COUNCIL

– AGENDA –

Tuesday, DECEMBER 3, 2019 • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30PM

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

ANNOUNCEMENTS

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• 050 19 Council President: 10th Annual Braintree Christmas Party, Dec. 5, Granite Grill

APPROVAL OF MINUTES

• None

COMMUNICATIONS

• 019 52 Council President: Traffic Calming Update

OLD BUSINESS

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NEW BUSINESS

• None

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Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting scheduled on: Tuesday, December 17, 2019 @ 7:30pm

ADJOURNMENT
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.
Office of the Mayor
One JFK Memorial Drive
Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

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
James Arsenault, Public Works Director
James O’Brien, Fire Chief
Nico Taub, Town Solicitor
Marybeth McGrath, Director of Municipal Licenses and Inspections
Karen Shanley, Director of Human Resources

Date: November 25, 2019

Re: FY 20 Supplemental Appropriations (#1)

As we enter the second quarter of Fiscal Year 2020, with our fiscal health remaining strong, we are required to address some items in order to be able to set our tax rate after we have our tax classification hearing (12/3/19). Upon completion of our actions on the tax classification the State Department of Revenue (DOR) will review and approve the tax rate calculation and supporting revenue assumptions. We have also identified certain departments that require supplemental funds to support operations to the end of the fiscal year (June 30, 2020). I take this opportunity to submit this request for said funds and to provide related information in support of this request. Your consideration and approval is requested.

First, the town received a grant from the Commonwealth of Massachusetts Transportation Enhancement Trust Fund. The requirement of this grant is that the Town needs to appropriate these funds for road and traffic related expenditures. The Town will use the grant of $ 41,757.70 for traffic calming programs in our neighborhoods.

The next two items are to transfer funds from two line items within the Municipal License and Inspection Department to fund a reclassification of the ADA Coordinator position. As a result of turnover in this position, the HR Department reviewed and added requirements to the position to become a full time ADA Coordinator for our town. The amount of the salary increase is $16,062 and will be funded by $939.62 from the Tech. Hazard Waste Consultant program 01-15260-6178
and $15,122.38 from 01-24105-5711 into the Municipal License and Inspection department salary line item 01-24105-5120.

The third item is for $16,000 for the fire department for training costs associated with the latest four new recruits attending the City of Boston Fire Academy in July. The cost of this training was not known by the fire department at the time the budget was submitted.

The fourth item is for $24,857.78 to pay Greenwood Equipment for the cost of fire vehicle repair for several engines that were in excess of appropriation for the prior fiscal year. This vote is for an unpaid bill of a prior fiscal year. Pursuant to G.L. c. 44, §64, this vote of an unpaid bill of a prior fiscal year requires a two-thirds vote of the Town Council.

The fifth item is $60,000 for insurance deductibles relating to claims received by the Town. Several deductible claims have been paid to date and the Town received five additional deductible claims that will exceed the amount originally budgeted. We have increased the amount to allow for some additional funds to remain in the account to cover what we know of at this time.

The next three items six through eight are to fund two union contracts and the salary increase for non-union managers. A collective bargaining agreement (CBA) has been reached between the Town of Braintree and the Utility Workers Union of America, AFL-CIO, Local No. 466 (UWUA). The agreement with the UWUA includes a two percent (2%) wage increase for the current fiscal year, three percent (3%) in year two and two percent (2%) in year three. These wage allowances are in line with all other CBA agreements with our town’s workforce. I am also pleased to report that a collective bargaining agreement has been reached between the Town of Braintree and the Braintree Professional Management Association (BPMA). The agreement with the BPMA includes a two percent (2%) wage increase for the current fiscal year, three percent (3%) in year two and two percent (2%) in year three. These are fair and affordable agreements and stay within the fiscal parameters that we requested. In anticipation of approval of these agreements, funds for the first two are to be transferred from the towns salary reserve account in the Human Resources budget approved in the original 2020 budget and the UWUA is to be funded from the water sewer retained earnings.

The amounts to be transferred are as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
<th>Source of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>BPMA</td>
<td>$ 53,120.71</td>
<td>from Human Resources Salary Reserve</td>
</tr>
<tr>
<td>Non-union managers</td>
<td>$116,367.63</td>
<td>from Human Resources Salary Reserve</td>
</tr>
<tr>
<td>UWUA</td>
<td>$ 57,729.44</td>
<td>from Water Sewer Retained Earnings</td>
</tr>
</tbody>
</table>

The last two items nine and ten are needed in order to have our tax rate approved by the Department of Revenue.

The ninth item is a Golf Enterprise fund deficit of $90,217. There were an unusually high number of weather-related days last year that required the course to be closed resulting in lost revenue. We propose to have the amount of $90,217 transferred from FY 2019 Free Cash to the golf enterprise fund to cover the deficit. Our Golf Division has implemented a number of changes to support its annual operations, including the purchasing of two golf simulators that will be in operation by the end of this month and will offer a year-round golf experience along with our new clubhouse operations. The first quarter of FY 2020 results are very positive.
<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Budget</th>
<th>Q1 revenue</th>
<th>% of budget</th>
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<tbody>
<tr>
<td>2020</td>
<td>$1,907,151</td>
<td>$796,513</td>
<td>41.76%</td>
</tr>
<tr>
<td>2019</td>
<td>$1,586,992</td>
<td>$559,697</td>
<td>35.27%</td>
</tr>
</tbody>
</table>

The tenth item is to cover the sale of the Allen street property. Back in April of 2019 we submitted the original FY 2020 budget with revenue assumptions. One assumption was the sale of the old BSLD property located at 44 Allen Street for at least $1,200,000. We had an original purchase for the property but through negotiations the agreement was not consummated. We are putting the property out for sale once again and we expect a competitive response. To accomplish this in the next few weeks, the first item that we are proposing is to transfer the sum of $1,200,000 from the previously certified free cash from the amounts certified below. We will replenish our free cash used for this year's budget within this fiscal year with the proceeds from the eventual sale of the Allen Street property.

10/11/2019

NOTIFICATION OF FREE CASH APPROVAL - Town of Braintree

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2019 for the Town of Braintree is:

General Fund $10,731,888.00
Enterprise Fund storm water $165,966.00
Enterprise Fund Broadband $1,613,341.00
Enterprise Fund CH 44 53F 1/2 ($90,217.00)
Enterprise Fund CH 44 53F 1/2 $5,792,601.00

Accordingly, your review and approval of the following motions are requested:

Motions

1. Department of Public Works

Motion: That the sum of $41,757.70 received from the Commonwealth of Massachusetts Transportation Enhancement Trust Fund be appropriated to the Department of Public Works Department Traffic Calming Measures grant.

2. Municipal License and Inspection Department

MOTION: That the sum of $15,122.38 be transferred from the Municipal Licenses and Inspections /Inspections Code Enforcement program 05 / mitigation line and $939.62 be transferred from the Municipal licenses and inspections /Tech. Hazard Waste Consultant program 60 / Tech. Hazard Waste Consultant program line for a total of $16,662 to be transferred to the Municipal Licenses and Inspections /Inspections Code Enforcement program 05 / ADA Coordinator account.

3. Fire Department

MOTION: That the sum of $16,000 be transferred from FY 2019 Certified Free Cash to the Fire Department / Training program 08/ Training account.
4. Fire Department

Pursuant to G.L. c. 44, §64, this vote requires a two-thirds vote of the Town Council. If approved, the appropriate motion for the Council is as follows:

**MOTION:** That the sum of $24,857.78 be appropriated from the fiscal year 2019 Certified Free Cash for the purpose of paying an unpaid bill to Greenwood Equipment for unpaid equipment repairs which was incurred prior to July 1, 2019, which was in excess of the Fiscal year 2019 appropriation.

5. Finance Division

**MOTION:** That the sum of $60,000 be appropriated from the fiscal year 2019 Certified Free Cash to the Finance Program 09 General Insurance \ Insurance Deductible account.

6. Human Resources

**MOTION:** That the Town vote to amend the wage and salary classification schedules, as most recently amended by appropriating the sum of $116,367.63 for the purpose of funding a wage increase for the non-BPMA employees effective July 1, 2019, and further that the Director of Municipal Finance is authorized to allocate said sums to and among the various accounts affected thereby in such amounts as are proper and required. In anticipation of approval of these agreements, funds were appropriated to a salary reserve account in the previously approved Fiscal Year 2020 budget.

7. Human Resources

**MOTION:** That the Town vote to amend the wage and salary classification schedules, as most recently amended by appropriating the sum of $53,120.71 for the purpose of funding a wage increase and other items as detailed in the Collective Bargaining Agreement for the Braintree Professional Management Association (BPMA) effective July 1, 2019, and for this purpose, the sum of $53,120.71 be transferred from the Human Resources/ Program 04 – Employee Benefits/ Benefits Reserve 5179 and further, that the Director of Municipal Finance is authorized to allocate said sums to and among the various accounts affected thereby in such amounts as are proper and required. In anticipation of approval of these agreements, funds were appropriated to a salary reserve account in the previously approved Fiscal Year 2020 budget.

8. Human Resources

**MOTION:** That the Town vote to amend the wage and salary classification schedules, as most recently amended by appropriating the sum of $57,729.44 for the purpose of funding a wage increase and other items as detailed in the Memorandum of Agreement (MOA) for the Utility Workers Union of America, AFL-CIO, Local No. 466 (UWUA) effective July 1, 2019, and for this purpose, the sum of $57,729.44 be transferred from the Water/Sewer Certified Retained Earnings FY2019 and further, that the Director of Municipal Finance is authorized to allocate
said sums to and among the various accounts affected thereby in such amounts as are proper and required.

9. Finance

**MOTION:** That the sum of $90,217 be transferred from FY 2019 Certified Free Cash to the golf enterprise fund for the purpose covering the prior years operational deficit.

10. Finance

**MOTION:** That the sum of $1,200,000 be transferred from FY 2019 Certified Free Cash for the purpose of replacing the revenue source of sale of town owned land that did not take place in time to be used for FY 2020 budget.

Since these requests involve the appropriation of funds within the fiscal year 2020 budget, advertising and a public hearing is required under the sections 2-9 and 6-7 of the Town Charter.
TO: Charles Ryan, Council President  
    Susan Cimino, Clerk of the Council  
    James Casey, Town Clerk

FROM: Joseph C. Sullivan, Mayor

Cc: Robert Cusack, Chairman of the Board of Assessors  
    Edward Spellman, Director of Municipal Finance  
    Joseph H. Reynolds, Chief of Staff

DATE: November 22, 2019

RE: Tax Rate Classification Motions

This memorandum provides motions for your consideration in determining the Town of Braintree’s Fiscal Year 2020 Tax Rate. These motions, the tax classification shift, the small business exemption, the open space exemption and the residential exemption contribute to the final tax rate for the Town.

Under separate cover, dated November 21, 2019, I am forwarding a more detailed analysis of these and other factors to support the tax rate classification. It is my recommendation that the Town Council support these recommendations. Accordingly, your review and consideration of the following motions is requested.

1. To apply the tax rate classification shift.  
   **MOTION:** Be it ordained that the Town of Braintree, through the Braintree Town 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.

2. Re: 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 21, 2019 and as filed with the Office of the Town Clerk.
3. Re: 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 21, 2019 and as filed with the Office of the Town Clerk, to decline the “Open Space” discount.

4. Re: 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 21, 2019 and as filed with the Office of the Town Clerk, to decline the adoption of the “Residential Exemption”.
TO: Charles Ryan, Council President  
   Town Council

CC: Joseph C. Sullivan, Mayor

FROM: Joseph H. Reynolds, Chief of Staff  
      Robert Cusack, Chairman of the Board of Assessors

RE: Recommendations for the FY2020 Tax Rate

DATE: 11/21/2019

This memo will provide an explanation of the recommended tax rates for fiscal year 2020. The relevant spreadsheets sent electronically and prepared by Ed Spellman, Director of Municipal Finance will explain the estimated residential and commercial tax rates and the projected impacts on residential and commercial property owners.

**The Tax Classification "Shift"**

Each municipality has the option of "shifting" an excess portion of the tax burden onto the commercial properties in town to alleviate some of the residential burden according to MGL Chapter 40, Section 56. The majority of municipalities in Massachusetts have a single unified tax rate for both residential and commercial properties. Braintree first adopted a shift in 1986.

The spreadsheet provided electronically shows the total value of property sorted by classification (residential, commercial industrial and personal) and the number of parcels in each class. A mean average value is derived by dividing the total value of each class by the number of parcels in each class. The chart also shows the impact of the 175% shift the Town has adopted on the tax bills of property owners. With no rate shift, the average residential parcel valued at $502,593.93 would pay a bill of $6,242.22. Adopting a 175% shift yields a bill of $4,955.58 on the same property. Therefore, adopting the shift reduces the average fiscal year 2020 single family residential tax bill by $1,286.64 over $100.00 a month savings.
It is the recommendation of the Board of Assessors, which the Mayor supports that the Town of Braintree maintain the current residential shift. Mindful of the economic times in our state, it remains prudent to continue to provide a measure of property tax relief through tax classification.

Adoption of the shift will result in an estimated tax rate of $9.86 per thousand dollars of residential value as compared to a tax rate of $10.09 per thousand tax rate for last year. The mean average residential property value (derived by taking the total value of all residential property and dividing by the number of residential parcels) is $502,593.93 (up from $472,047.09 last year). Applying the proposed tax rate of $9.86 to this property value would yield an estimated annual tax bill of $4,955.58. It should be noted that if Braintree did not use tax classification to provide residents relief, the single rate would be $12.42. Last year's average residential bill was $4,762.96. The projected average annual adjustment in residential tax bills is $192.62.

**Residential and Commercial Values**

There has been an overall market increase of 6.47% for residential values this year in comparison with fiscal 2019. The mean average residential value has increased from $472,047.09 to $502,593.93. This includes all types of residential property. The average single-family home increased in value from $485,981.75 to $515,978.53.

We also continue to see value increases in the commercial and industrial property classes. The commercial properties are up 9.27% overall while the industrial properties have increased by 8.90%. This results in a combined increase of 9.17% for the commercial and industrial property classes. The projected commercial and industrial tax rate is expected to go down from $22.20 per thousand to $21.81 per thousand.

The residential increase (6.47%) being slightly lower than the commercial and industrial increase (9.17%) results in a modest decrease in the levy share to the residential class from 62.95% to 62.30% from FY 2019.

It is worth noting that since the inception of Braintree's new form of government, the average annual increase in single family property tax bills has 3.59% according to the Massachusetts Department of Revenue. By comparison, the average annual increase on the same class of property under the old form of government in the ten years prior to the change was 5.43%.

**Small Business Exemption**

The Board of Assessors and the Mayor request that you renew the adoption of the small business exemption. This exemption reduces the property tax burden for commercial properties employing fewer than ten people and whose assessed value is less than $1 million. Small businesses play an important role in our community and our economy as a whole.
Open Space Discount

Municipalities are allowed to discount the value of properties classified as open space by 25 per cent of their value. The Town of Braintree has no property that falls under the open space classification, so the question of whether or not to adopt a discount is moot. However, as a formality it is requested that the Town Council formally vote to decline to adopt an open space discount.

Residential Exemption

The Town may adopt a residential exemption for all residential properties that are the principal residence of the taxpayer. The exempted value may not exceed 20 percent of the average assessed value of all residential properties.

Adopting the residential exemption increases the residential tax rate. The amount of the tax levy paid on residential properties remains the same, but because of the exempted valuation, it is distributed over less assessed value. This would result in a reduction in the taxes paid by residents in low and moderate value homes and increased bills for owners of high value homes, rental properties or vacation homes.

The Assessors recommend not adopting this exemption. The residential exemption requires careful study prior to implementation. The impact of the increased residential rate, the appropriate percentage of value to be exempted and amount of relief it would actually provide to the average resident need to be clearly identified. The majority of communities that have adopted this exemption have high value vacation or rental properties that bear the additional tax burden. Such properties are not found in Braintree.

Moreover, the adoption of a residential exemption would create additional administrative burden. There are currently 12,073 residential parcels in the town. Each parcel would be subject to an eligibility review. The increased tax burden on higher value homes and rental properties would inevitably result in increased applications for abatements.
<table>
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<tr>
<th>year</th>
<th>rate</th>
<th>res value</th>
<th>parcels</th>
<th>avg.</th>
<th>avg. tax</th>
<th>avg. tax increase</th>
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ten year average $ increase
## TOWN OF BRAINTREE

### FY 2020 TAX RATE IMPACT

**AT VARIOUS SHIFTS 1.00, 1.25, 1.50, 1.75**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Value</th>
<th>Parcels</th>
<th>Avg Value</th>
<th>Tax Rate</th>
<th>Taxes</th>
<th>tax $ chg</th>
<th>tax % chg</th>
<th>value $ chg</th>
<th>value % chg</th>
</tr>
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<tbody>
<tr>
<td>Avg Residential</td>
<td>FY 2020</td>
<td>$6,067,816,568</td>
<td>12073</td>
<td>$502,593.93</td>
<td>9.86</td>
<td>$4,955.58</td>
<td>3.89%</td>
<td>$30,546.85</td>
<td>5.47%</td>
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<td>Avg Residential</td>
<td>FY 2019</td>
<td>$5,681,558,754</td>
<td>12036</td>
<td>$472,047.09</td>
<td>10.90</td>
<td>$4,762.96</td>
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<td>Avg Commercial</td>
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### Tax Rates

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DRAFT - 11/20/2019

AN ACT ESTABLISHING THE TRI-TOWN WATER DISTRICT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The establishment of the Tri-Town Water District, hereinafter referred to as the District passed by votes of the legally authorized authorities in the towns of Braintree, Holbrook and Randolph in 2019 and in accordance with a Joint Powers Agreement among said towns for the establishment of the District, hereinafter referred to as the Agreement, and all actions heretofore taken by the District Board of Directors which were not inconsistent with this act or with the terms of the Agreement, are hereby validated, ratified and confirmed in all respects. The Agreement shall be effective and binding upon approval by the parties in the following manner: (a) in Braintree and Randolph, by their respective town councils, and with the approval of the mayor in Braintree; and (b) in Holbrook, by the board of selectmen.

The purpose of the District shall be to provide for the supply, treatment and distribution of water to the member towns. The said District for the purposes aforesaid, in the manner herein provided, may take, by purchase or otherwise, and hold and convey to and into the said towns, from some one convenient point, or through a common conduit, the waters of the Great Pond Reservoir System, including Great Pond, Richardi Reservoir, Farm River, Norroway Brook and the Cochato River in the towns of Braintree and Randolph and the waters which flow into and from the same, or any part thereof; and may also take, by purchase or otherwise, and hold any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said towns, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said District, may dig up any such lands, and may enter upon and dig up any ways in said towns, in such manner as to cause the least hinderance to public travel on such ways.
This Act shall, in the manner and on the terms set forth in the Agreement, supersede in their entirety, and fully repeal, Chapter 217 of the Acts of 1885 and Chapter 269 of the Acts of 1886.

SECTION 2. The powers, duties and liabilities of the District shall be vested in and exercised by a District board of directors, hereinafter referred to as the board, organized in accordance with this section and the Agreement. Each member of the board shall be entitled to a vote. The board shall choose a chairman and secretary by ballot from its membership. The board shall coordinate the activities of the District and may establish any policies or procedures necessary to do so. The board shall establish and manage a fund to which all monies contributed by the participating towns, and all grants and gifts from the federal or state government or any other source, shall be deposited. The board shall appoint a treasurer who may be a treasurer of 1 of the participating governmental units. No member of the board or other employee of the District shall be eligible to serve concurrently as treasurer. The treasurer, subject to the direction and approval of the board, shall be authorized to receive, invest and disburse all funds of the District without further appropriation. The treasurer may, by vote of said board, be compensated for his services. The treasurer of the District shall be subject to sections 35, 52 and 109A of chapter 41 of the General Laws, to the extent applicable. The treasurer may make appropriate investments of the funds of the District consistent with section 55B of chapter 44. The board shall appoint a business officer who may be a city auditor, town accountant or officer with similar duties, of 1 of the participating governmental units. The business officer shall have the duties and responsibilities of an auditor or accountant pursuant to sections 52 and 56 of chapter 41 and shall not be eligible to hold the office of treasurer.

The District shall be subject to an annual audit and a copy of such audit shall be provided to the member towns and to the division of local services of the department of revenue.

Each of the member towns’ legally authorized authorities shall appoint 1 board member, for a total of 3 members.

SECTION 3. The District shall be a body politic and corporate and political subdivision of the commonwealth and shall have the following powers and duties:

(1) To adopt a name and a corporate seal, and the engraved or printed facsimile of such seal appearing on a bond or note of the District shall have the same legal effect as such seal would have if it were impressed thereon.
(2) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued. The members and officers of the District shall be deemed to be public employees within the meaning of chapter two hundred and fifty-eight.

(3) To purchase, take by eminent domain under chapter 79 of the General Laws or otherwise acquire property within the member towns, or any interests therein, for the purposes of the District, including the protection of the water supply; to construct, reconstruct, replace, rehabilitate, repair, equip, operate and maintain water supply, treatment and distribution facilities for the benefit of said towns, and any other facilities necessary to carry out the purposes of the District; and to make any necessary contracts in relation thereto. The board may exercise its power to take property by eminent domain only upon a unanimous vote of the full board.

(4) To borrow money and apply for state, federal or corporate grants or contracts to obtain funds necessary to carry out the purposes of the District. Any borrowing shall undertaken in accordance with sections 16 to 28, inclusive, of chapter 44. The board may, subject to chapter 30B, enter into contracts for the purchase of supplies, materials and services and for the purchase or lease of land, buildings and equipment, as considered necessary by the Board.

5) To incur debt, in accordance with the Agreement, for the purpose of acquiring land, or any interests therein, and constructing, reconstruction, replacing, rehabilitating, repairing and equipping water supply, treatment and distribution facilities and any other facilities necessary to carry out the purposes of the District, including debt for the purposes of designing and otherwise planning any such improvements, for a term not exceeding 30 years. Alternatively, for the same purposes, the board may, in lieu of incurring debt, allow each of the District's member municipalities to incur debt for the benefit of the District.

(6) To issue bonds and notes in the name and upon the full faith and credit of said District; said bonds or notes shall be signed by the chairman and the treasurer of the board, except that said chairman by a writing bearing his written signature and filed in the office of said treasurer, which writing shall be open to public inspection, may authorize said treasurer to cause to be engraved or printed on said bonds or notes a facsimile of said chairman's signature, and such facsimile signature so engraved or printed shall have the same validity and effect as said chairman's written signature, and each issue of bonds or notes shall be a separate loan.
(7) To receive and disburse funds for any District purpose, and to invest funds in any investments legally permitted for cities and towns.

(8) To incur temporary debt in anticipation of revenue to be received from the member towns or from any other source.

(9) To assess member towns for any expenses of the District.

(10) To maintain a reserve fund, and to carry over the remaining balance of such fund into the ensuing fiscal year, subject to the limitations in section 4 of this Act.

(11) To apply to receive and expend or hold any grants or gifts from the commonwealth, the federal government and other grantors for the purposes of the District.

(12) To engage legal counsel, financial advisors, engineers, accountants, consultants, agents and other advisors.

(13) To submit an annual report to each of the member towns, containing a detailed financial statement, and a statement showing the method by which the annual charges assessed against each town were computed.

(14) To employ such employees as it considers necessary to operate such district.

(15) To enter into contracts with any persons, including but not limited to non-member cities and towns, other bodies politic and the United States of America, that are necessary or convenient to carrying out the powers of the District, including but not limited to contracts for the purchase, supply, treatment and distribution of water and contracts for the operation and management of the water facilities of the District.

(16) To enact by-laws and rules concerning the management and regulation of its affairs and the use of its facilities and the provision of its services.

(17) To convey, sell, lease or otherwise dispose of any District real or personal property, or interests therein, no longer needed for District purposes.

(18) To do any and all other things necessary and convenient to carrying out the powers and purposes of the District, and all other things incidental and related thereto.
SECTION 4. The board shall by unanimous vote annually determine the amounts necessary to be raised to maintain and operate the District during the ensuing fiscal year, plus a reserve fund not to exceed 15 per cent of the maintenance and operating budget, and the amounts required for payment of debt and interest incurred by the District which will be due in said year, and shall apportion the amounts so determined among the several member towns in accordance with the terms of the Agreement, namely such that operating costs shall be apportioned to each member town on a flow-proportionate basis, based upon the average daily usage as measured at the District flow meters, and capital costs shall be apportioned among the member towns in the following proportions: Braintree shall pay 50%, Randolph shall pay 34% and Holbrook shall pay 16%. The amounts so apportioned for each town shall, prior to February first in each year, be certified by the District treasurer to the treasurers of the several towns. Except to the extent provided for from water system revenues and other sources, the obligation of each member town to pay apportionments pursuant to the Agreement shall be included in the amounts to be assessed annually in each such town under section 23 of chapter 59 of the General Laws, and, with or without an appropriation therefore, the town treasurer shall pay to the District the amounts so apportioned at the times specified in the Agreement. The amounts apportioned or to be apportioned pursuant to the Agreement shall not be included in the statutory limit of indebtedness of any town. Each of said towns shall transfer all or any portion of the amounts appropriated for capital costs to the District only upon receipt by the treasurer of the town from the District of copies of invoices or other evidence satisfactory to the treasurer that the project costs for which said amounts are being transferred have been incurred by the District and are due and payable.

SECTION 5. Notwithstanding chapter 44 of the General Laws to the contrary, only sections 16 to 28, inclusive, of said chapter 44, so far as apt, shall apply to the District; provided, however, that section 16 of said chapter 44 relating to the countersigning of bonds and notes and section 24 of said chapter 44 relating to the countersigning and approval of notes and the certificates of the clerk relating thereto shall not apply to the District. Any debt incurred by the District shall not be subject to the limit of indebtedness prescribed in section 10 of said chapter 44.

SECTION 6. The member towns may from time to time amend the Agreement if the Agreement as so amended is not inconsistent with this act.

Approved __________, 2019.
MEMORANDUM

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

CC: Christine Stickney, Director of Planning and Community Development

FROM: Joseph C. Sullivan, Mayor

DATE: Friday, November 21, 2019

SUBJECT: Winfield Adams Playground Baseball Field Renovation Project

At the September 16, 2019 meeting of the Community Preservation Committee, the Committee voted unanimously to recommend the appropriation of Community Preservation Act funds for the improvement of the existing baseball field located at the Winfield Adams Playground. Specifically, the funding will be used to convert the existing field to a (50/70) baseball field. The (50/70) baseball field is designed for youth between the ages of 11 and 13 that are transitioning from Little League fields (46/60) to Babe Ruth/High School fields (60/90). This project, which I endorse, will provide an opportunity for additional recreation opportunities for our youth.

I therefore submit the following motion:

MOTION: That in accordance with the provisions of Chap. 44B of the General Laws and with the recommendation of the Community Preservation Committee, the appropriation of $21,500.00 from the Unreserved Fund, for the Winfield Adams Playground Baseball Field Renovation Project located at the corner of Adams and Commercial Streets (Map 3013 Plot 53). Said funds are to be expended under the direction of the Community Preservation Committee and the Director of Recreation, Community Events, Grounds & Cemetery.

I thank you for your attention to this matter and respectfully request favorable action.