

Charles B. Ryan
President
At Large

Sean E. Powers
At Large

Shannon L. Hume
At Large

Thomas W. Whalen
District 2

Thomas M. Bowes
District 3



CHARLES C. Kokoros
Vice President
District 1

Stephen C. O'Brien
District 4

David M. Ringius, Jr.
District 5

Timothy P. Carey
District 6

OFFICE OF THE TOWN COUNCIL

June 5, 2018 MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, June 5, 2018 beginning at 7:30p.m.

Council Vice-President Kokoros was in the chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: Charles Kokoros, Vice President
Thomas Bowes
Timothy P. Carey
Shannon Hume
Stephen C. O'Brien
Sean Powers
David M. Ringius, Jr. arrived @8:11pm
Thomas W. Whalen

Not Present: Charles Ryan, President

Also Present: Joseph Reynold, Chief of Staff
Ed Spellman, Finance Director
Christine Stickney, Director Planning and Community Development
Kelly Phelan, Conservation Planner
James Arsenault, DPW Director
Kristen Zechello, ADA Coordinator
Heather Charles Lis, Conservation Commission
Carl Johnson, Attorney for Thayer Academy
Bill Stephenson, Business Manager Thayer Academy
Melissa Tierney, Board of Trustees President
Tom Kent, past President of Board of Trustees/resident
Michael Baumgartner, resident
Robert Kearns, resident
David Oliver, East Braintree Civic Association

APPROVAL OF MINUTES

- None

CITIZEN CONCERNS

- 019 18 Penny Shaw: Pedestrian safety problems in South Braintree Square and age-friendly action plan
Ms. Penny Shaw came to the podium and read her statements which she gave copies to all Council members.

Motion by Councilor Powers to forward this safety issue request to the Committee on Public Safety

Motion: by Councilor Powers

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (2 – Ringius, Ryan), Abstain (0)

OLD BUSINESS

- **17 067 REZONE: Thayer Sports Center LLC or take up any action relative thereto (Public Hearing)**

Motion by Councilor Powers to Open Public Hearing for Order 17 067

Motion: by Councilor Powers

Second: by Councilor Bowes

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

Council Vice-President Kokoros referred to Councilor Powers, Chairman for Committee on Ordinance & Rules for a recommendation. Councilor Powers stated the committee met earlier this evening and voted unanimously for favorable recommendation to the full Council.

Council Vice-President Kokoros asked if any member of the Council or General Public want to speak on Order 17 067?

Carl Johnson, Attorney representing Thayer Academy who is asking to rezone a portion of land from Residence B to Highway Business District at the fields located at Braxton and Washington Streets. A PowerPoint presentation was shown.

Councilor Bowes asked what happens if the taxes do not get paid then who would pay them. Carl Johnson replied if there is a default in which the taxes are not paid then Thayer Academy would pay the taxes.

Councilor O'Brien stated he will stand against this. He does not agree with the zoning. He believes it should be restricted to Residence B. He also explained the discussion at the April 24, 2018 Committee on Ordinance & Rules meeting with the contractor made it seem like Council was the bad guy because we challenged some of the concerns we had with the landlord of this property.

Carl Johnson, Attorney representing Thayer Academy stated the least restrictive is Commercial and the most restrictive is Residential. This lot is much too large to come under the split lot provision. The purpose of the rezone is to have a uniform rezone to the Highway Business District.

Council Vice-President Kokoros asked if there is anyone else wishing to speak? Hearing none.

Motion by Councilor Powers to Close the Public Hearing for Order 17 067

Motion: by Councilor Powers

Second: by Councilor Bowes

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

Councilor Powers read the following motion:

That the Town Council vote, at the request of the property owner, Trustees of Thayer Academy, to amend the Zoning Map of the Town of Braintree, by rezoning from the Residential B District to the Highway Business District that portion of Assessors Parcel 1053 Lot 12H (including the discontinued Washington Street Right of Way) that is not already zoned as Highway Business, and the entirety of Assessors Parcel 1050 Lot 14. The parcels to be rezoned are shown on a plan entitled "Rezoning Petition Plan," prepared by Tetra Tech, dated March 21, 2018 and revised April 23, 2018, and on file with the Town Clerk, as Lot A in its entirety and the portions of Lot B and Lot C that are not indicated on said plan as currently within the Highway Business District. The acreage to be rezoned includes: all of Lot A, approximately 0.45 acres; within Lot B, approximately 0.7 acres of the total of 0.94 acres; and within Lot C, approximately 6.5 acres of the total of 11.98 acres. The affected parcels are currently, and will remain, within the Watershed Overlay Protection District. The rezoning request has been recommended favorably by the Planning Board, as detailed in its report to the Town Council, dated November 20, 2017.

Motion: by Councilor Powers to Approve Order 17 067

Second: by Councilor Bowes

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

• **18 031 Mayor: Conservation Commission Land Purchase - Middle Street or take up any action relative thereto (Public Hearing)**

Motion by Councilor Powers to Open Public Hearing for Order 18 031

Motion: by Councilor Powers

Second: by Councilor Bowes

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

Council Vice-President Kokoros referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met earlier this evening and voted unanimously favorable recommendation to the full Council.

Council Vice-President Kokoros asked if any member of the Council or General Public want to speak on Order 18 031?

Kelly Phelan, Conservation Planner stated we had the opportunity to acquire 6.4 acres of land along the Monatiquot River off Middle Street. The parcel was appraised at \$620,000. Community Preservation reviewed this and recommends favorable action. This is an excellent opportunity to provide access to the river and protect open space.

Councilor O'Brien stated I rise in support of this. This is fundamentally why I support this.

Councilor Ringius stated we need to seek when we can, to preserve land and not overdevelop. I support this.

Councilor Kokoros stated I do support this but I am disappointment we are paying this much money for it. The owners of this land owe \$115,000 in taxes since 1992 on this property. I expect everyone to pay their taxes unless there is a hardship.

Heather Charles Lis, Conservation Commission stated we support the purchase of this land. Areas like this do not come along very often. This would be a huge benefit to the Monatiquot River. It is beautiful.

Council Vice-President Kokoros asked if there is anyone else wishing to speak? Hearing none.

Motion by Councilor Powers to Close the Public Hearing for Order 18 031

Motion: by Councilor Powers

Second: by Councilor Bowes

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

Councilor Powers read the following motion:

That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the sum of \$620,000 be appropriated from the CPA Open Space Reserve Fund for the acquisition, creation and preservation of open space, in order to acquire a parcel of land located off Middle Street containing approximately 6.4 acres and identified as Assessors Map Parcels 2002-0-1 and 2006-0-1A, said sums to be expended under the direction of the Mayor. Further, that the Mayor be authorized to accept a deed for said parcel and to take any other action necessary to accomplish the acquisition of said parcel, and that the Mayor also be authorized to grant a permanent restriction on said parcel to meet the requirements of Chapter 184 of the General Laws, Sections 31 and 32, as required by Chapter 44B of the General Laws, Section 12. Upon acquisition, said parcel is to be placed under the care, custody, and control of the Conservation Commission, and is to be used for passive recreation and other open-space uses.

Motion: by Councilor Powers to Approve Order 18 031

Second: by Councilor Bowes

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

• **18 032 Town Clerk: Permanent Relocation of District 3B Polling Location or take up any action relative thereto**

Council Vice-President Kokoros referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met earlier this evening and James Casey, Town Clerk was before the committee stating due to space issues at 85 Quincy Avenue the new 3B polling location will be next door at 9 Gordon Road which is the Braintree Yacht Club. This was voted unanimously for a favorable recommendation to the full Council. This was determined to be in compliance with ADA requirements.

Councilor Powers read the following motion:

UPON THE REQUEST OF THE BRAINTREE TOWN CLERK, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

Pursuant to M.G.L. c. 54, §24, that the public convenience would be better served by permanently relocating to the Braintree Yacht Club, 9 Gordon Road, the District 3B polling location which is currently located in the Braintree Recreation Building, 85 Quincy Avenue.

Motion: by Councilor Powers to Approve Order 18 032

Second: by Councilor Bowes

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

• **18 033 Mayor: Tri Town Plant Bond Authorization or take up any action relative thereto (Public Hearing)**

Motion by Councilor Powers to Open Public Hearing for Order 18 033

Motion: by Councilor Powers

Second: by Councilor Bowes

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

Council Vice-President Kokoros referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met earlier this evening and voted unanimously favorable recommendation to the full Council.

Council Vice-President Kokoros asked if any member of the Council or General Public want to speak on Order 18 033?

Joseph Reynolds, Chief of Staff stated the Tri-Town board of Braintree, Holbrook, and Randolph has made significant progress in the long awaited construction of a water treatment facility to be shared and operated by all three communities. This is the bond authorization for the Braintree's share of the construction of the plant. Braintree's share of the cost is estimated at \$ \$23,300,000. Having had positive conversations with the Department of Environmental Protection (DEP) we believe that as a regional entity we can qualify for a low interest loan, offered by the water abatement trust – a subsidiary of the State Treasurer's Office – at 2.4% for a 30 year period. This rate compares very favorable to the current 30 year bond rate of approximately 5.00%. Thus, potentially saving the rate payers \$12,600,000 in interest over the life of the bond issue. The Mayor's office will provide updates along the way.

Council Vice-President Kokoros asked if there is anyone else wishing to speak? Hearing none.

Motion by Councilor Powers to Close the Public Hearing for Order 18 033

Motion: by Councilor Powers

Second: by Councilor Bowes

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

Councilor Powers read the following motion:

ORDERED:

That the Town of Braintree appropriates Twenty-Three Million Three Hundred Thousand Dollars (\$23,300,000) to pay the Town's share of the costs of designing, constructing, equipping and furnishing the Tri Town water treatment plant, which is to be undertaken with the Towns of Randolph and Holbrook, and for the payment of all costs incidental and related thereto, which amount shall be expended in addition to all other amounts previously appropriated by the Town for this project. To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to G. L. c. 44, §7(1), §8(4) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The amount authorized to be borrowed by this order shall be reduced to the extent of any grants received by the Town on account of this project. All or any portion of the amount authorized to be borrowed by this order may be obtained through the Massachusetts Clean Water Trust.

Any premium received by the Town upon the sale of any bonds or notes approved by this order, 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 order in accordance with G. L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: by Councilor Powers to Approve Order 18 033
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1 - Ryan), Abstain (0)

• **18 034 Mayor: Appointment Planning Board – Philip Baker or take up any action relative thereto**

Joseph Reynolds, Chief of Staff stated Mr. Jim Eng will be stepping away and heading up the South Coastal Rail Project. The Mayor greatly appreciates his service to the Town of Braintree.

Councilor Powers read the following motion:

To approve the appointment of Phillip J. Baker to the Planning Board in accordance with sections 3-3 of the Town Charter.

Motion: by Councilor Powers to Approve Order 18 034
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1 - Ryan), Abstain (0)

NEW BUSINESS

- None

Councilor Powers read the following Motions for referral to committee(s):

Refer to the Committee of Ways & Means

- 18 035 Mayor: FY18 Supplemental Appropriations #5 or take up any action relative thereto

Motion: by Councilor Powers
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1 - Ryan), Abstain (0)

- 022 18 Councilor O'Brien: Fiscal Year Budget Analysis and Review or take up any action relative thereto

Motion: by Councilor Powers
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1 - Ryan), Abstain (0)

Council President stated Thank you to BCAM and Bill Needham for televising the meeting tonight.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:43p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 019 18 Penny Shaw: Pedestrian safety problems in South Braintree Square and age-friendly action plan
- 17 067 REZONE: Thayer Sports Center LLC or take up any action relative thereto (Public Hearing)
- 18 031 Mayor: Conservation Commission Land Purchase - Middle Street or take up any action relative thereto (Public Hearing)
- 18 032 Town Clerk: Permanent Relocation of District 3B Polling Location or take up any action relative thereto
- 18 033 Mayor: Tri Town Plant Bond Authorization or take up any action relative thereto (Public Hearing)
- 18 034 Mayor: Appointment Planning Board – Philip Baker or take up any action relative thereto