

LELAND A. DINGEE
President

CHARLES RYAN
Vice President

HAROLD RANDOLPH
At Large

CHARLES KOKOROS
District 1

JOHN MULLANEY
District 2



THOMAS BOWES
District 3

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

July 14, 2009

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, July 14, 2009 beginning at 7:30 p.m.

Council President Dingee was in the chair.

Clerk of the Council, James Casey, conducted the roll call.

Present: Leland A. Dingee, President
Charles B. Ryan, Vice-President
Harold Randolph
Charles Kokoros (Arrived Late 7:38PM)
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Also Present: Dennis Regan, NationalGrid
Michael Hammond, Sustainable Braintree
Mary Mitchell, Sustainable Braintree
Various Residents

The meeting was opened with the pledge of allegiance and there was a moment of silence for all those serving in our armed services, past and present.

CORRESPONDENCE

None

ANNOUNCEMENTS

- **073-09** Councilor Clifford: Holbrook Transfer Station
- **076-09** Councilor Joyce: Recreation & Community Events
- **077-09** Councilor Randolph: Thayer Public Library

APPROVAL OF MINUTES

June 9, 2009

Councilor Clifford stated that he would like to make a motion to table the minutes so he could meet with the Clerk of the Council to make some changes. In addition, Councilor DeNapoli is absent and he wanted to give him the opportunity to review the changes to the minutes he made the previous meeting.

Motion: by Councilor Ryan to Table to next meeting

Second: by Councilor Kokoros

Vote: For (7), Against (0), Present (1-Dingee), Absent (1-DeNapoli)

Council President Dingee commented that he had reviewed the Robert Rules of Order since the last meeting and it indicates that meeting minutes should reflect “what was done and not what was said” at a meeting. There is an exception, and that is if the minutes are to be published. Is publishing the minutes on the internet considered part of the exception? The Council President commented that in his research he could not find a clear opinion to that question. It does state that if minutes are published then they should be done by a professional stenographer and every word should be recorded. If that is the direction the Council wants to go it would then be at an increased expense.

Councilor Ryan commented that recording every word is not realistic. And, at these difficult economic times, he could not support a stenographer. If somebody had a question as to what is in the minutes it could be added before they are approved.

The Council President remarked that minutes are a draft until they are approved by the Council. As a draft, comments can be submitted to the Clerk to be amended. He suggested that the body continue the current policy of recording the minutes as outlined in Roberts Rules of Order.

No member of the Council noted an objection to this suggestion.

June 16, 2009

Motion: by Councilor Ryan to approve

Second: by Councilor Randolph

Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

- **075-09** Councilor Kokoros: Sustainable Braintree

Michael Hammond of provided an overview of the work the organization has performed and are in the planning stages.

NEW BUSINESS

REFER TO COMMITTEE

Committee of Public Works: Chairman Charles Ryan

PUBLIC HEARINGS

- **09 038** NationalGrid: Petition – Faxon Street
- **09 039** NationalGrid: Petition – Cocheto Street
- **09 040** NationalGrid: Petition – Sheppard Avenue
- **09 041** NationalGrid: Petition – Circuit Road
- **09 042** NationalGrid: Petition – Fountain Street, Victoria Avenue, Boscobel Street, Columbus Avenue and Sagamore Street
- **09 043** NationalGrid Petition – Tingley Circle

Motion: by Councilor Ryan to open Public Hearing on the NationalGrid Petition’s

Second: by Councilor Randolph

Vote: Unanimous

Councilor Ryan read each of the six petitions into the record and provided comments that were supplied by BELD and DPW staff as well as the recommendations of Committee on Public Works for each petition. The Council President asked members of the Council and the public if they any comments on the petition after each petition were presented. After the final petition, a motion to close the public hearing was offered.

Motion: by Councilor Ryan to Close Public Hearing on the NationalGrid Petition’s

Second: by Councilor Mullaney

Vote: Unanimous

09 038: Petition to install and maintain approximately 205 feet, more or less of 2 inch gas main in Faxon Street.

Petition #09-38 – BELD has no issues with this petition.

09-038 – Faxon Street has not been resurfaced recently so this petition should be approved with our “standard” repair specifications.

Councilor Ryan commented that the Committee on Public Works reviewed the petition and has recommended favorable action with conditions as noted by staff.

Motion: by Councilor Ryan to approve with conditions as noted by staff.

Second: by Councilor Randolph

Discussion: No comments were presented by Council members or the Public.

Vote: Unanimous

09 039: Petition to install and maintain approximately 850 feet, more or less of 6 inch gas main in Washington Street and 210 feet, more or less of 2 inch gas main in Cocheto Street.

Petition #09-39 - BELD has no issues with this petition.

09-039 – **Washington Street and Cocheto Street** are each currently active. Cocheto Street was a gravel road that was excavated and graded last month, and a thick layer of screened pavement millings was applied. Kept intact, this mix will heat up and compact over the summer to form a nice pavement course. Contaminated with excavated gravel or sand it will revert back to a gravel road. We recommend approval but with stipulation that the millings shall be kept free from intrusion of other excavated materials during the gas main installation and then be set back in place, on the properly compacted trench, graded, rolled and compacted to match its pre-excavation condition. Washington Street in that area is State Highway programmed to be milled and overlaid this year. A permit from the MHD is required, and the work must be satisfactorily completed in advance of the MHD's work. The gas main installation shall not in any way delay the work of the MHD's contractor.

Councilor Ryan commented that the Committee on Public Works reviewed the petition and has recommended favorable action with conditions as noted by staff.

Motion: by Councilor Ryan to approve with conditions as noted by staff.

Second: by Councilor Randolph

Discussion: No comments were presented by Council members or the Public.

Vote: Unanimous

09 040: Petition to install and maintain approximately 1,035 feet, more or less of 2 inch gas main in Sheppard Avenue.

Petition #09-40 – BELD has an existing 15kv duct bank located in Shaw St. to be identified and marked out through the Dig Safe process.

09-040– Sheppard Avenue has not been resurfaced recently so this petition should be approved with our "standard" repair specifications.

Councilor Ryan commented that the Committee on Public Works reviewed the petition and has recommended favorable action with conditions as noted by staff.

Motion: by Councilor Ryan to approve with conditions as noted by staff.

Second: by Councilor Randolph

Discussion: No comments were presented by Council members or the Public.

Vote: Unanimous

09 041: Petition to install and maintain approximately 185 feet, more or less of 2 inch gas main in Circuit Road, Braintree.

Petition #09-41 – Cleveland Ave. has a **115kv oil filled line** and a 15kv duct bank in close proximity to the proposed gas connections. The contractor shall notify the BELD Engineering Department 48 hours prior to start of excavation.

09-041 – **Circuit Road** is part of the “Cleveland Avenue Area Special Project” which is getting water improvements this summer and roadway improvements next year. The roadway is gravel, and must be restored to a stable, viable condition for the coming winter. Any work on this street that must be done at the intersection of Cleveland Avenue must be completed before September 4th, 2009 to facilitate already-approved plans by BELD that require there be no underground utility work in that area through the Fall and Winter.

Councilor Ryan commented that the Committee on Public Works reviewed the petition and has recommended favorable action with conditions as noted by staff.

Motion: by Councilor Ryan to approve with conditions as noted by staff.

Second: by Councilor Randolph

Discussion: No comments were presented by Council members or the Public.

Vote: Unanimous

09 042: Petition to install and maintain approximately 880 feet, more or less of 2 inch gas main in Fountain Street, approximately 445 feet, more or less of 2 inch gas main Victoria Avenue, approximately 490 feet, more or less of 2 inch gas main in Boscobel Street, approximately 775 feet, more or less of 2 inch gas main Columbus Avenue, and approximately 520 feet, more or less of 2 inch gas main Sagamore Street.

Petition #09-42 - BELD has no issues with this petition.

09-042 – **Fountain Street, Victoria Avenue, Boscobel Street, Columbus Avenue and Sagamore Street** were all completely reconstructed five years ago and just got off the five year moratorium. Except for some subsequent emergency gas leak repair trenches, the roads and sidewalks are in excellent condition. The curbs and sidewalks shall not be disturbed. New service lines if needed must be installed using trenchless procedures. Trenches excavated in roadway areas must be sawcut to neat lines, properly backfilled and thoroughly compacted in accordance with standard specifications, then paved 4 inches deep in two

courses (1 ½ inch top on 2 ½ inch binder.) The surface must then be infrared treated to bond the new with the not-so-new pavement, sealing the cut.

Councilor Ryan commented that the Committee on Public Works reviewed the petition and has recommended favorable action with conditions as noted by staff. He also noted that approximately a half-hour after the Committee meeting a resident from Victoria Avenue presented a petition from residents on Victoria Avenue requesting the gas line not be installed on Victoria Avenue. Councilor Ryan indicated he would like to hear from the resident regarding this petition.

Marcelline Ford of 6 Fountain Street asked how long the project would take. Additionally, she wanted to know why the gas line was not replaced before the street was reconstructed a little over five years ago. Dennis Regan of NationalGrid said he would have to check with NationalGrid's customer relations person, Peter Nagle, to find out these answers.

Diane Chisholm of 49 Sagamore Street stated she was not happy that the street was going to be dug up after it was recently resurfaced. She wanted to know if they had to replace service lines would it require them to dig up the new sidewalks. Councilor Ryan pointed out that in the DPW staff recommendations it pointed out that the sidewalks were not to be disturb and it required them to use trenchless technology for any service lines. Mr. Regan of NationalGrid explained that trenchless technology is when a plastic gas line is pulled through the existing service line to the gas meter. The existing service line acts as a sleeve.

Mr. Robert Haskell of 56 Victoria Avenue presented a petition that was signed by the eight families who reside on Victoria Avenue. It read; "We the undersigned residents of 32 thru 63 Victoria Avenue, Braintree, MA. hereby request the proposed work to install 2 inch gas main be suspended as none of the homes have gas connected for usage. We feel the impact of this construction would cause unnecessary inconvenience as well as destroy a new road that was put in about five years ago."

Dennis Regan of NationalGrid commented that he would take Mr. Haskell request back to NationalGrid. Seeing no one has gas service, they may decide not to do it.

Councilor Clifford commented on the work that was recently done on Middle Street and indicated that the trenches were not compacted. The Council President remarked that the contractor who opened up the street could be identified through the Department of Public Works.

Councilor Kokoros expressed his disappointment with the gas company. He said he would not vote on the petition [09-042] unless the street is completely repaved.

Councilor Mullaney wanted to know, for the 100 Road Program, if the streets were reviewed by NationalGrid to see if gas work needed to be performed. Dennis Regan commented that if the Town notified NationalGrid that they would conduct a leak test on the road.

Councilor Clifford requested that the Council President draft a letter to NationalGrid with the concerns of the Council.

Councilor Ryan made a motion to approve subject to the conditions noted by staff and the exclusion of Victoria Avenue from the petition request. The motion was seconded by Councilor Randolph.

Councilor Kokoros made a motion to amend not to approve unless the street is repaved.

Motion: by Councilor Kokoros to amend

Second: by Councilor Clifford

Vote: For (7), Against (1-Randolph)

Motion: by Councilor Ryan on the amended motion

Second: by Councilor Randolph

Vote: Unanimous

09 043: Petition to install and maintain approximately 80 feet, more or less of 2 inch gas main in Tingley Circle, Braintree.

Petition #09-43 - BELD has no issues with this petition.

09-043 – Tingley Circle was micro-surfaced in 2006. That was a surface treatment that did not impose the 5-year moratorium at that time, so this petition **should be approved with our “standard” repair specifications.**

Councilor Ryan commented that the Committee on Public Works reviewed the petition and has recommended favorable action with conditions as noted by staff.

Councilor Kokoros made a motion to amend with the condition that the roadway be micro-surfaced after the trench has been repaired.

Motion: by Councilor Kokoros to amend

Second: by Councilor Clifford

Vote: Unanimous

Motion: by Councilor Ryan on the amended motion

Second: by Councilor Randolph

Vote: Unanimous

NEW BUSINESS

REFER TO COMMITTEE

Committee on Ways & Means: Chairman John Mullaney

- **09 044** Mayor: Appointment – Historic District Commission

Motion: by Councilor Ryan to suspend rule #23 to take action on petition the same night

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to appint Ronald Frazier, Paul Carr, Kate Nedleman Herbst, Al Varraso and Elizabeth Mees for appointment to the Historic District Commission

Second: by Councilor Randolph

Vote: Unanimous

- **09 045** Mayor: Request for Supplemental Appropriation – Superior Officers Association
- **09 046** Planning & Community Development Dept.: Land Transfer – 165 Pond Street
- **074-09** Councilor Clifford: Proposed Increases in Hotel/Motel Tax

Motion: by Councilor Ryan to refer order #'s 09 -045, 09-046 and 074-09 to the Committee on Ways & Means.

Second: by Councilor Randolph

Vote: Unanimous

Committee on Ordinance & Rules: Chairman Ronald DeNapoli

- **072-09** Councilor Mullaney: Proposed Elected Official Business Prohibition

Motion: by Councilor Ryan to refer 072-09 to the Committee on Ordinance & Rules

Second: by Councilor Randolph

Vote: Unanimous

It was unanimously voted to adjourn the meeting at 8:57 p.m.

Respectfully submitted,

James M. Casey

Clerk of the Council