

CHARLES RYAN
President

LELAND DINGEE
At Large

SEAN POWERS
At Large

JOHN MULLANEY
District 2

THOMAS BOWES
District 3



CHARLES KOKOROS
Vice President
District 1

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

December 6, 2011

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, December 6, 2011 beginning at 7:30p.m.

Council President Ryan was in the chair.

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.

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

Present: Charles B. Ryan, President
Charles Kokoros, Vice President
Leland Dingee
Sean Powers
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Ronald DeNapoli
Paul Dan Clifford

Others: Joseph C. Sullivan, Mayor
Peter Morin, Chief of Staff
Edward Spellman, Finance Director
Robert Brinkmann, Deputy Assessor
Board of Assessor Members
Joseph Powers, Town Clerk

CORRESPONDENCE

- **053 11 – Councilor Bowes: Recognition of Braintree Pop Warner Football/Cheerleaders**

The Council members presented recognition awards to members of the Pop Warner Football Team and Pop Warner Cheerleading Team.

At 8:17pm the Council President called for a five-minute recess.

The Council President called the meeting back to order at 8:27pm.

- **050 11 – Clerk of the Council: 2012 Council Meeting Schedule**

Council President Ryan asked members if there were any conflicts on the proposed 2012 meeting calendar. Councilor Bowes asked why all meetings were not on the first and third Tuesdays of the month. The Clerk of the Council noted that near the end of January he would be on vacation and there is no one to fill-in to prepare the agenda and meeting documents. He had adjusted the proposed meeting schedule to ensure documents were prepared properly. Councilor Bowes requested that the proposed schedule be tabled until the next meeting.

Motion: by Councilor Bowes to table until the December 20, 2011 meeting

Second: by Councilor Kokoros

Vote: Unanimous

ANNOUNCEMENTS

- 051 11 – Council President: Sustainable Braintree 4TH Annual Green Gala
- 054 11 – Councilor Bowes: Braintree Youth Center
- 055 11 – Council President: Holiday Road Safety
 - – Council President: Parent Advisory Council Meeting
 - – Councilor Powers: Second Annual Toys for Tots Event
 - – Councilor Powers: Town Hall Christmas Tree Lighting
 - – Councilor Joyce: Braintree Rotary Memorial Tree
 - – Councilor DeNapoli: Braintree High School Dance Team

APPROVAL OF MINUTES

Motion: by Councilor Kokoros to approve November 15, 2011 minutes

Second: by Councilor Bowes

Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Councilor DeNapoli, Chairman of the Public Works Committee commented on each petition request and read staff recommendations on Orders 11 050, 11 051, 11052 and 11 053

- **11 050 – NationalGrid: Petition Butler Road/Carter Road**
 - **BELD Permit #11-050 Carter Rd & Pond St.:** BELD has 13.8kV underground cable on Pond St. These utilities will be located and marked through the Digsafe process.
 - **DPW 11-050 – Carter Road and Butler Road** from off Pond Street to off Wayne Avenue. Neither road has been resurfaced for several years, except that a “High Friction Surface” crosswalk was constructed across Butler Road at Wayne Avenue. This should be left intact if possible to avoid what may be a difficult repair. No cutting of Pond Street is requested so none should be allowed. Other than those two items, it is our recommendation that this petition **should be approved with our “standard” repair specifications, with any temporary pavement being maintained flush with the surrounding pavement until final repair.**
- **11 051 – NationalGrid: Petition Crawford Road/Crawford Street**
 - **BELD Permit #11-051 Crawford St & Pearl St.:** BELD has a **115kV oil filled transmission line** at the intersection of Hammett Place and Pearl St. These utilities will be located and marked through the Digsafe process. If excavating in close proximity to these lines the contractor shall notify the BELD Engineering Department at least (48) hours prior to excavation. BELD will provide onsite safety personnel at no cost to National Grid.
 - **DPW 11-051 – Crawford Street and Crawford Road** from near 238 Pearl Street to near 288 Pearl Street. Neither road has been resurfaced for several years. Pearl Street was micro-surfaced in 2008 and so is not under the moratorium. It is our recommendation that this petition **should be approved with our “standard” repair specifications, with any temporary pavement being maintained flush with the surrounding pavement until final repair.**
- **11 052 – NationalGrid: Petition Glenrose Avenue**

Councilor DeNapoli reported that NationalGrid, at their request, had withdrawn petition 11 052.

- **11 053 – NationalGrid: Petition Hobart St/Hobart Ter/Prospect St**
 - **BELD Permit #11-053 Hobart St./ Hobart Ter./ Prospect St.:** BELD has no utility conflicts within the proposed scope of work.
 - **DPW 11-053 – Hobart Street and Hobart Terrace** from off Front Street to #108 Hobart Street and including the full length of Hobart Terrace and a short stub into Prospect Street. Prospect Street has not been resurfaced for several years, and Hobart Terrace is not a way maintained by the Town. Hobart Street was completely reconstructed in 2003 and remains in excellent condition. No cutting of Front Street is requested so none should be allowed. It is our recommendation that this petition **should be approved with our “standard” repair specifications, with any temporary pavement being maintained flush with the surrounding pavement until final repair, and with the final repair including establishing uniform parallel lines off each side of the repaired trench and milling and overlaying the area between those lines for the full length of the disturbance and doing the same at any lateral trenches.**

Motion: by Councilor Kokoros to approve Orders 11 050, 11 051 and 11 053

Second: by Councilor DeNapoli

Vote: Unanimous

- **11 054 – Mayor: Acceptance of Land from Tricon Realty Trust**

Councilor Mullaney, Chairman of the Ways & Means Committee, read the memo and motion as printed in the November 14, 2011 memo from Mayor Sullivan and reported that the Committee recommends favorable action.

Motion: by Councilor Kokoros to approve Order 11 054

Second: by Councilor DeNapoli

Vote: Unanimous

- **11 048 – Mayor: FY2011 Unpaid Bills – DPW Vehicle & Grounds Maintenance (Public Hearing)**

Motion: by Councilor Kokoros to Open Public Hearing

Second: by Councilor Bowes

Vote: Unanimous

Councilor Mullaney, Chairman of the Ways & Means Committee, read the memo and motions as printed in the September 26, 2011 memo from Mayor Sullivan and reported that the Committee recommends favorable action.

Council President Ryan asked if any member of the Council or the Public would like to speak on the issue. No one came forward.

Motion: by Councilor Kokoros to Close Public Hearing
Second: by Councilor Bowes
Vote: Unanimous

Councilor Kokoros read the first motion regarding the \$550.29 unpaid bill to Chambers Ford as printed in public hearing notice.

Motion: by Councilor Kokoros to approve
Second: by Councilor Bowes
Vote: Unanimous

Councilor Kokoros read the second motion regarding the \$446.48 unpaid bill to P.A. Landers as printed in public hearing notice.

Motion: by Councilor Kokoros to approve
Second: by Councilor Bowes
Vote: Unanimous

- **11 049 – Board of Assessors: FY2012 Tax Levy (Public Hearing)**

Motion: by Councilor Kokoros to Open Public Hearing
Second: by Councilor Bowes
Vote: Unanimous

Councilor Mullaney, Chairman of the Ways & Means Committee, commented that over the past year a number of Council Members had publicly stated that they were opposed to increasing taxes. A majority of Committee members believed that all members of the Council should weigh in on the issue of increasing property taxes. Councilor Mullaney reported that the Committee makes no recommendation on the Tax Classification Shift. Councilor Mullaney further reported that the Committee supported the Mayor and Board of Assessors recommendations on the “Small Business Exemption”, “Open Space Discount” and “Residential Exemption”.

Mayor Sullivan commented that eighty-percent of communities saw a reduction in residential property values of about 3%. Residential property values in Braintree have increased about 1%. Recognizing the financial impact to residents he has recommended that the tax levy be increased by 1.32% rather than the 2.5% allowed by law. The reduction would save approximately 20-cents per thousand on the residential tax rate.

Peter Morin, Chief of Staff, reviewed the recommendations for the FY2012 Tax Rate as printed in the December 2, 2011 memo jointly drafted by Mr. Morin and Mr. Cusack.

Recommendations were to approve and maintain the 175% Tax Classification shift, approve the Small Business Exemption, and formally vote to decline to adopt an Open Space Discount and a Residential Exemption.

Mr. Morin explained that by adopting the 175% shift it places a higher tax burden onto commercial properties to alleviate some of the residential burden. With the 175% shift, the FY2012 tax rate will be approximately \$10.45, up 25-cents from the previous year.

Residential property values has increased about 1% over year ago resulting in a Mean Home Value of \$345,589 (up from \$341,000 last year). Applying the proposed tax rate of \$10.45 to the mean home value would yield an estimated annual tax bill of \$3,611.40. Last year the average residential was \$3,476.76 resulting in an overall increase of \$134.70.

The projected commercial and industrial rate is estimated to be \$23.56 per thousand, up 27-cents from a year ago. The average commercial/industrial property value is \$1,743,056, down from \$1,759,481. The decrease in value is largely due to a 5.12% decrease in the value of industrial property.

The Board of Assessors and the Mayor are recommending that the full levy limit of 2.5% not be instituted this year. The recommendation is to increase the levy limit by 1.32% resulting in \$815,702 of tax dollars not being raised. The decrease in tax dollars collected would be made up by the \$349,954 in supplemental State-Aide and increase estimates of New Growth (\$82K), Motor Vehicle Excise Tax (\$325K), License and Permits (\$75K) and \$16K through other sources. By not going up to the full tax levy limit it reduces the residential tax rate by 20-cents per thousand of assessed value.

Councilor Clifford commented that this was the first time the Town did not go to the full tax levy.

Councilor Dingee noted that he had made the motion at the Committee meeting for no recommendation. For residents, property taxes have been a bone of contention. Property owners have believed that their property taxes could not go up more than 2 ½% per year. He believed that a detailed explanation be made at the Council level to explain how increased property values combined with the tax levy actually determines the overall increase in property taxes.

Councilor Powers commented that the tax levy is a complex issue. What has been proposed is real property tax relief for residents.

Mr. Morin noted in addition to the recommendation to vote favorable on the 175% Tax Shift, the Mayor and Board of Assessors have made the following recommendations:

1. Small Business Exemption: renew adoption
2. Open Space Discount: vote to decline
3. Residential Exemption: vote to decline

Council President Ryan asked if any member of the Council or the Public would like to speak on the issue. No one came forward.

Motion: by Councilor Kokoros to Close Public Hearing

Second: by Councilor Bowes

Vote: Unanimous

Councilor read each of the four motions:

- I. 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.**

Motion: by Councilor Kokoros to approve Tax Rate Shift of 175%

Second: by Councilor Bowes

Vote: Unanimous

- II. To approve the “Small Business Exemption” as recommended by the Mayor and Board of Assessors.**

Motion: by Councilor Kokoros to approve Small Business Exemption

Second: by Councilor Bowes

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

- III. To approve the adoption of the “Open Space” discount as recommended by the Mayor and Board of Assessors.**

Motion: by Councilor Kokoros to approve Open Space Discount

Second: by Councilor Bowes

Vote: For(0), Against (9)

- IV. To approve the adoption of the “Residential Exemption” as recommended by the Mayor and Board of Assessors.**

Motion: by Councilor Kokoros to approve Residential Exemption

Second: by Councilor Bowes

Vote: For(0), Against (9)

- **030 11 – Council President: Town Auditor Services**

Councilor Mullaney, Chairman of the Ways & Means Committee explained that on December 31, 2011 the Town Auditor Service contract will expire. M.G.L. prohibits the Council from extending the contract with the Town Auditor unless the original solicitation and contract stated that the contract could be renewed for an additional term. The current contract with the Town Auditor does not contain a renewal clause. Therefore, the Council is required to solicit proposals for Town Auditor services to become effective on January 1, 2012.

M.G.L., Chapter 30B, Section 1 exempts the services of a certified public accountant from the bidding requirements. If the Council adopts this requirement then the Council could advertise for a certified public accountant to fill the position. If the Council does not adopt this requirement, a full Request for Proposal (RFP) would need to be developed, advertised and be placed on the State's Goods and Services website.

Councilor Mullaney noted that the Committee has favorably recommended that the Town Auditor, as appointed under Section 2-8(a) of the Braintree Charter, be required to be a certified public accountant in good standing.

Councilor Kokoros commented that the town would be better served using the \$74,000 for the auditor position and hire a full-time auditor rather than paying a consultant \$125 per hour.

Councilor Mullaney explained that with a consultant you do not pay for benefits such as vacation, sick-time, pension and health care. As Chairman of the Committee on Ways & Means he has worked closely with the Town Auditor and the town receives first-class professional work.

Councilor Clifford commented that the town would probably not get a full-time CPA for \$74,000 per year.

Councilor Dingee stated he would never vote to hire a Town Auditor who was not a CPA.

Councilor DeNapoli made a motion to table. On a roll-call vote:

- Motion:** by Councilor DeNapoli to Table
- Second:** by Councilor Kokoros
- Vote:** For(4-Powers, Clifford, DeNapoli, Kokoros)
Against (5-Mullaney, Joyce, Dingee, Bowes, Ryan)

Motion to Table fails on a vote of 4 for and 5 against.

Council President Ryan noted that on December 31, 2011 the Town Auditor Service contract will expire and the Council may be without an auditor.

Councilor Kokoros commented that he would like more time to explore hiring a full-time auditor and didn't think it would be a problem without an auditor for January and February as it was before the budgeting period. Councilor Kokoros made the following motion: The Town Auditor, as appointed under Section 2-8(a) of the Braintree Charter, shall be required to be a certified

public accountant in good standing and a decision made at our next meeting to decide if Town Auditor be a consultant or full-time position.

On a roll-call vote:

Motion: by Councilor Kokoros

Second: by Councilor DeNapoli

Vote: For (5-Mullaney, Joyce, Dingee, Bowes, Ryan)

Against (4-Powers, Clifford, DeNapoli, Kokoros)

Motion carries on a vote of 5 for and 4 against.

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Ways & Means

- 11 055 – School Department: Braintree Public School Statement of Interest - MSBA
- 11 056 – Mayor: Notice of Appointment – Nancy Venezia to Arts Lottery Committee
- 11 057 – Mayor: Notice of Appointment – Jonathan Young to Arts Lottery Committee
- 11 058 – Mayor: Notice of Appointment – Myles Maquire to Parks & Recreation Advisory Committee

Motion: by Councilor Kokoros to move above orders to Committee on Ways & Means

Second: by Councilor DeNapoli

Vote: Unanimous

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 10:00p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- November 15, 2011 Minutes
- 053 11 – Councilor Bowes: Recognition of Braintree Pop Warner Football/Cheerleaders
- 050 11 – Clerk of the Council: 2012 Council Meeting Schedule
- 051 11 – Council President: Sustainable Braintree 4TH Annual Green Gala
- 054 11 – Councilor Bowes: Braintree Youth Center
- 055 11 – Council President: Holiday Road Safety
- 11 050 – NationalGrid: Petition Butler Road/Carter Road
- 11 051 – NationalGrid: Petition Crawford Road/Crawford Street
- 11 052 – NationalGrid: Petition Glenrose Avenue
- 11 053 – NationalGrid: Petition Hobart St/Hobart Ter/Prospect St
- 11 054 – Mayor: Acceptance of Land from Tricon Realty Trust
- 11 048 – Mayor: FY2011 Unpaid Bills – DPW Vehicle & Grounds Maintenance (**Public Hearing**)
- 11 049 – Board of Assessors: FY2012 Tax Levy (**Public Hearing**)
- 030 11 – Council President: Town Auditor Services
- 11 055 – School Department: Braintree Public School Statement of Interest - MSBA
- 11 056 – Mayor: Notice of Appointment – Nancy Venezia to Arts Lottery Committee
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