

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

CHARLES B. RYAN
At Large

JOHN C. MULLANEY
District 2



THOMAS M. BOWES
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

December 4, 2012

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, December 4, 2012 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President
Leland Dingee
Sean Powers
Charles B. Ryan
John Mullaney
Henry N. Joyce
Paul Dan Clifford

Not Present: Thomas Bowes, Vice President
Ronald DeNapoli

Others: Joseph Sullivan, Mayor
Peter Morin, Chief of Staff
Edward Spellman, Finance Director
Robert Brinkmann, Deputy Assessor
Board of Assessor Members
Eric Kinsherf, Town Auditor

CORRESPONDENCE

None

ANNOUNCEMENTS

- 052 12 Council President: 3rd Annual Braintree Christmas Party to Benefit Toys for Tots
- 053 12 Council President: Marathon Fundraiser for Braintree Challenger Division
Councilor Ryan: Braintree Pop Warner A Team Cheerleaders
Council Joyce: Braintree Rotary Club - Memorial Tree

APPROVAL OF MINUTES

- **November 20, 2012**

Motion: by Councilor Ryan to approve

Second: by Councilor Clifford

Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Robert Cusack, Chairman of the Board of Assessors called the meeting of the Board of Assessors to Order at 7:45pm.

Refer to Committee on Ways & Means

- 12 052 Councilor Clifford: Eligibility Requirements MGL Chapter 59, Section 5, Clause 41c / Clause 41d Commencing FY 2013

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action. Additionally, in discussions with Mayor Sullivan, the Finance Director and the Board of Assessors, agreement was reached to increase the \$500 exemption to \$750 in FY2013 and to \$1,000 in FY2014.

Mayor Sullivan commented that he was in support of 41c and the increase to \$750 and future increase to \$1,000 as it is a targeted tax relief program for those who need it most.

Councilor Ryan read the following motion:

Be it ordained by the Town Council of the Town of Braintree that pursuant to M.G.L. Chapter 59, Section 5, Clause 41c (the "statute") hereby adjusts the eligibility requirements within the limits set forth in this statute, commencing with Fiscal Year 2013 as follows:

- a. The exemption amount contained in subclause (B) of said first sentence of this statute whenever it appears in said subclause shall be increased from the existing \$500 to \$750
- b. The gross receipts limit contained in subclause (B) of said first sentence of this statute whenever they appear in said subclause shall be increased from the existing \$16,085 to \$20,000, if single, and from the existing \$19,302 to \$30,000 if married;
- c. The asset limits contained in subclause (C) of said first sentence of this statute whenever they appear in said subclause shall be increased from the existing \$29,881 to \$40,000, if single, and from the existing \$32,015 to \$55,000 if married.

Motion: by Councilor Ryan to approve

Second: by Councilor Clifford

Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

Councilor Clifford explained that the State allows communities who had adopted M.G.L. Chapter 59, Section 5, Clause 41c to also adopt Clause 41d. Acceptance of Clause 41d authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41c, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2013. Acceptance of Clause 41d eliminates the need for the Council to vote every year to adjust income and asset limits. The Committee on Ways & Means has recommended favorable action.

Councilor Ryan read the following motion:

Be it ordained by the Town Council of the Town of Braintree that the Town of Braintree accepts the provisions of General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B, and Forty-first C, by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year.

Motion: by Councilor Ryan to approve

Second: by Councilor Joyce

Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

- **12 053 Board of Assessors: FY2013 Tax Levy (PUBLIC HEARING)**

Councilor Ryan made a motion to open the public hearing on Order 12 053

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action on each of the recommendations of the Mayor and Board of Assessors.

Mayor Sullivan provided an overview of the November 27, 2012 letter regarding recommendations for the FY2013 Tax Rate. The Board of Assessors and the Mayor recommend adoption of the Tax Classification Shift of 175% as been the practice over the years. Mayor Sullivan the average resident tax bill would increase \$80 or 2.21% on an average residential house value of \$332,000. Over the last five years the average increase has been 3.2%. Mayor Sullivan commented that the residential value represents 56.6% of the overall property values with a new growth estimate of \$850,000. Mayor Sullivan asked for support of each of the recommendations.

Council President Kokoros asked if any member of the Council or anyone else in the auditorium would like to speak on Order 12 053. No one came forward.

Councilor Ryan made a motion to close the public hearing on Order 12 053

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

Councilor Ryan made a motion to approve each of the following:

- 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 Ryan
Second: by Councilor Joyce
Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

- II. **To approve the “Small Business Exemption” as recommended by the Mayor and Board of Assessors in a memorandum to the Town Council dated November 27, 2012 and as filed with the office of the Town Clerk.**

Motion: by Councilor Ryan

Second: by Councilor Joyce

Vote: For (6), Against (0), Absent (2-Bowes, DeNapoli), Abstain (1-Kokoros)

- III. **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 27, 2012 and as filed with the office of the Town Clerk, to decline the adoption of the “Open Space” discount.**

Motion: by Councilor Ryan

Second: by Councilor Joyce

Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

- IV. **To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum dated to the Town Council November 27, 2012 and as filed with the office of the Town Clerk, to decline the adoption of the “Residential Exemption” .**

Motion: by Councilor Ryan

Second: by Councilor Joyce

Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

Robert Cusack, Chairman of the Board of Assessors adjourned the meeting of the Board of Assessors to Order at 8:16pm.

COMMUNICATION AND REPORTS FOR THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Ways & Means

- 12 055 Mayor: Notice of Appointment to Zoning Board of Appeals – Michael Ford

Councilor Powers asked the reason why this order was being referred to the Committee on Ways & Means rather the Committee on Personnel Issues. The Clerk of the Council explained that it has been the past practice to send all orders for appoints to the Ways & Means Committee however, the Council could refer the order to any committee by a vote.

Motion: by Councilor Ryan to refer to committee on Personnel Issues

Second: by Councilor Joyce

Vote: For (7), Against (0), Absent (2-Bowes, DeNapoli)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:20p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- November 20, 2012 Minutes
- 12 052 Councilor Clifford: Eligibility Requirements MGL Chapter 59, Section 5, Clause 41c / Clause 41d Commencing FY 2013
- 12 053 Board of Assessors: FY2013 Tax Levy
- 12 055 Mayor: Notice of Appointment to Zoning Board of Appeals – Michael Ford