

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

September 4, 2012

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, September 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
Thomas Bowes, Vice President
Leland Dingee
Sean Powers
Charles B. Ryan
John C. Mullaney
Henry N. Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Peter Nagle, NationalGrid
Verta Pheniz, NationalGrid
John Garland, Attorney for Scott Palmer
Various Independence Avenue Neighborhood Residents

CORRESPONDENCE

- 036 12 Clerk of the Council: Procedure for Street Acceptance

The Clerk of the Council explained to members that the Street Acceptance Procedure was a temporary administration policy to facilitate the processing of street acceptance requests until the existing by-law is updated to reflect the change in government. Members were asked to formally vote on accepting Street Acceptance Procedure.

Motion: by Councilor Bowes to adopt as presented

Second: by Councilor Ryan

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

ANNOUNCEMENTS

- Council President: Town Clerk Completion of Certification
- 033 12 Council President: Senator Joyce Braintree Town Hall Office Hours
- 034 12 Council President: Chief of Police Retirement Celebration
- 035 12 Council President: Bizokas Scholarship Fund Golf Tournament
- Councilor Bowes: Planning Board Citgo Hearing
- Councilor Joyce: Flaherty School Fundraiser/Walk
- Councilor Joyce: St. Vincent DePaul Fundrasier/Walk
- Councilor Joyce: Babe Ruth Baseball Tryouts
- Councilor Clifford: 9-11 Observance
- Council President: St. Catherine Greek Church Festival

APPROVAL OF MINUTES

- **August 14, 2012**

Motion: by Councilor Bowes to approve July 17, 2012 minutes

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (1-DeNapoli), Abstain (2- Joyce, Ryan)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Committee on Public Works

- **12 038 NationalGrid: Petition for Gas Main – Wildwood Avenue**

Councilor Ryan, Chairman on the Committee on Public Works, reported that the Committee recommends favorable action to include staff recommendations. Councilor Powers noted that Wildwood Avenue near the Highland School and is heavily traveled.

Motion: by Councilor Bowes to approve Order 12 038 with staff recommendations

Second: by Councilor Ryan

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

Committee on Ways & Means

- **12 036 Mayor: Acceptance of Land from Jeanne (Kennedy) Adams – Cliff Road Parcels**

Councilor Clifford, Chairman of the Ways & Means Committee, reported that the Committee has recommended favorable action on Order 12 036.

Councilor Mullaney noted that he was concerned that the owner of the property would receive a tax donation by giving this property to the Town. He believes the owner should pay the back taxes before the property is accepted.

Motion: by Councilor Bowes to approve Order 12 036

Second: by Councilor Ryan

Vote: For (7), Against (1-Mullaney), Absent (1-DeNapoli)

Committee on Ordinance & Rules

- **12 009 Scott Palmer: Rezone of 7-11 Independence Avenue**

Motion: by Councilor Bowes to open public hearing for continuation of the public hearing

Second: by Councilor Ryan

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

John Garland, Attorney for Mr. Palmer, commented that the rezone was for a potential development on the property and there have not been any plans for development formally submitted. He explained that earlier in the year a 44 condominium development plan was shown to neighborhood residents however, it was not submitted due to resident objections. Attorney Garland stated over \$120,000 in back taxes are owed the town and there is an environmental issue on site and has an active designation with the DEP. There is an opportunity to present a future development if the parcel is rezoned.

Councilor Mullaney asked Attorney Garland if the owner is required to pay all taxes before plans could be filed. Attorney Garland replied he believed that was the case. Councilor Mullaney asked what the current environmental impact is on residents. Attorney Garland replied that the environmental issue is confined to the property. Councilor Mullaney noted that most homes have two vehicles and would like to see any future development be required to provide for two parking spaces per unit. Additionally, Councilor Mullaney wanted to know what traffic impact this would have in the neighborhood. Attorney Garland responded that when plans are submitted a traffic study would be conducted. Regarding parking spaces that would be determined by the Planning Board.

Councilor Clifford commented the questions Councilor Mullaney presented would be resolved and mitigated by the Planning Board.

Joseph O'Brien of Holmes Street commented that he had a meeting with Mr. Fitzpatrick, developer, and was shown a plan of what he would like to build. He was not in favor of this new plan.

Jack Kimbal of Holmes Street noted that the Council represents the people; not the town. He did not want the property rezoned prior to acceptable plans. If it is rezoned now, the elected officials lose control and it would then be in the hands of appointed people. Councilor Kokoros noted that the rezoning decision is the only authority of the council.

Resident at 60 Holmes Street asked what are the accepted types of businesses that could go on the property if rezoned. And, are there any types of business that could go on the property without the town having control over.

Councilor Mullaney commented that Mayor Sullivan appoints the Planning Board and they will work with him and the community.

Councilor Kokoros noted that there would be no guarantees on what could be put there.

Patrick Barry of Quincy commented that he has sent a letter to the Quincy fire department requesting that the buildings on the Quincy property be demolished; something has to be done to the eyesore. He noted that he is against zoning changes at this time and has lost in the developer.

Brian Black of Holmes Street stated this is not just a zoning change; it is a lifestyle change.

Members of the Council commented that they would like to know what are their rights on rezoning changes as well as find out the extent of the environmental issue. In addition, they would like to get a table of uses on the various zoning classifications. Members would like to have the public hearing continued in order for them to find answers to these questions.

Motion: by Councilor Bowes to table Order 12 009 until October 16th at 7:30pm

Second: by Councilor Ryan

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

COMMUNICATION AND REPORTS FOR THE MAYOR AND TOWN BOARDS

NEW BUSINESS

Refer to the Committee on Ways & Means

- **12 041 Mayor: FY2013 Supplemental Appropriation**
- **12 042 Mayor: Increase of Demand Fee for Delinquent Taxes**

Motion: by Councilor Bowes to refer Orders 12 041 and 12 042 to Committee

Second: by Councilor Ryan

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

Refer to the Committee on Ordinance & Rules

- **12 040 Town Clerk: Acceptance of MGL, Chapter 54, Section 16A**

Motion: by Councilor Bowes to refer Order 12 040 to Committee

Second: by Councilor Ryan

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

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:30p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- August 14, 2012
- 036 12 Clerk of the Council: Procedure for Street Acceptance
- 033 12 Council President: Senator Joyce Braintree Town Hall Office Hours
- 034 12 Council President: Chief of Police Retirement Celebration
- 035 12 Council President: Bizokas Scholarship Fund Golf Tournament
- 12 038 NationalGrid: Petition for Gas Main – Wildwood Avenue
- 12 036 Mayor: Acceptance of Land from Jeanne (Kennedy) Adams – Cliff Road Parcels
- 12 009 Scott Palmer: Rezone of 7-11 Independence Avenue
- 12 041 Mayor: FY2013 Supplemental Appropriation
- 12 042 Mayor: Increase of Demand Fee for Delinquent Taxes
- 12 040 Town Clerk: Acceptance of MGL, Chapter 54, Section 16A