

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

January 22, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, January 22, 2013 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
Henry Joyce
Paul Dan Clifford

Not Present: Thomas Bowes, Vice President
Ronald DeNapoli
John Mullaney

Others: Peter Morin, Chief of Staff
Carl Johnson, Attorney for Compark Limited Partnership
Ronald Marshall, Representative Messina Enterprises
Joseph Powers, Town Clerk
Eric Kinsherf, Town Auditor

CORRESPONDENCE

None

ANNOUNCEMENTS

- **Council President: Sustainable Braintree – 5th Annual Green Gala**
- **Council President: Toys for Tots**
- **Town Clerk: 2013 Annual Census**

APPROVAL OF MINUTES

- **January 8, 2013**

Motion: by Councilor Ryan to approve minutes of January 8, 2013

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Committee on Ordinance & Rules

- **12 051 Compak Limited Partnership: Petition Street Acceptance - Commerce Drive**

Motion: by Councilor Ryan to open public hearing on Order 12 051

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Council President Kokoros read into the records the January 22, 2013 letter from Thomas Whalen, Director of Public Works requesting that the petitioner place a \$30,000 surety to secure construction of a curbed island at the cul-de-sac to prevent parking within the cul-de-sac.

Committee on Ordinance & Rules Chairman, Councilor Powers, reported that the Committee has recommended favorable action on Order 12 051.

Carl Johnson, Attorney for Compak Limited Partnership, explained that Commerce Drive is a type 3 Road; dual lane with center island. The Road was built as a sub-division with a mix of business and residential properties. The roadway was properly constructed in conformance with Town requirements. On December 12, 2012 the Planning Board had voted favorable on the petition with a condition that no parking be installed along the cul-de-sac. The Town Engineer has required grouting between the curb joints be completed and "Keep Right" signs be erected along the roadway. In a letter dated January 4, 2013 from Mr. Campbell he notes that the signage and grouting has been completed.

Ms. Donna DeVilla, Trustee of Turtle Crossing, commented that the residents of Turtle Crossing are in favor of the petition. The issue of parking in the cul-de-sac has been addressed by the condominium association and added parking has made available on the condominium property. Attorney Johnson commented there would be no objection of adding the \$30,000 surety to the conditions.

Council President Kokoros asked if anyone else would like to speak on the order at hand. No one came forward.

Motion: by Councilor Ryan to close public hearing on Order 12 051

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Councilor Powers made a motion to approve and read the following motion:

At the request of Compark Limited Partnership that the Town Council vote to accept as a Town way the layout of Commerce Drive, a 2200 foot long cul-de-sac roadway running northwesterly to northerly from Grove Street, just west of the Weymouth Town Line, as said layout is shown on the two-sheet set of plans entitled "ACCEPTANCE PLAN FOR COMMERCE DRIVE", by ALPHA LANDSURVEYING & ENGINEERING ASSOCIATES, dated 02-01-2012 recorded herewith and also shown on plans of Commerce Drive recorded at Plan Book 386 as Plan No. 926 on 9/27/1989, and of Commerce Drive Extension recorded at Plan Book 465 as Plan No. 274 on 5/14/1999. A copy of the foregoing plan was filed with the office of the Town Clerk on March 27, 2012.

The description of the easterly and westerly sidelines is as follows:

Along the easterly street line of Commerce Drive: beginning at a point on the northerly street line of the 1946 County Layout of Grove Street, in front of number 600 Grove Street, said point being the most southeasterly corner of the here-in described Commerce Drive Layout; thence westerly to northerly 41.79 feet along the arc of a 30.00 foot radius curve to the right to a point of reverse curvature; thence northerly to northwesterly 215.77 feet along the arc of a 375.00 foot radius curve to the left to a drill hole in a stone bound at a point of tangency; thence N 52°06' 51"W 108.20 feet to a point of curvature; thence northwesterly 145.38 feet along the arc of a 300.00 foot radius curve to the right to a drill hole in a stone bound at a point of tangency; thence N 24° 20' 53" W 275.07 feet to a drill hole in a stone bound at a point of curvature; thence northwesterly to northerly 148.70 feet along the arc of a 300.00 foot radius curve to the right to a drill hole in a stone bound at a point of tangency; thence N 04° 03' 09"E 782.58 feet to a drill hole in a stone bound at a point of curvature for a cul-de-sac curve; thence northerly to northeasterly 37.98 feet along the arc of a 30.00 foot radius curve to the right to a drill hole in a stone bound at a point of reverse curvature; thence northeasterly to westerly 198.59 feet along the arc of a 70 foot radius curve to the left to a point where the easterly street line of so-called Commerce Drive Extension began; thence turning and running N 04° 03' 09"E 184.61 feet to a drill hole in a stone bound at a point of curvature for a cul-de-sac curve; thence northerly to northeasterly 37.98 feet along the arc of a 30.00 foot radius curve to the right to a bound at a point of reverse curvature; thence northeasterly to southerly 308.53 feet along the arc of a 70 foot radius curve to the left to a point on the westerly street line of so-called Commerce Drive Extension and on the westerly street line of the herein described Commerce Drive; **Along the westerly street line of Commerce Drive:** thence S 04°03'09"W 1227.96 feet and through a

drill hole in a stone bound 350.00 feet away to a point of curvature; thence southerly to southeasterly 183.40 feet along the arc of a 370.00 foot radius curve to the left to a drill hole in a stone bound at a point of tangency; thence S 24°20'53"E 275.07 feet to a point of curvature; thence southwesterly 179.30 feet along the arc of a 370.00 foot radius curve to the left to a drill hole in a stone bound at a point of tangency; thence S 52°06'51"E 108.20 feet to a point of curvature; thence southwesterly 158.79 feet along the arc of a 305.00 foot radius curve to the right to a point of compound curvature; thence southeasterly to westerly 52.07 feet along the arc of a 30.00 foot radius curve to the right to a point of tangency with said northerly street line of Grove Street; thence turning and running along said northerly street line of Grove Street N77°10'00"E 111.36 and 17.90' along the arc of a 240.86 foot radius to the left to the point and place of beginning.

Easements for Roadway Purposes

Part of the Commerce Drive roadway is constructed outside of the above described street lines and so Permanent Easements for Roadway Purposes have been established across the Massachusetts Bay Transportation Authority's commuter rail right of way at the street crossing, and across the southeast corner of land now or formerly of Frito Lay Inc., Assessors' Map 1118 Lot 8A. The MBTA easement is recorded at the Norfolk County Registry of Deeds at Book 11929, Pages 526 through 528. The Easement for Roadway Purposes across the Frito-Lay property is shown on the "Easement Sketch Plan" by Alpha Land Surveying & Engineering Associates dated April 27, 2005 and recorded at the Norfolk County Registry of Deeds at Book 23963, Pages 40 through 42.

The above described Commerce Drive including the Easements for Roadway Purposes is hereby accepted as a Public Way in the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts, together with all benefits and responsibilities currently appurtenant to the status of "Public Way" within the Commonwealth. All drainage easements shown on the referenced plan, and ownership of the drainage system within the roadway and to its discharge point(s) or at its (their) entrance to any detention basins, retention basins or similar stormwater impoundments are also accepted with this acceptance as a Public Way. Ownership and maintenance of detention basins, retention basins or similar stormwater impoundments is specifically excluded from this acceptance. Ownership and maintenance of overhead and underground electric, telephone, gas, and cable utilities is specifically excluded from this acceptance. This acceptance shall not be considered a fee taking. No damages are awarded. Further, the Mayor and the Department of Public Works are authorized to take any action necessary to carry out this vote.

At the request of the Clerk of the Council, Councilor Powers made a motion to add to the motion the following amendment before the last paragraph:

Surety

Furthermore, a \$30,000 surety shall be paid to the Town to secure construction of a center island near the cul-de-sac to prevent parking in the cul-de-sac.

Motion: by Councilor Powers to insert a surety payment as part of the motion

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Motion: by Councilor Powers to approve as amended

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Committee on Ways & Means

- **12 058 Mayor: Prior Year Unpaid Bills – DPW Recreation and Community Events Program/ DPW Braintree-Weymouth Regional Recreational Conservation District Program/ Town Clerk Registration Program**

Motion: by Councilor Powers to open public hearing on Order 12 058

Second: by Councilor Clifford

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee met on January 22, 2013 and has recommended favorable action on each of the four requests.

Council President asked if any member of the Council or the public would like to make any comments. No one came forward.

Motion: by Councilor Powers to close public hearing on Order 12 058

Second: by Councilor Clifford

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Committee Chairman, Councilor Clifford read each of the four motions:

1. **Atlas PyroVision Productions, Inc– DPW RECREATION & COMMUNITY EVENTS PROGRAM**
That the sum of \$13,000.00 be re-appropriated from the Fiscal Year 2013 Finance Department Program 01/9C Reserve Line to Public Works Department/Program 15/July 4th Festivities line item 01-40015-5203 for the purpose of paying an unpaid bill to Atlas Pyrovision Productions Inc. for a fireworks invoice which was incurred prior to July 1, 2012, which was in excess of the Fiscal Year 2012 Appropriation.

Motion: by Councilor Clifford for favorable recommendation
Second: by Councilor Ryan
Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)
2. **Mediareps – DPW RECREATION & COMMUNITY EVENTS PROGRAM**
That the sum of \$2,059.50 be re-appropriated from the Fiscal Year 2013 Finance Department Program 01/9C Reserve Line to Public Works Department/Program 15/July 4th

Festivities Parade line item 01-40015-5204 for the purpose of paying three unpaid bill to Mediareps for Banner and Sign invoices which was incurred prior to July 1, 2012, which was in excess of the Fiscal Year 2012 Appropriation.

Motion: by Councilor Clifford for favorable recommendation

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

3. Weymouth-Braintree Regional Recreation-Conservation District –

DPW BRAINTREE-WEYMOUTH REGIONAL RECREATIONAL-CONSERVATION DISTRICT PROGRAM

That the sum of \$1,650.00 be re-appropriated from the Fiscal Year 2013 Finance Department Program 01/9C Reserve Line to Public Works Department/Program 21/Braintree Weymouth Recreational Assessment line item 01-40021-5691 for the purpose of paying an unpaid bill to Weymouth-Braintree Regional Recreation-Conservation District for a dam inspection invoice which was incurred prior to July 1, 2012, which was in excess of the Fiscal Year 2012 Appropriation.

Motion: by Councilor Clifford for favorable recommendation

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

4. L.H.S. Associates, Inc. – TOWN CLERK REGISTRATION PROGRAM

That the sum of \$3,859.24 be re-appropriated from the Fiscal Year 2013 Finance Department Program 01/9C Reserve Line to Town Clerk Department/Program 05/Census line item 01-16105-5383 for the purpose of paying an unpaid bill to L.H.S. Associates, Inc. for census printing and mailing invoice which was incurred prior to July 1, 2012, which was not in excess of the Fiscal Year 2012 Appropriation.

Motion: by Councilor Clifford for favorable recommendation

Second: by Councilor Ryan

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Committee on Ordinance & Rules

- **12 035 Councilor Mullaney: Amendment to Title 2, Chapter 2-200, Mayor, Section: 2.200.010 Powers, In General relative to Mayors' Compensation**

Motion: by Councilor Ryan to open public hearing on Order 12 035

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Council President Kokoros informed members that Councilor Bowes had requested that Order

12 035 be continued to the next Council meeting to allow him to participate in the discussion.

Motion: by Councilor Ryan to continue public hearing on Order 12 035 to February 5, 2013 at 7:30pm.

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Ordinance & Rules

- 13 001 Aspinwall Corp.: Petition Street Acceptance – Priscilla Avenue

Motion: by Councilor Ryan to refer Order 13 001 to committee.

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

Refer to Committee on Ways & Means

- 13 002 Mayor: Request for Appropriation – Community Preservation Fund: Monatiquot Riverwalk

Motion: by Councilor Ryan to refer Order 13 002 to committee.

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, DeNapoli, Mullaney)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:15p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- January 8, 2013 Minutes
- 12 051 Compark Limited Partnership: Petition Street Acceptance - Commerce Drive
- 12 058 Mayor: Prior Year Unpaid Bills – DPW Recreation and Community Events Program/ DPW Braintree-Weymouth Regional Recreational Conservation District Program/ Town Clerk Registration Program
- 12 035 Councilor Mullaney: Amendment to Title 2, Chapter 2-200, Mayor, Section: 2.200.010 Powers, In General relative to Mayors' Compensation
- 13 001 Aspinwall Corp.: Petition Street Acceptance – Priscilla Avenue
- 13 002 Mayor: Request for Appropriation – Community Preservation Fund: Monatiquot Riverwalk