

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

March 19, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, March 19, 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 Ryan
John Mullaney
Ronald DeNapoli

Not Present: Thomas Bowes, Vice President
Henry Joyce
Paul Dan Clifford

Others: Peter Kurzberg, Superintendent of Schools
Maureen Murray, Assistant Superintendent of Schools
Peter Kress, Business Manager
Lisa Heger, School Committee
Kevin Kane, Aspinwall Corporation

CORRESPONDENCE

None

ANNOUNCEMENTS

- 015 13 Council President: BHS Varsity Wrestling Team (Event cancelled/snow day)
- 010 13 Council President: Run for Charlotte
- 016 13 Council President: Recycling – Trash Talk
- 014 13 Council President: Braintree Rotary Club – Safety Net Event

APPROVAL OF MINUTES

- **March 5, 2013**

Motion: by Councilor Ryan to approve minutes of March 5, 2013

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

- **13 004 – School Department: Statement of Interest – East Middle School Project**

Councilor Powers, serving as Chairman of the Committee on Ways & Means, reported that on March 11, 2013, the Committee had an extensive review of the proposal submitted by the School Department and the Committee made a favorable recommendation for approval.

Councilor Ryan read the first of two motions:

Having convened in an open meeting on March 19, 2013, the Town Council of the Town of Braintree, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to designate the **District Priority SOI** to the Massachusetts School Building Authority as the *Statement of Interest dated March 19, 2013 for the East Middle School, located at 305 River Street, Braintree, MA 02184* which describes and explains the following deficiencies and the priority category(s) for which the Town of Braintree may be invited to apply to the Massachusetts School Building Authority in the future as the **District Priority SOI**.

The project is described on the *Statement of Interest dated March 19, 2013 for the East Middle School, located at 305 River Street, Braintree, MA 02184* and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Braintree to filing an application for funding with the Massachusetts School Building Authority.

Motion: by Councilor Ryan to approve Order 13 004A

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

Councilor Ryan the second of two motions:

Having convened in an open meeting on March 19, the Town Council of the Town of Braintree, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the *Statement of Interest dated March 19, 2013 for the **East Middle School located at 305 River Street, Braintree, MA 02184*** which describes and explains the following deficiencies and the priority category(s): Priority #5 Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a facility for which the Town of Braintree may be invited to apply to the Massachusetts School Building Authority in the future.

The project is described on the *Statement of Interest dated March 19, 2013 for the **East Middle School located at 305 River Street, Braintree, MA 02184*** and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Braintree to filing an application for funding with the Massachusetts School Building Authority.

Motion: by Councilor Ryan to approve Order 13 004B

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

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

Motion: by Councilor Ryan to Open Public Hearing on Order 13 001

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

Councilor Powers, Chairman of the Ordinance & Rules Committee, reported that various Town Departments had provided favorable recommendations on the petition to accept Priscilla Avenue and, after review, the Committee presents a favorable recommendation for approval.

Council President Kokoros asked if any member of the Council or any member of the public would like to speak on the street petition. No one came forward.

Motion: by Councilor Ryan to Close Public Hearing on Order 13 001

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

Councilor Ryan read the following motion:

That the Town Council vote to accept as a Town way the layout of Priscilla Avenue is a 440 +/- foot long roadway running southeasterly from Sheraton Avenue to a dead end, beginning between Wildwood Avenue and Brewster Avenue. The nominal width of this street is 40 feet, and the street layout is shown on the plan entitled "Lotting Plan Priscilla Avenue, Braintree, Norfolk County, Massachusetts." by Robert E. Hannigan Associates, dated December 6, 1999 with revisions through April 25, 2000, approved by the Braintree Planning Board May 23, 2000. The street lines shown on that plan are as re-stated for acceptance on the plan entitled "ROADWAY ACCEPTANCE PLAN OF PRISCILLA AVENUE IN BRAINTREE, MASSACHUSETTS", by Professional Land Survey Associates, dated August 09, 2011, revised July 17, 2012.

The description of the layout sidelines is as follows:

Beginning at a point in the southerly sideline of Sheraton Avenue at its intersection with the easterly sideline of the herein described Priscilla Avenue, said point being located 75.00 feet along the southerly sideline of the Sheraton Avenue from the northwesterly corner of "25 Wildwood Avenue";

thence 39.27 feet along the arc of a curve to the left having a radius of 25.00 feet to an iron rod at a point of tangency on said easterly sideline of Priscilla Avenue;

thence S33°53'50"E 415.00 feet to a drill hole in a concrete bound at the endpoint of this acceptance on the easterly sideline of Priscilla Avenue;

thence S56°06'10"W 40.00 feet to a drill hole in a concrete bound at the endpoint of this acceptance on the westerly sideline of Priscilla Avenue;

Thence N33°53'50"W 415.00 feet to an iron rod at a point of curvature in the westerly sideline of Priscilla Avenue;

Thence 39.27' along the arc of a 25.00 foot radius curve to the left to a point at a point of tangency with the southerly sideline of Sheraton Avenue;

Thence turning and running N56°06'10"E 90.00 feet to the point of beginning.

The above described Priscilla Avenue 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 water and sewer lines within this layout and ownership of the drainage system within the roadway and to its discharge point(s) are also accepted with this acceptance as a Public Way. This acceptance shall not be considered a fee taking. No damages are awarded. The Town does not accept any maintenance responsibility for either the 15' X 15' Electric Easements or the 32' X 22' Access Easements shown on said "Acceptance Plan..." but acknowledges their intent and requires their continued existence and their maintenance by the underlying property owners suitable for the intended purposes.

Motion: by Councilor Ryan to approve Order 13 001
Second: by Councilor Powers
Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

- **13 006 Town Clerk: Chapter 6-100 Dogs & Other Animals**

Motion: by Councilor Ryan to Open Public Hearing on Order 13 006
Second: by Councilor Powers
Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

Committee Chairman, Councilor Powers, noted that the Town Clerk contacted him late in the day informing him he was unable to attend the meeting due to illness. The Town Solicitor, Carolyn Murray, submitted, by e-mail, a revised version of the Dogs and Other Animals Ordinance. Changes from the original draft have been highlighted yellow. The Committee has recommended favorable action on Order 13 006.

Councilor Mullaney noted that Section 6.100.050 assesses a penalty of \$50.00 if the dog fee is paid late. The Town Solicitor informed Committee members that under Massachusetts State Law \$50 dollars is the minimum late penalty fee and communities cannot reduce the fee; they only can set it higher. The Town Solicitor noted that the Council, by vote, could extend the licensing period for a longer period. She did caution however, that by extending the period, there will be someone coming in after that date.

Council President Kokoros asked if any member of the Council or any member of the public would like to speak on the street petition. No one came forward.

Motion: by Councilor Ryan to Close Public Hearing on Order 13 006
Second: by Councilor Powers
Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

Councilor Ryan read the following motion:

THAT THE TOWN COUNCIL VOTE TO AMEND ITS GENERAL ORDINANCES BY REPEALING THE EXISTING CHAPTER 6-100, DOGS AND OTHER ANIMALS, AND INSERTING IN ITS PLACE THE REVISED CHAPTER 6-100, DOGS AND OTHER ANIMALS, AS ATTACHED HERETO AND AS ON FILE IN THE OFFICE OF THE TOWN CLERK.

Motion: by Councilor Ryan to approve Order 13 006
Second: by Councilor Powers
Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

COMMUNICATIONS AND REPORTS FROM TOWN BOARDS

None

NEW BUSINESS

REFER TO COMMITTEE ON WAYS & MEANS

- **13 005 Mayor: FY2013 Capital Plan and Bonding**

Motion: by Councilor Ryan to refer Order 13 005 to Committee

Second: by Councilor DeNapoli

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

- **13 008 Councilor Mullaney: Adoption of MGL Chapter 64L - Local Option Meals Tax**

Motion: by Councilor Ryan to refer Order 13 008 to Committee

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

- **13 007 Town Clerk: Call of the Special State Primary Election, April 30, 2013**

Council President Kokoros noted that a special election will be held on April 20th and the following notice is required by State Statute:

Councilor Ryan read the following motion:

In the name of the Commonwealth, the Town of Braintree is hereby required to notify and ward the inhabitants of said town, who are qualified to vote in the Special State Primaries on Tuesday, April 30, 2013 from 7:00am to 8:00pm for the following purposes:

To cast their votes in the Special State Primaries for the candidates of political parties for the following office:

Senator in Congress - For the Commonwealth

Motion: by Councilor Ryan to approve Order 13 007

Second: by Councilor Powers

Vote: For (6), Against (0), Absent (3-Bowes, Clifford, Joyce)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:21p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- March 5, 2013 Minutes
- 13 004 – School Department: Statement of Interest – East Middle School Project
- 13 001 Aspinwall Corp.: Petition Street Acceptance – Priscilla Avenue
- 13 006 Town Clerk: Chapter 6-100 Dogs & Other Animals
- 13 005 Mayor: FY2013 Capital Plan and Bonding
- 13 008 Councilor Mullaney: Adoption of MGL Chapter 64L - Local Option Meals Tax
- 13 007 Town Clerk: Call of the Special State Primary Election, April 30, 2013