

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

### - AGENDA -

**March 19, 2013** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30<sub>PM</sub>

#### PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

#### ROLL CALL

#### CORRESPONDENCE

#### ANNOUNCEMENTS

- 015 13 Council President: BHS Varsity Wrestling Team
- 010 13 Council President: Run for Charlotte
- 016 13 Council President: Recycling – Trash Talk

#### APPROVAL OF MINUTES

- March 5, 2013

#### CITIZEN CONCERNS/COUNCIL RESPONSE

#### OLD BUSINESS

##### Committee on Ways & Means

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

##### Committee on Ordinance & Rules

- 13 001 Aspinwall Corp.: Petition Street Acceptance – Priscilla Avenue (**Public Hearing**)
- 13 006 Town Clerk: Chapter 6-100 Dogs & Other Animals (**Public Hearing**)

## COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

### NEW BUSINESS

#### Refer to Committee on Ways & Means

- 13 005 Mayor: FY2013 Capital Plan and Bonding
- 13 008 Councilor Mullaney: Adoption of MGL Chapter 64L - Local Option Meals Tax

#### Same Night Action

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

**Topics the Chair does not reasonably anticipate will be discussed**

### ADJOURNMENT

- Next Council Meetings: **Tuesday, APRIL 2, 2013 @ 7:30pm**

#015 13

Braintree High School Varsity Wrestling Team

The following students were varsity letter winners :

Austin Tennison

Robert Devin

David Tso

Dominic DeFrancesco

John DeNapoli

Andrew Grant

Michael Valle

Drew Fournier

Troy Oriola

Christopher Delano

Patrick Kane

Thomas O'Connell

Sean Heran

Brandon Carvello

Shawn Donahue

Paul Mullin

Charles Galluzzo

Ghanim Salem

Brendan Baggett

Dominic Cataldo

Martin Mulkerrin

Marty Dundon, Coach

The BHS Varsity Wrestling team won the Bay State Conference Carey Division Championship this year; last accomplished in 1995.

They team went undefeated, 6-0 in the Carey Division and 10-2 in the overall Bay State Conference.

Additionally, the team has broken and set the BHS school record for most wins ever!...21 wins this season!

In this sport of one on one, hand to hand combat, it takes extreme dedication, commitment and discipline to compete at the Varsity level; requiring the wrestler to put themselves through an intense individual training program to be competitive over the course of a 3-month season.

BHS Varsity Wrestling team had many 1st place 2012 Tournament winners this year with 3 team members, Shawn Donahue, Martin Mulkerrin and Dominic Cataldo, making the State's top 10 ranking in their individual weight classes this year.....Quite an achievement, considering how many High school wrestlers there are throughout the State of MA.

BHS should be very, very proud of these fighters and the classy sportsmanship manner in which they represented the Town of Braintree along the way of this outstanding achievement!



# Braintree Town Council In Recognition of

# Charles Galluzzo

*Is recognized by the Braintree Town Council as a member of the Braintree Boys Varsity Wrestling Team; 2012 Bay State Conference—Carey Division Champions.*

*Charles C. Kokoros*

Charles C. Kokoros

President

*Thomas M. Bowes*

Thomas M. Bowes

Vice-President/District 3

*John C. Mullaney*

John C. Mullaney

District 2

*Leland A. Dingee*

Leland A. Dingee

At-Large

*Sean E. Powers*

Sean E. Powers

At-Large

*Charles B. Ryan*

Charles B. Ryan

At-Large

*Henry N. Joyce*

Henry N. Joyce

District 4

*Ronald E. DeNapoli*

Ronald E. DeNapoli

District 5

*Paul "Dan" Clifford*

Paul "Dan" Clifford

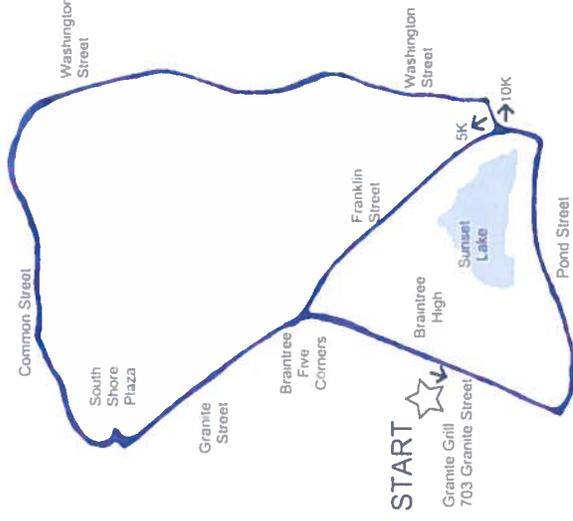
District 6

## About Neuroblastoma

Neuroblastoma is an aggressive form of cancer associated with the nerve cells and adrenal glands. It commonly occurs in infants and very young children. Its cause is unknown. Only 650 new cases are reported in the United States annually. Neuroblastoma therefore is regarded as an orphan disease, one that does not attract funding. As such, it is left largely to the families of neuroblastoma patients to raise the necessary funds to further research to find a cure.

## Third Annual Run for Charlotte

Last April, over three thousand runners and walkers came together to honor an amazing child while raising funds to fight a horrible disease. Since 2011, Prayers for Charlotte has sponsored \$75,000 in research grants and allocated over \$25,000 to families battling cancer. Our work is not done. On April 7, 2013 we will meet again at the starting line, to continue the race against cancer. We hope you will join us to support this year's event, to benefit neuroblastoma research and relief for families fighting cancer.



**USATF Certified Course**  
**MA11044/MA11045**

**10K, 5K, Youth, and Wheelchair Divisions**

**5K Walk**

**Kids Activities following Race**

**Race begins and ends at  
Granite Grill  
703 Granite Street, Braintree**



**Run for Charlotte**  
Move your toes for Charlotte Rose

01013

# Run For Charlotte



**Race for Neuroblastoma  
Research & Relief for  
Families Fighting  
Cancer**

**April 7, 2013  
10:00 am**

Post Race Entertainment by  
**Jim Plunkett**  
New England's Favorite Entertainer

**Registration Information**

# Race Details

## Registration Form

Please complete and mail a check to:  
**Prayers for Charlotte**  
PO Box 850833  
Braintree, MA 02185

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_  
Telephone \_\_\_\_\_  
Email \_\_\_\_\_  
Date of Birth \_\_\_\_\_  
Running Club Affiliation \_\_\_\_\_

- \$30 Adult Pre-Registration
- \$20 Youth Division (Under 18)
- Please accept my additional donation of \$ \_\_\_\_\_

Gender:  Male  Female

Event:

- 5K Run
- 10K Run
- Wheelchair
- Youth (Under 18) 5K Run
- Youth (Under 18) 10K Run
- 5K Walk
- Youth (Under 18) 5K Walk

T-Shirt Size (adult sizes):

- XS  S  M  L  XL  XXL

**WAIVER:** I hereby for myself, my heirs, executors and administrators, waive and release any and all rights and claims for damages I may have against Charlotte's Run and sponsors, coordinating groups and any individuals associated with the event, their representatives and assigns, and will hold them harmless for any and all injuries suffered in connection with this event. I attest that I am physically fit to compete in this event. Further, I hereby grant full permission to any and all of the foregoing to use my likeness in all media including photographs, pictures, recordings or any other record of this event for any legitimate purpose. **(Required:** If you are under18 please have a parent or guardian sign):

Race: Sunday, April 7, 2013

Start: 10:00 am

### Routes:

Races begin and end at Granite Grill

703 Granite Street, Braintree

- 10K Road Race
- 5K Road Race
- 5K Walk
- Wheelchair Division
- Youth (Under 18) Divisions

Free Kids Activities Following Race

### Entry Fees:

\$30 Pre-Registration by April 1, 2012  
\$35 Day of Race

Youth Division Ages 13-17, \$20  
Long Sleeve Moisture Wicking T-shirt  
Guaranteed to First 800 Registered Participants

### Shirt and Number Pickup:

Pre-Registered Runners:  
Saturday, April 6, 3 pm to 7 pm,  
at Granite Grill

Race Day Registration:  
7:00 am to 9:30 am at Granite Grill

For more information, please visit:

[prayersforcharlotte.org](http://prayersforcharlotte.org)  
[@P4Charlotte](https://www.facebook.com/RunForCharlotte)

## Who Was Charlotte?

Charlotte was diagnosed with stage IV neuroblastoma at the age of two. She endured aggressive treatments for two and a half years by holding the hands of her parents, brothers, family and friends, as she endured chemotherapy, surgeries, tandem stem-cell transplants, radiation and anti-body treatments. Charlotte was brave and stoic through her darkest days and courageously fought until her little body could take no more. Who was Charlotte? Five year old Charlotte was the color orange, Lego creations, babies, birthdays, and swings. She was singing chipmunks, markers and stickers, ballet slippers, and books. Describing her short life is best framed in the phrase "Faith, Hope and Love" but as it is said, the greatest of these is Love. Charlotte Rose Kelly was Love.

Charlotte Rose Kelly  
August 14, 2006 ~ December 7, 2011  
Forever In Our Hearts

## Prayers for Charlotte

*Prayers for Charlotte*, is a 100% volunteer organization that works to raise funds for neuroblastoma research and relief for families fighting cancer. There are no salaried employees and all proceeds from our events, including this road race, will support this dual effort. *Prayers for Charlotte* is a 501(c)(3) non-profit organization.

## #016 13

### TRASH, YARDWASTE & RECYCLING SERVICES

#### **Important dates and activities for Braintree residents to keep on their calendar:**

\* **Plain Street Compost Site opens April 3<sup>rd</sup>**, and accepts residential yard waste (brush, grass, leaves, tree trimmings....no tree trunks) Wed-Sun, 7:30 AM – 3:00 PM. A Trash Sticker is required. Info: (781) 794-8950.

\* **Household Hazardous Waste Day Drop-off** event, at the Recycling Center, 257 Ivory Street across from the Braintree T Station, **April 27<sup>th</sup>**, 9:00 AM – Noon. Cost: \$10 for every 10 gallons or 10 lbs of materials. Info @ (781) 794-8237 The event also again welcomes the Friends of Thayer Public Library's electronics

(TVs, computer monitors, printers & most small electronics) for reasonable disposal fees....all for a good cause. Info (781) 413-1327. Another important collection at the event is the prescription drug take-back program sponsored by Braintree's Health Dept. All unused or expired drugs in original containers accepted at no cost. Info: (781) 794-8090.

\* **Braintree Beautification Day**, Saturday **May 4<sup>th</sup>** –make up a team, come alone or as a family.....all are welcome for a half-day of work and a fun cookout at Sunset Lake. Info: (781) 794-8100.

\* **Curbside Collection of Yardwaste** begins Saturday, **May 4<sup>th</sup>** and will continue through May (11<sup>th</sup>, 18<sup>th</sup> & 25<sup>th</sup>). Last spring pickup is June 1<sup>st</sup>. Have barrels or paper bags of leaves, grass and small plants (no plastic bags) and bundled shrub & tree trimmings (less than 1 inch diameter and length less than 4 feet) on the curb by 7:00 AM. For larger quantities or sizes, use the Plain Street Compost Site. Sticker required.

**Keep up-to-date on the Town website <[www.braintreema.gov](http://www.braintreema.gov)> & <[www.braintreema.gov/recycling](http://www.braintreema.gov/recycling)>**



Joseph C. Sullivan, Mayor  
**Town of Braintree**

**2013**  
**Trash, Recycling**  
**&**  
**Yard Waste Services**

[www.braintreema.gov/recycling](http://www.braintreema.gov/recycling)

**Capitol Waste Customer Service**  
**617-569-1718**

Messages can be left 24 hours day/7 days a week.  
Capitol can radio drivers immediately during  
working hours. Calls after 4:30 PM are picked up the  
next working day.

**Trash Bill and Drop-Off Trash Sticker**  
**Questions**

Treasurer/Collector's Office at Town Hall  
**781-794-8132**

**Trash/Recycling Office**  
90 Pond Street  
**781-794-8088**

- Trash/Recycling/Yard Waste must be curbside prior to 7AM.
- One piece of furniture is allowed per week.
- Mattress & box spring considered one piece.
- Carpet & wood must be cut to 3-4 ft. lengths and tied, limit of three bundles/week.

Pickup is delayed one (1) day following the day of the holiday: New Years' Day, Martin Luther King, Jr. Day, Presidents' Day, Patriots' Day, Memorial Day, Jul 4, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas Day.

**CURBSIDE COLLECTION YARD WASTE**

- Leaves, grass and twigs accepted
- Materials must be in brown paper leaf bags or open top barrels. NO plastic bags please.
- Curbside collection will take place May 4, May 11, May 18, May 25, Jun 1 & Nov 2, Nov 9, Nov 16, Nov 23 Nov 30.

**DROP OFF YARD WASTE**

**Compost Drop-Off Site**  
**Plain Street**

- Trash Sticker required
- Leaves, grass, twigs, large branches and bushes/shrubs accepted
- Materials must be in brown paper leaf bags or loose. NO plastic bags please.
- Open Apr 1-Jan 31, Wed-Sun, 7:30 AM-3:00 PM
- Closed the months of Feb and Mar

**DROP-OFF CENTER - RECYCLING**

**257 Ivory Street**

- No Trash Drop-Off Sticker Required
- Open Year Round
- Hours: Mon-Fri 7:00 AM-3:00 PM, Sat 7:00 AM-Noon
- Curbside recyclables, textiles (St. Vincent De Paul) & mercury items such as bulbs, thermometers and thermostats accepted.

**DROP-OFF CENTER - TRASH**

**257 Ivory Street**

- Drop-Off Trash Sticker Required
- Open Year Round
- Hours: Mon-Fri 7:00 AM-3:00 PM, Sat 7:00 AM-Noon

**SMALL HOME PROJECT/CLEAN OUTS**

**Covanta Transfer Station Scale House**

**257 Ivory Street**

- Proof of residency required.
- No Drop-Off Trash Sticker Required
- Trash from residents (no contractors)
- Cost of 10 cents/pound. Credit Card only
- Covanta Transfer Station 781-843-6209

**HOUSEHOLD HAZARDOUS WASTE**

**Drop-Off Recycling Center - 257 Ivory Street**

Sat Apr 27 and Sep 28, 9:00 AM-Noon

CHARLES C. KOKOROS  
President  
District 1

LELAND A. DINGEE  
At Large

SEAN E. POWERS  
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District 6

## OFFICE OF THE TOWN COUNCIL

### March 5, 2013

## MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, March 5, 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  
Thomas Bowes, Vice President  
Leland Dingee  
Sean Powers  
Charles Ryan  
John Mullaney  
Henry Joyce  
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Edward Spellman, Finance Director  
Michael Nelligan, Powers & Sullivan  
Romina Mameli, Powers & Sullivan  
Joseph Powers, Town Clerk

### **CORRESPONDENCE**

None

### **ANNOUNCEMENTS**

- 009 13 Council President: Super Saturday's Recreational Program
- 010 13 Council President: Run for Charlotte
- 011 13 Council Joyce: Recreational Department – Upcoming Events
- 013 13 Council President: Retirement Celebration – Dr. Peter Kurzberg
- 014 13 Council President: Braintree Rotary Club – Safety Net Event

## APPROVAL OF MINUTES

- **February 26, 2013**

**Motion:** by Councilor Bowes to approve minutes of February 26, 2013

**Second:** by Councilor Ryan

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

## CITIZEN CONCERNS/COUNCIL RESPONSE

None

## OLD BUSINESS

- **006 13 – Council President: FY2012 Outside Auditor Management Letter, Reports on Federal Award Programs and Report on Examination of Basic Statements**

Michael Nelligan, Powers & Sullivan, reported that the Town's finances are healthy and well managed. During the audit period all department heads were fully cooperative and no audit adjustment were required. As he had reported in previous years, the bonding companies like to see the town's reserves at between 5 to 15 percent. Braintree reserves are in excellent shape at 12 percent.

Mr. Nelligan noted that in the Management Letter there was one significant deficiency: Treasury Operations – Treasurer's office has been operating with less than a full staff; Treasurer's position has turned over three times; and certain tasks have not been completed on a consistent basis including the timely postings of cash receipts to the general ledger and monthly reconciliations of cash and accounts receivables to the general ledger balances and to the Accountant's balances. Additionally, Mr. Nelligan commented on two other deficiencies; 1) Internal Control Policies and Procedures Manual; and 2) Identification and Reporting of Federal Awards.

Lastly, Mr. Nelligan updated members of future Government Accounting Standards (GASB) changes for pensions and Other Postemployment Benefits (OPEB).

Councilor Clifford asked Mr. Nelligan to expand on the comment noted on page 16, last paragraph, of the \$19.1 million in net assets that are subject to external restrictions and impact on the \$42 million of other postemployment benefits liabilities. Mr. Nelligan informed Council Clifford that he would have to obtain more detail on net assets and will forward him the information on Wednesday. Relative to the other postemployment benefits, Mr. Nelligan explained it represents a 30-year liability of unfunded benefits. Mr. Nelligan did note that Braintree is one of a handful of communities that have begun to set aside funds to begin to address this liability. At this time, funding OPEB is not mandated as the pension liability.

Councilor Joyce asked if town revenues are spread across several banks and are any of these banks local. Edward Spellman commented that funds are spread across several banks including local banks; Rockland Trust, Braintree Cooperative and Citizens Bank.

Councilor Bowes asked about the deficiency in recording grant awards and if these are a being properly document and are expended as designated. Mr. Spellman noted that many grants are federally funded however, are distributed by the State. The town is being more proactive in setting up the accounts ahead of time to identify the source properly. Mr. Spellman also noted that all grants are expended properly.

Councilor Ryan questioned if the new Treasurer knows what the top priorities are within the department. Mr. Spellman responded in the affirmative. He further explained that a new position was created in August, Treasurer/Accountant, and that position is responsible to record cash receipts on a daily basis and reconcile bank accounts in the new SoftRight system. Accounts have been reconciled through October and it is expected that everything will be up-to-date by June.

Councilor Joyce asked if the part-time position has now been eliminated. Mr. Spellman responded in the affirmative.

## **COMMUNICATIONS AND REPORTS FROM TOWN BOARDS**

None

## **NEW BUSINESS**

### **REFER TO COMMITTEE ON WAYS & MEANS**

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

**Motion:** by Councilor Bowes to refer Order 13 004 to Committee

**Second:** by Councilor Ryan

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

Council President Kokoros informed Members that there is one additional item that is not listed on the agenda that the Town Clerk is asking the Council to consider. After the start of the meeting the Town Clerk provided the Clerk of the Council a document, Ordinance Chapter 6-100, Dogs & Other Animals, that he asked be distributed to members. The Clerk of the Council distributed this document when it was introduced by the Council President.

Joseph Powers, Town Clerk, explained the he is requesting that current Ordinance Chapter 6-100, Dogs & Other Animals be referred to the Committee on Ordinance & Rules for any amendments or deletions to said Chapter so that the Town will come into compliance with Chapter 193 of the Acts of 2012 as adopted by the General Court. Mr. Powers stated that Chapter 193 went into effect on October 31, 2012 and it is different that the Towns Ordinance.

Councilor Dingee expressed his repeated concerns of same night action and asked why this request was not provided prior to the start of this meeting and when Mr. Powers first became aware of this issue. Mr. Powers stated that he first became aware of it in February via the Town Clerk's Association. He commented that he had spoken with the Town Solicitor on Monday with regard of introducing this request even though it was not listed on the public meeting notice. It was her opinion that since the meeting notice states "topics the Chair does not reasonably anticipate will be discussed" and the Chair was not aware of the issue prior to the meeting the item could be discussed. Mr. Powers stated that the request does not bind the Council; it only allows for it to be forwarded to Committee.

**Motion:** by Councilor Bowes to refer to Committee on Ordinance & Rules

**Second:** by Councilor Powers

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

## **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:00p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## **Documents provided for Meeting**

- February 26, 2013 Minutes
- 006 13 – Council President: FY2012 Outside Auditor Management Letter, Reports on Federal Award Programs and Report on Examination of Basic Statements
- 13 004 – School Department: Statement of Interest – East Middle School Project



# BRAINTREE PUBLIC SCHOOLS

348 Pond Street  
Braintree, MA 02184  
Telephone (781) 380-0130  
FAX (781) 380-0146

MAUREEN S. MURRAY, Ed.D.  
Assistant Superintendent

PETER A. KURZBERG, Ph.D.  
Superintendent of Schools

PETER B. KRESS  
Business Manager

February 27, 2013

Braintree Town Council  
Braintree Town Hall  
1 JFK Memorial Drive  
Braintree, MA 02184

Dear Members of the Braintree Town Council:

Attached please find a Statement of Interest to be submitted to the Massachusetts School Building Authority (MSBA) requesting participation in a renovation project for East Middle School which would include replacement of the heating system, electrical safety updates and expansion, installation of a fire suppression system and floor tile replacement. This is similar to the project undertaken at South Middle School. Submission to MSBA requires School Committee approval and Town Council approval. The School Committee voted at its meeting held on Monday, February 25, 2013 to submit such a Statement of Interest and approved both resolutions which must also be approved by the Town Council. Final signatures must include that of the Mayor, School Committee Chair and Superintendent of Schools.

Thank you in advance for your consideration of this request.

Sincerely,

Peter A. Kurzberg  
Superintendent of Schools

PAK:mac  
Attachments

Copy: Mayor Joseph Sullivan  
Braintree School Committee

## Massachusetts School Building Authority

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### Next Steps to Finalize Submission of your FY 2013 Statement of Interest

Thank you for submitting your FY 2013 Statement of Interest (SOI) to the MSBA electronically. **Please note, the District's submission is not yet complete.** The District is required to print and mail a hard copy of the SOI to the MSBA along with the required supporting documentation, which is described below.

Each SOI has two Certification pages that must be signed by the Superintendent, the School Committee Chair, and the Chief Executive Officer\*. Please make sure that **both** certifications contained in the SOI have been signed and dated by each of the specified parties and that the hardcopy SOI is submitted to the MSBA with **original signatures**.

**SIGNATURES: Each SOI has two (2) Certification pages that must be signed by the District.**

In some Districts, two of the required signatures may be that of the same person. If this is the case, please have that person sign in both locations. Please do not leave any of the signature lines blank or submit photocopied signatures, as your SOI will be incomplete.

*\*Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated as the chief executive office under the provisions of a local charter.*

**VOTES: Each SOI must be submitted with the proper vote documentation.** This means that (1) the required governing bodies have voted to submit each SOI, (2) the specific vote language required by the MSBA has been used, and (3) the District has submitted a record of the vote in the format required by the MSBA.

- **School Committee Vote:** Submittal of all SOIs must be approved by a vote of the School Committee.
  - For documentation of the vote of the School Committee, Minutes of the School Committee meeting at which the vote was taken must be submitted with the original signature of the Committee Chairperson. The Minutes must contain the actual text of the vote taken which should be substantially the same as the MSBA's SOI vote language.
- **Municipal Body Vote:** SOIs that are submitted by cities and towns must be approved by a vote of the appropriate municipal body (e.g., City Council/ Aldermen/Board of Selectmen) in addition to a vote of the School Committee.
  - Regional School Districts do not need to submit a vote of the municipal body.
  - For the vote of the municipal governing body, a copy of the text of the vote, which shall be substantially the same as the MSBA's SOI vote language, must be submitted with a certification of the City/Town Clerk that the vote was taken and duly recorded, and the date of the vote must be provided.

**CLOSED SCHOOLS: Districts that have reported closed school information must** download the report from the "Closed School" tab, which can be found on the District Main page. Please print this report, which then must be signed by the Superintendent, the School Committee Chair, and the Chief Executive Officer. A signed report, with original signatures must be included with the District's hard copy SOI submittal. **If a District submits multiple SOIs, only one copy of the Closed School information is required.**

**ADDITIONAL DOCUMENTATION FOR SOI PRIORITIES #1 AND #3:** If a District selects Priority #1 and/or Priority #3, the District is required to submit additional documentation with its SOI.

- If a District selects Priority #1, Replacement or renovation of a building which is structurally unsound or otherwise in

a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering or other report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The District also must submit photographs of the problematic building area or system to the MSBA.

- If a District selects Priority #3, Prevention of a loss of accreditation, the MSBA requires the full accreditation report (s) and any supporting correspondence between the District and the accrediting entity.

**ADDITIONAL INFORMATION:** In addition to the information required with the SOI hard copy submittal, the District may also provide any reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility.

If you have any questions about the SOI process please contact Brian McLaughlin at 617-720-4466 or [Brian.McLaughlin@massschoolbuildings.org](mailto:Brian.McLaughlin@massschoolbuildings.org).

## Massachusetts School Building Authority

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School District Braintree

District Contact Peter B Kress TEL: (781) 380-0130

Name of School East Middle School

Submission Date 3/19/13

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### SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public PreK-12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- After the district completes and submits this SOI electronically, the district must sign the required certifications and submit one signed original hard copy of the SOI to the MSBA, with all of the required documentation described under the "Vote" tab, on or before the deadline.
- The district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- Prior to the submission of the hard copy of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- On or before the SOI deadline, the district will submit the minutes of the meeting at which the School Committee votes to authorize the Superintendent to submit this SOI. The District will use the MSBA's vote template and the vote will specifically reference the school and the priorities for which the SOI is being submitted. The minutes will be signed by the School Committee Chair. This is required for cities, towns, and regional school districts.
- The district has arranged with the City/Town Clerk to certify the vote of the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body to authorize the Superintendent to submit this SOI. The district will use the MSBA's vote template and submit the full text of this vote, which will specifically reference the school and the priorities for which the SOI is being submitted, to the MSBA on or before the SOI deadline. This is not required for regional school districts.
- The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all of the required vote documentation and certification signatures in a format acceptable to the MSBA.

**Chief Executive Officer \***

**School Committee Chair**

**Superintendent of Schools**

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(signature)

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(signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter.



replacement, ceiling replacement, and rebuilding of the heating system. The East Middle School was built 50 years ago. In order to address the technological requirements for current day educational priorities and goals, an electrical upgrade and expansion is required. This would allow for additional electrical outlets in each classroom for computers, LCD projectors and other media devices. This would require additional circuits and sub-electrical panels. New lighting circuits and fixtures would also be installed. The various systems associated with the heating system are marginally operational and extremely inefficient. New energy efficient, digitally controlled unit ventilators would allow for better temperature control and improved air quality throughout the building.

**District's Proposed Schedule: What is the District's proposed schedule to achieve the goal(s) stated above?**

The Braintree Public Schools, working with the MSBA and the Town of Braintree is ready to invest the necessary funds to begin and complete this renovation project at East Middle School. The Braintree Public Schools would like to begin the design of this project during the spring of 2013 and bid this project in December 2013 so that construction could begin as early as spring 2014. This project would then be completed by October 1, 2014. The Town of Braintree has voted to set East Middle School as our next priority for completion. The proposed total cost of this project would be approximately \$6,000,000.

**Is this part of a larger facilities plan?** NO

If "YES", please provide the following:

**Facilities Plan Date:**

**Planning Firm:**

**Please provide an overview of the plan including as much detail as necessary to describe the plan, its goals and how the school facility that is the subject of this SOI fits into that plan:**

**Please provide the current student to teacher ratios at the school facility that is the subject of this SOI:** 22 students per teacher

**Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI:** 25 students per teacher

**Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District?** NO

**Does the District have related report(s)/document(s) that detail its facilities, student configurations at each facility, and District operational budget information, both current and proposed?** NO

If "NO", please note that:

If, based on the SOI review process, a facility rises to the level of need and urgency and is invited into the Eligibility Period, the District will need to provide to the MSBA a detailed Educational Plan for not only that facility, but all facilities in the District in order to move forward in the MSBA's school building construction process.

**Is there overcrowding at the school facility?** YES

If "YES", please describe in detail, including specific examples of the overcrowding.

All Braintree Public Schools are overcrowded. We have converted former bathrooms, closets, and store rooms into educational learning space. No new educational space has been added to this school since it was built.

**Has the district had any recent teacher layoffs or reductions?** NO

If "YES", how many teaching positions were affected? 0

At which schools in the district?

Please describe the types of teacher positions that were eliminated (e.g., art, math, science, physical education, etc.).

**Has the district had any recent staff layoffs or reductions?** NO

If "YES", how many staff positions were affected? 0

At which schools in the district?

Please describe the types of staff positions that were eliminated (e.g., guidance, administrative, maintenance, etc.).

**Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum.**

Does Not Apply

**Please provide a detailed description of your most recent budget approval process including a description of any budget reductions and the impact of those reductions on the district's school facilities, class sizes, and educational program.**

There was no reduction in the total funds, local and state, to the Braintree Public Schools.

## General Description

**BRIEF BUILDING HISTORY:** Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

East Middle School was constructed in 1961. It is a masonry building. There have been no additions and no renovations with the except of an elevator which was installed in 1999. The building has been maintained in good working condition. the majority of the windows were replaced in 2011 with insulated glass.

**TOTAL BUILDING SQUARE FOOTAGE:** Please provide the original building square footage PLUS the square footage of any additions.

106761

**SITE DESCRIPTION:** Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

East Middle School is located on a 46 acre site and there are no site limitations.

**ADDRESS OF FACILITY:** Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

305 River Street, Braintree, MA 02184

**BUILDING ENVELOPE:** Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

East Middle School is a masonry building. The majority of the windows were replaced in 2011. Additional windows are in need of replacement with insulated glass. Doors also need to be replaced.

**Has there been a Major Repair or Replacement of the EXTERIOR WALLS ? NO**

**Year of Last Major Repair or Replacement:** 1961

**Description of Last Major Repair or Replacement:**

None

**Has there been a Major Repair or Replacement of the ROOF? YES**

**Year of Last Major Repair or Replacement:** 2005

**Type Of ROOF:** EPDM

**Description of Last Major Repair or Replacement:**

sectional roof replacement

**Has there been a Major Repair or Replacement of the WINDOWS? YES**

**Year of Last Major Repair or Replacement:** 2011

**Type Of WINDOWS:** Single hung insulated glass

**Description of Last Major Repair or Replacement:**

Removed 85% of all uninsulated windows and replaced with single hung insulated glass window systems

**MECHANICAL and ELECTRICAL SYSTEMS:** Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).

Mechanical systems are as built in 1961. These systems are outdated, inefficient and undercapacity.

**Has there been a Major Repair or Replacement of the BOILERS? NO**

**Year of Last Major Repair or Replacement:** 1997

**Description of Last Major Repair or Replacement:**

gas conversion and boiler replacement

**Has there been a Major Repair or Replacement of the HVAC SYSTEM ?** NO

**Year of Last Major Repair or Replacement:** 1961

**Description of Last Major Repair or Replacement:**

none

**Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM?** NO

**Year of Last Major Repair or Replacement:** 1961

**Description of Last Major Repair or Replacement:**

none

**BUILDING INTERIOR:** Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Interior is in an as built condition and is in fair condition. Flooring is asbestos tile, which is in disrepair and needs replacement. Ceilings and ceiling lighting is in poor condition and needs replacement with energy efficient lighting. The interior of the school has been painted during the past year.

**PROGRAMS and OPERATIONS:** Please provide a detailed description of the current programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).

All standard middle school programs and curricula are offered. The constraints are the lack of modern educational space, the lack of proper HVAC controls, the lack of electrical capacity, and poor lighting.

**CORE EDUCATIONAL SPACES:** Please provide a detailed description of the Core Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, and a description of the media center/library (maximum of 5000 characters).

East Middle School constructed in 1961 contains 47 classrooms within its 106,761 sq. ft. Each classroom is approximately 700 sq. ft. The school contains a media center, gymnasium, cafeteria, and a number of science technology labs.

**CAPACITY and UTILIZATION:** Please provide a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

This school facility is at capacity and all available space, some substandard, has been converted into instructional learning space.

**MAINTENANCE and CAPITAL REPAIR:** Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

The Braintree Public Schools invests over \$1.5 million dollars in direct maintenance to all of our school facilities every year. This does not include custodial services. The Braintree Public Schools also employs their own electrician, plumber, carpenters, and HVAC technician as well.

**Priority 5**

***Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.***

**Heating Systems**

The East Middle School needs a complete rebuild of its heating system. The boiler as well as all the ancillary piping, unitventilators, controls, and pneumatics were installed in 1961. Today, 47 years later, these systems are only marginally operating and they are not operating in any efficient manner. Not only would the students and staff significantly benefit with a new heating system, the Braintree Public Schools and the Town of Braintree would realize a substantial reduction in the amount we are currently spending on natural gas and electricity. Our proposal is to **convert East Middle School from a steam system to a hot water heating system** at a cost of approximately \$2,500,000 in all. This would entail the need to purchase an additional boiler and remove all asbestos-covered piping and replace with copper piping and new insulation. All new energy-efficient digitally-controlled unitventilators would be installed in all classrooms and office space. All steam controls would be eliminated and replaced with new necessary water pumps and controls.

**Electrical Safety Upgrade and Expansion**

The Braintree Public Schools has not built a new school since 1972. The Braintree Public Schools built East Middle School in 1961. The Braintree Public Schools is in critical need of electrical upgrades and expansion. The Braintree Public Schools is still operating with one electrical outlet in some classrooms and generally no more than two electrical outlets in probably 90% of our classrooms district wide. New energy efficient lighting is needed throughout this school. New classroom ceilings will be required to properly install new lighting systems in each classroom.

With the technological revolution that we are experiencing in our world, we are also experiencing an educational revolution in the way we instruct our students. Our classrooms were all built before computers, LCD projectors, and other technological media devices had even been invented. The Braintree Public Schools needs more than two electrical outlets per classroom. In order to increase the number of electrical outlets per classroom, we would also need to add additional circuits and sub- electrical panels. As part of the electrical upgrade, new lighting circuits and new lighting fixtures should be installed at the same time. The estimated cost of this electrical safety upgrade and expansion would be approximately \$2,000,000.

**The building is sound and in reasonably good condition, but the electrical supply is seriously constricting our ability to incorporate new electronic technology in the education of our children.**

**Installation of a Fire Suppression System.**

The East Middle School, built in 1961, has no Fire Suppression System. (Sprinkler System) When the East Middle School was built a Fire Suppression System was not required. New schools that are being built in our Commonwealth now require a Fire Suppression System. With the removal of all of the ceilings during the electrical safety upgrade and expansion, as noted above, the Braintree Fire Department will require the School Department to install a Fire Suppression System. the installation of a fire suppression system will require the replacement of all interior doors. the new doors must be equipped with automatic closing devices in case of fire. The estimated cost of this Fire Suppression System would be approximately \$900,000.

The building is in sound and in reasonably good condition but a Fire Suppression System must be installed in order to go forward with any interior renovations to the East Middle School. This Fire Suppression System is for the safety of our students, staff, and

fire fighters. Additionally, the Fire Suppression System protects the East Middle School assets and building.

**Floor Tile Replacement**

The East Middle School built in 1961, has the original floor tile in all classrooms and corridors. This asbestos-containing tile is in significant disrepair. The estimated cost to replace the floor tile throughout the school is \$600,000.

**Priority 5**

***Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.***

The Braintree Public Schools has made a concerted and substantial effort to reduce energy consumption since 1999. In 1999 the Braintree Public Schools hired Energy Education, Inc. for a period of three years to constantly monitor our consumption of natural gas, electricity, and oil. We have saved over \$1.5 million since 1999 on energy consumption. Additionally, we have installed time clocks in all schools, new condensing boilers at Braintree High School. We have installed insulated windows at the East Middle School, as well as the Flaherty School, Highlands School, Hollis Elementary School, Liberty Elementary School, Ross Elementary School and South Middle School. All of these improvements have been made in the concerted effort to increase energy conservation, decrease energy-related costs, and improve the air quality in our schools for students and staff.

The Braintree Public Schools has made a concerted and substantial effort to improve technological education in our schools. During the past few years, we have wired every classroom, learning space, and office with internet connections. During the past few years, we have seen to it that all staff members have a computer in all learning spaces for their use and the use of their students. We have purchased LCD projectors and short throw projectors in all of our classrooms. We need to have the power to operate this equipment safely and without the use of extension cords running throughout our classrooms which can be a major safety condition that could seriously jeopardize the health and safety of our school children.

The Braintree Public Schools with the support from the MSBA, has totally renovated the South Middle School with energy-efficient lighting, new electrical service, a new HVAC system, four new boilers, new fire suppression system, new ceilings in every classroom at a cost of over \$3.2 million during the summer of 2010. The Braintree Public Schools hopes to complete a similar renovation project at the East Middle School.

Additionally, during this past year, the Braintree Public Schools, with support from the MSBA has replaced uninsulated window systems with energy efficient insulated glass window systems at East Middle School, Highlands Elementary School, Hollis Elementary School, and Morrison Elementary School. Under the MSBA Green Repair Project Program, a large section of the Braintree High School roof was renovated. These Green Repair Projects were completed with financing from the MSBA and the Town of Braintree at a cost of over \$4,000,000.

**Priority 5**

***Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.***

The East Middle School was built in 1961. The HVAC systems, including the boilers, the unit ventilators and the control system are original to the building construction. These HVAC systems are failing. There are steam leaks throughout the building. The heating system can no longer be regulated by any efficient method. Additionally, the upgrade of the HVAC systems will significantly lower our heating energy costs. By installing an energy efficient digitally controlled HVAC system throughout the school this will significantly reduce interruptions to learning caused by this outdated steam system.

The Braintree Public Schools cannot implement the newest methods in teaching and learning using current educational technology. The Braintree Public Schools do not have the electrical infrastructure to support this new technology such as; electrical outlets, a proper electrical distribution system, and wiring to support today's electrical loads. New energy efficient lighting is also a crucial repair needed as part of the electrical system upgrade. With the replacement of the ceilings and lighting, the Braintree Fire Department will require the installation of a Fire Suppression System.

**Priority 5**

***Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program.***

By installing new electrical systems, new HVAC systems and controls, fire suppression, new interior doors, new lighting and ceilings, as well as, new floor tile, the Braintree Public Schools estimates East Middle School to have a useful life of an additional 50 years.

**Please also provide the following:**

**Have the systems identified above been examined by an engineer or other trained building professional?:** YES

**If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters)::**

Habeeb and Associates

**The date of the inspection::** 1/1/2010

**A summary of the findings (maximum of 5000 characters)::**

**Resolved:**

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.

**Resolved:**

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 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.

**CERTIFICATIONS**

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

| <b>Chief Executive Officer *</b> | <b>School Committee Chair</b> | <b>Superintendent of Schools</b> |
|----------------------------------|-------------------------------|----------------------------------|
| _____                            | _____                         | _____                            |
| (print name)                     | (print name)                  | (print name)                     |
| _____                            | _____                         | _____                            |
| (signature)                      | (signature)                   | (signature)                      |
| _____                            | _____                         | _____                            |
| Date                             | Date                          | Date                             |

\* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter.

ORDER #: 13-001

**Application for Street Acceptance – Worksheet**

~~PRISCILLA~~ AVENUE

SECTION TO BE COMPLETED BY PETITIONER

**Petitioner**

Name: Aspinwall Corp

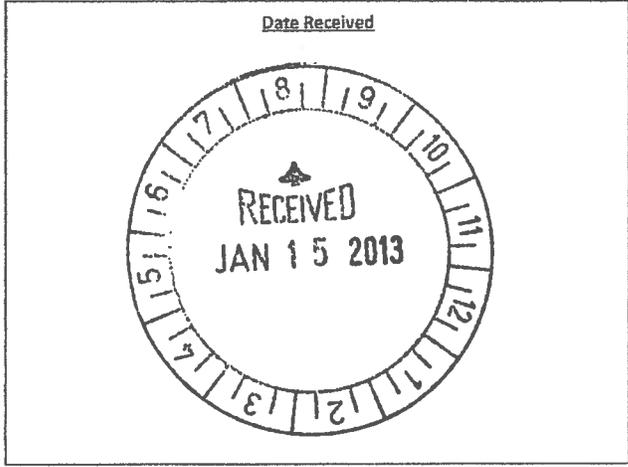
Address: 25 Adams St  
Braintree MA 02184

**Contact/Billing Information**

Name: Aspinwall Corp  
~~Inc~~

Address: 25 Adams St  
Braintree, MA 02184

\*Petition Submitted By: KEVIN KANE



# Aspinwall Corporation #13-001

25 Adams Street Braintree MA.02184

(781) 690 1245

E-Mail [Aspinwallcorp@yahoo.com](mailto:Aspinwallcorp@yahoo.com)

12-24-2012

To : Office of Town Council

To whom it may concern,

With regard to the road acceptance application for Pricilla Ave. the Mylar is being held at the planning board office as well as copies. At an earlier date I did leave copies at your office. If there is any other questions please feel free to call.

Note: The plan has earlier been approved by both planning and the town engineer

Sincerely



Kevin Kane



Office of the **#13-001**  
**Board of Assessors**

ONE JOHN FITZGERALD KENNEDY MEMORIAL DRIVE  
BRAINTREE, MASSACHUSETTS 02184  
TEL: (781) 794-8050 • (781) 794-8056  
FAX: (781) 794-8068

**#13-001**

DATE: December 17<sup>th</sup>, 2012

APPLICANT: Aspinwall Trust

PROPERTY LOCATION: Priscilla Ave

This is to certify that at the time of submission of this form to the Board of Assessors, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown and described are as written and are the parties according to the records of the Assessors.

*Office of the Board of Assessors* (MB)

**Robert M. Cusack**  
**Chairman**

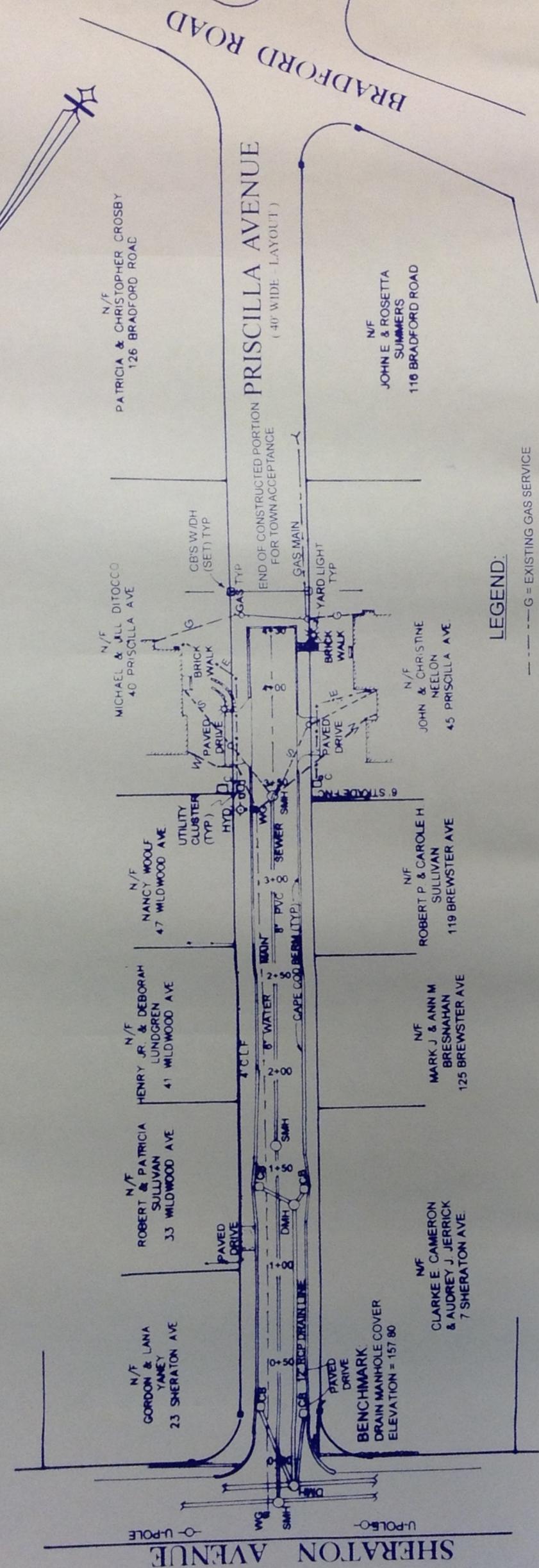
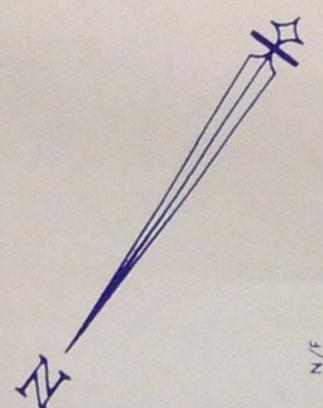
| ParcelID   | Location        | Owner               | Co-Owner                 | Mailing Address  | City      | State | Zip   |
|------------|-----------------|---------------------|--------------------------|------------------|-----------|-------|-------|
| 1079 0 14  | 33 WILDWOOD AV  | SULLIVAN ROBERT F   | SULLIVAN PATRICIA A TBYE | 33 WILDWOOD AVE  | BRAINTREE | MA    | 02184 |
| 1079 0 15  | 41 WILDWOOD AV  | LUNDGREN HENRY A JR | LUNDGREN DEBORAH J TE    | 41 WILDWOOD AVE  | BRAINTREE | MA    | 02184 |
| 1079 0 16  | 47 WILDWOOD AV  | WOOLF NANCY C       |                          | 47 WILDWOOD AVE  | BRAINTREE | MA    | 02184 |
| 1079 0 20  | 40 PRISCILLA AV | DITOCO MICHAEL V    | DITOCO JILL L TBYE       | 40 PRISCILLA AVE | BRAINTREE | MA    | 02184 |
| 1079 0 29  | 7 SHERATON AV   | JERRICK AUDREY J LE | CAMERON CLARKE E         | 7 SHERATON AVE   | BRAINTREE | MA    | 02184 |
| 1079 0 34  | 115 BREWSTER AV | BYRNE CHARLES L     | BYRNE JANE M TBYE        | 115 BREWSTER AV  | BRAINTREE | MA    | 02184 |
| 1079 0 79A | 45 PRISCILLA AV | NEELON JOHN F       | NEELON CHRISTINE M TBY   | 45 PRISCILLA AV  | BRAINTREE | MA    | 02184 |

**End of Report**

#13-001

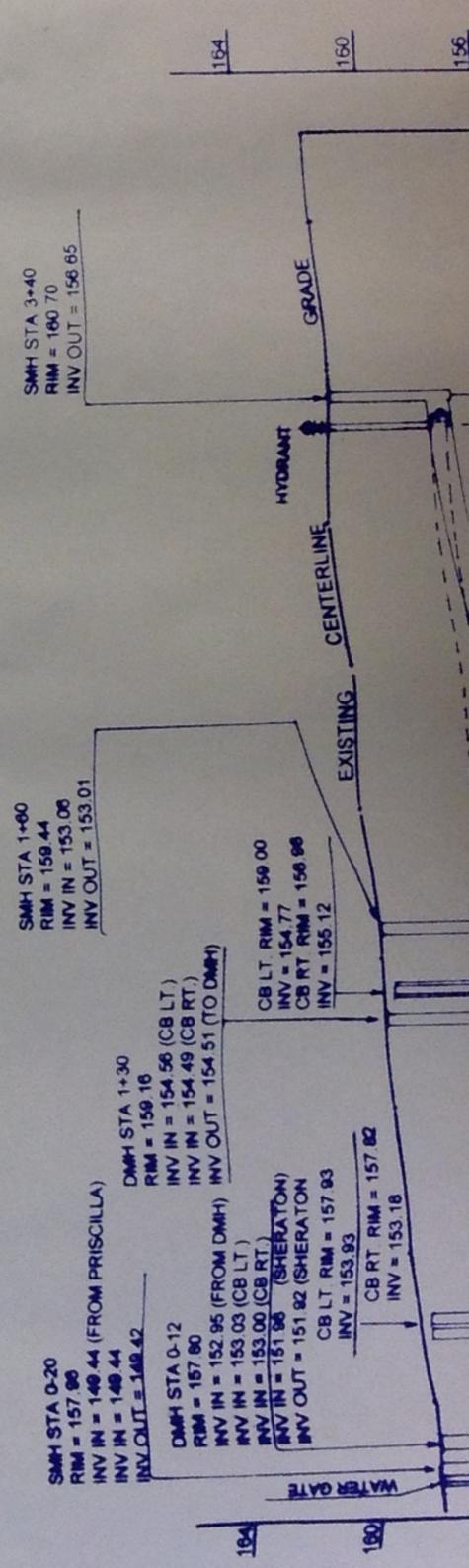
Y THE  
REE  
BOARD

APPLICANT:  
ASPINWALL TRUST  
25 ADAMS STREET  
BRAINTREE, MA 02184



**LEGEND:**  
 --- G = EXISTING GAS SERVICE  
 --- W = EXISTING WATER SERVICE  
 --- S = EXISTING SEWER SERVICE  
 - - - - E/C = ELECTRIC & CABLE SERVICE

HORIZONTAL SCALE: 1" = 40'  
 VERTICAL SCALE: 1" = 4'







# Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
1 JFK Memorial Drive – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan  
Mayor

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

**TO: Braintree Town Council President Charles Kokoros**

**FROM: Braintree Planning Board**

**DATE: February 20, 2013**

**RE: Planning Board Recommendation - Town Council Order # 13-001  
Street Acceptance/Priscilla Avenue**

As required the Braintree Planning Board held a discussion at their February 12, 2013 Meeting. During the Meeting it was noted that this Roadway was created pursuant to the Subdivision Control Law as shown on a Definitive Plan Approved by the Planning Board in 1999, is subject to the Access Easements as shown on the Street Acceptance Plan, (Recorded at the Norfolk County LandCourt on March 9, 2012 as Documents #1247145 and #1247146) and in addition the Planning Board granted As-Built Approval for this Definitive Subdivision on April 10, 2012.

The Planning Board voted on February 12, 2013 to recommend **favorable action** to the Town Council on the Petition for Street Acceptance;

The vote is recorded as follows:

|                             | <u>Favorable</u> | <u>Unfavorable</u> |
|-----------------------------|------------------|--------------------|
| Robert Harnais, Chair       | X                |                    |
| Joseph Reynolds, Vice-Chair | X                |                    |
| James Eng, Member           | X                |                    |
| Darryl Mikami, Member       | X                |                    |
| Melissa B. McDonald, Member | X                |                    |



# Department of Planning and Community Development

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1 JFK Memorial Drive – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan  
Mayor

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

To: Braintree Planning Board

From: Melissa M. Santucci Rozzi, Principal Planner

Date: February 12, 2013

Re: Recommendation for Street Acceptance  
Priscilla Avenue – TCO 13-001

Please find attached a copy of the Street Acceptance Application submitted by Kevin Kane, on behalf of Aspinwall Corporation. As you are aware, this roadway was approved under subdivision control pursuant to a Definitive Plan in 1999. The project was completed and went dormant for a while. Within the past few years the Planning Staff and the Town Engineer have worked in conjunction with the Applicant to complete the project and submit all required documentation. This project received As-Built Approval in April of 2012 and the all surety being held by the Town was released in July of 2012. Based on the progress and complete the Planning Staff recommends the Planning Board recommend favorable action on the Petition for Acceptance.

w/attachments



# Department of Planning and Community Development

RECEIVED TOWN CLERK  
BRAintree, MA  
Melissa M. Santucci Rozzi, Principal Planner  
90 Pond Street - Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

2012 APR 13 AM 11:29

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Michelle Lauria, Member

Joseph C. Sullivan  
Mayor

**TO:** Joseph F. Powers, TOWN CLERK  
**FROM:** BRAintree PLANNING BOARD  
**DATE:** April 11, 2012  
**RE:** AS-BUILT APPROVAL CERTIFICATE (#99-12)  
Priscilla Avenue Definitive Subdivision (#40 and #45)  
Aspinwall Corporation, Applicant

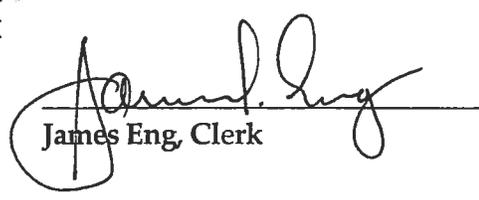
Address: Priscilla Avenue Definitive Subdivision (#40 and #45)  
Applicant: Kevin Kane (Aspinwall Corporation)  
Plan: Roadway As-Built Plan  
of Priscilla Avenue  
in Braintree, Massachusetts  
Plan Date: June 13, 2011  
Stamped By: William I. Morse PLS ( MA Stamp # 27296) September 20, 2011

On April 10, 2012 on a motion duly made and seconded, a super majority of the Planning Board voted to grant "As-Built" approval on the above cited project, with the following Conditions 33, 34, 37, 49 and 54 remaining as surviving conditions in perpetuity on the title and the following Conditions 38, 45, 51 and 52 remaining as surviving conditions until such time the street is accepted by the Town Council as a Public Way.

The Definitive Subdivision Approval Decision and Plans to which this As-Built Certificate relates was recorded in the Norfolk County Registry of Deeds (Land Court) on October 2, 2000 as Document 866290 (15 Pages) and Land Court Plan 866290-A and 866290-B.

The vote on said motion is as follows:

|                             | <u>In Favor</u> | <u>Opposed</u>    |
|-----------------------------|-----------------|-------------------|
| Robert Harnais, Chair       | X               |                   |
| Joseph Reynolds, Vice Chair |                 | Not Participating |
| James Eng, Clerk            | X               |                   |
| Darryl Mikami, Member       | X               |                   |
| Michelle Lauria, Member     | X               |                   |

  
James Eng, Clerk

RECEIVED

APR 19 2012

FOR TOWN CLERK USE:  
Application filed with Town Clerk - May 28, 1999  
Decision filed with Town Clerk - February 24, 2000

Town of Braintree  
Planning Board



Joseph C. Sullivan  
Mayor

# Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
90 Pond Street – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

TO: Alicia McOsker, Treasurer

FROM: *MMSP* Melissa M. Santucci Rozzi, Principal Planner

RE: Full Release of Surety (99-12)  
Definitive Subdivision Approval  
Priscilla Avenue – Aspinwall Corporation

DATE: July 31, 2012

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Aspinwall Corporation submitted \$2,000.00 and 10,000.00 sureties in the form of two (2) separate checks that were transmitted to your office on November 7, 2000. Please see attached transmittals.

Please be advised that the Planning Board has released all surety being held by Aspinwall Corporation as it relates to Priscilla Avenue Definitive Subdivision. Please return the above noted monies and all interest accrued to date.

Thank you in advance for your attention to this matter.

cc: Kevin Kane, Aspinwall Corporation



Joseph C. Sullivan, Mayor

## BRAINTREE DEPARTMENT OF PUBLIC WORKS

### Engineering Division

Robert P. Campbell, PE, PTOE, Town Engineer

[rcampbell@braintreema.gov](mailto:rcampbell@braintreema.gov)

John J. Morse, Assistant Town Engineer

[jmorse@braintreema.gov](mailto:jmorse@braintreema.gov)

# Memo

Date: July 27, 2012  
To: Melissa Santucci  
From: Bob Campbell  
CC: Tom Whalen, John Morse  
RE: Priscilla Avenue As- Built and Acceptance Plans

\*\*\*\*\*

I have inspected the subject plans for Priscilla Avenue and approved them.

I recommend that the Planning Board accept the as-built plan, accept the subdivision as complete, and recommend to the Council that Priscilla Avenue be accepted as a Public Way.

RPC



**BRAINTREE DEPARTMENT Engineering  
PUBLIC WORKS g Division**

Robert P.  
Campbell, PE,  
PTOE, Town Engineer  
[rcampbell@braintreema.gov](mailto:rcampbell@braintreema.gov)  
John J. Morse, Assistant Town Engineer  
[jmorse@braintreema.gov](mailto:jmorse@braintreema.gov)

Joseph C. Sullivan, Mayor

March 1, 2013

Honorable Joseph C. Sullivan, Mayor  
Council President Charles Kokoros  
Members of the Town Council  
1 J. F. K. Memorial Drive  
Braintree, MA 02184

RE: Acceptance of Priscilla Avenue as a Public Way

Dear Mayor Sullivan, Council President Kokoros and Members of the Town Council,

I have examined the plans and inspected the completed work on the Priscilla Avenue subdivision. I have indicated to the Planning Board that the work was satisfactorily completed and they in turn have found the subdivision to be complete.

I have prepared the attached layout description to be incorporated into the Council's decision on the petition for acceptance.

I would recommend that Priscilla Avenue, as laid out in the supplied legal description, be accepted as a public way.

Very truly yours,

A handwritten signature in black ink that reads "Robert P. Campbell". The signature is written in a cursive, flowing style.

Robert P. Campbell, PE, PTOE,  
Town Engineer

Cc: Tom Whalen  
John Morse

## TOWN OF BRAINTREE STREET ACCEPTANCE

### Priscilla Avenue

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.

RECOMMENDED BY THE  
**BRAINTREE**  
PLANNING BOARD

APPLICANT  
ADRIAN J. TRACY  
15 ALMOND STREET  
BRAINTREE, MA 01908



I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES AND  
REGULATIONS OF THE REGISTER  
OF MASS.  
*William J. Morse*  
PROFESSIONAL LAND SURVEYOR  
WILLIAM J. MORSE REG.#27396  
02/10/2011  
JMK

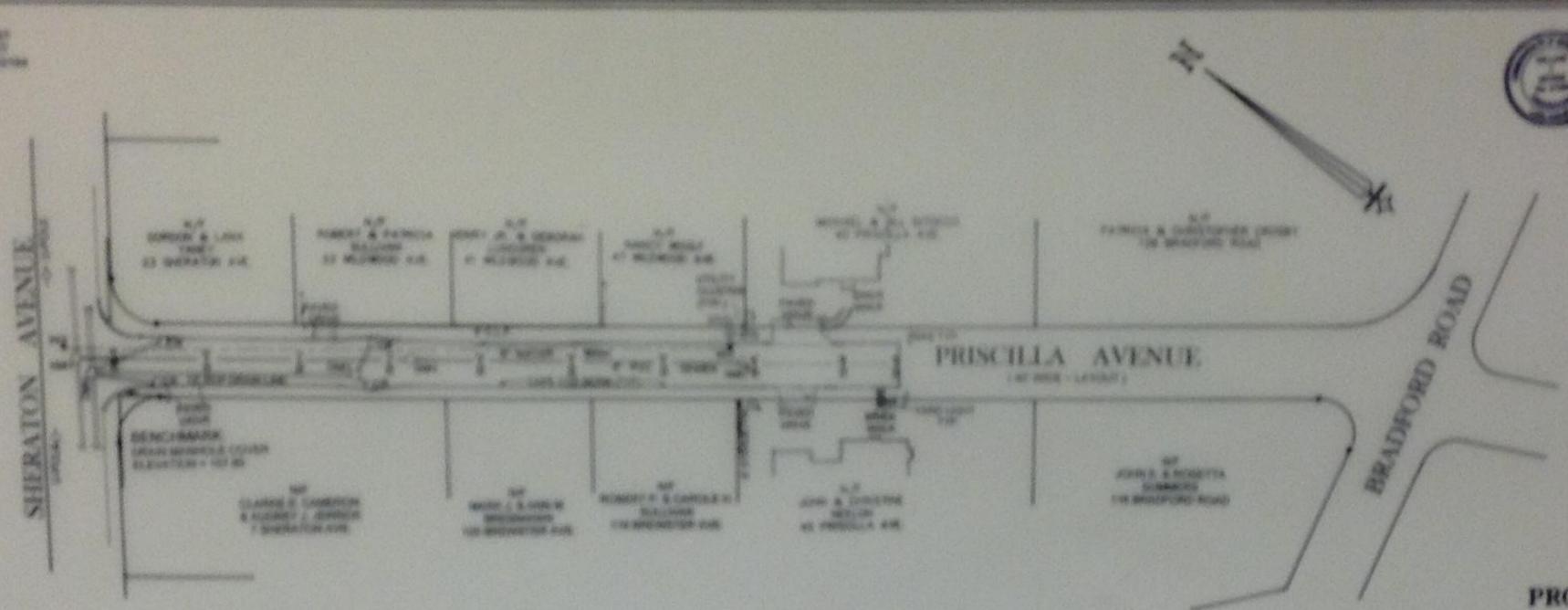
RESERVED FOR HISTORY USE

ACCEPTED BY THE  
**BRAINTREE**  
CITY COUNCIL - MAYOR

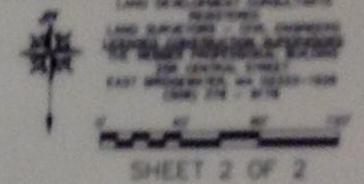
APPROVED AND ADOPTED AS THE  
OFFICIAL CITY WAY LAYOUT IN  
ACCORDANCE WITH THE LAYOUT OF  
THE CITY COUNCIL AND MAYOR OF  
BRAINTREE.

I CERTIFY THAT THIS LAYOUT WAS  
RECEIVED AND A COPY PLACED ON  
FILE AT THE OFFICE OF THE CITY  
CLERK IN ACCORDANCE WITH  
MASSACHUSETTS GENERAL LAWS,  
CHAPTER 82, SECTION 23.

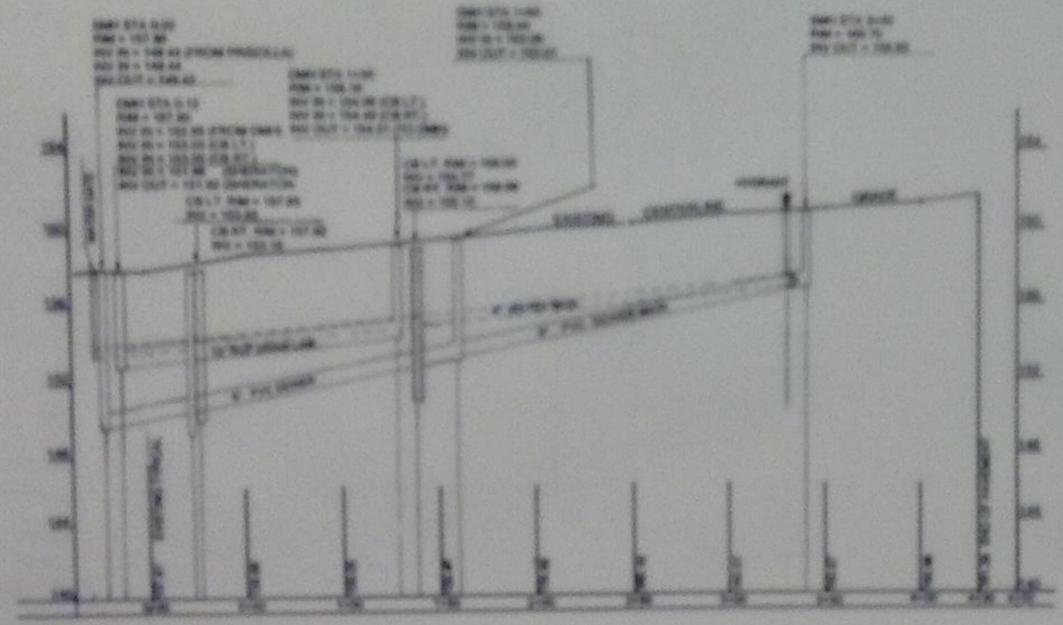
BRAINTREE  
CITY CLERK



ROADWAY AS-BUILT PLAN  
OF  
PRISCILLA AVENUE  
IN  
BRAINTREE, MASSACHUSETTS  
PREPARED FOR  
**THE CITY COUNCIL - MAYOR**  
SCALE: 1" = 40' DATE: JUNE 13, 2011  
PREPARED BY  
**PROFESSIONAL LAND SURVEY ASSOCIATES**  
LAND SURVEYING CONSULTANTS  
REGISTERED PROFESSIONAL LAND SURVEYORS  
155 WASHINGTON STREET  
EAST BRAINTREE, MA 01920-1008  
(508) 278-8774



HORIZONTAL SCALE: 1" = 40'  
VERTICAL SCALE: 1" = 4'



**PROJECT BENCHMARK**  
RIM OF DRAIN MANHOLE AT  
INTERSECTION OF SHERATON AVE.  
ELEVATION = 127.80

**SECONDARY BENCHMARK**  
FRONT BONNET BOLT OF HYDRANT  
AT STA. 0+30+00 ELEVATION = 123.21

BENCHMARK INFORMATION TAKEN  
FROM APPROVED SUBDIVISION PLAN

RECOMMENDED BY THE  
BRAINTREE  
PLANNING BOARD

ACCEPTED BY THE  
BRAINTREE  
CITY COUNCIL-MAYOR

APPROVED AND ADOPTED AS THE  
OFFICIAL CITY WAY LAYOUT IN  
ACCORDANCE WITH THE LAYOUT OF  
THE CITY COUNCIL AND MAYOR OF  
BRAINTREE.

I CERTIFY THAT THIS LAYOUT WAS  
RECEIVED AND A COPY PLACED ON  
FILE AT THE OFFICE OF THE CITY  
CLERK IN ACCORDANCE WITH  
MASSACHUSETTS GENERAL LAWS,  
CHAPTER 82, SECTION 23.

BRAINTREE  
CITY CLERK

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

BEARING BASE OF L.C. PLAN No. 2986-N



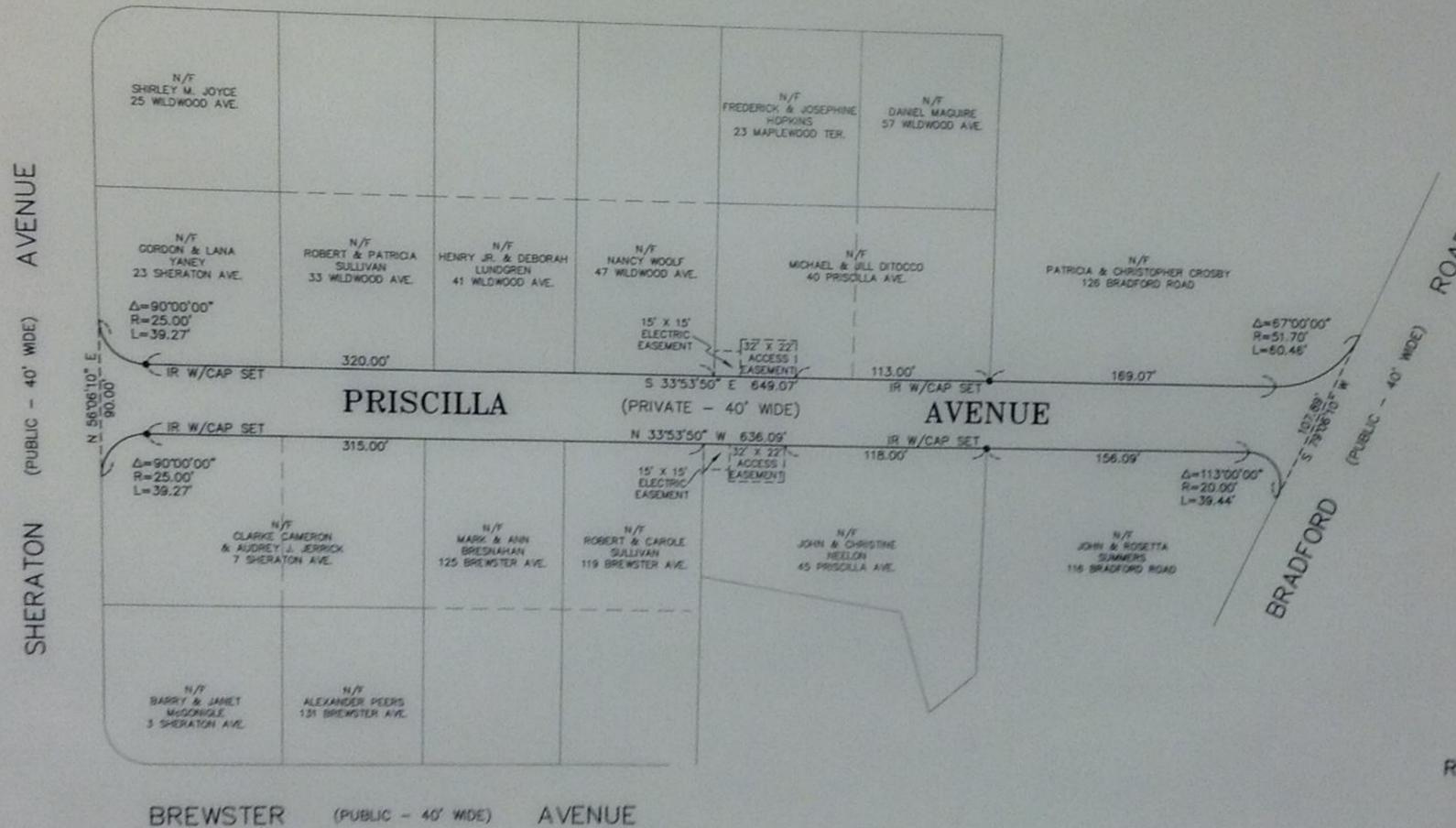
I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES AND  
REGULATIONS OF THE REGISTERS  
OF DEEDS.

*William I. Morse*  
PROFESSIONAL LAND SURVEYOR  
WILLIAM I. MORSE REG.#27296

09/20/2011  
DATE

RESERVED FOR REGISTRY USE

WILDWOOD (PUBLIC - 40' WIDE) AVENUE



PRISCILLA AVENUE LAYOUT AREA  
28,876 SQ. FT. ±  
0.658 ACRES ±

SEE L.C. CERT. No. 180592 = 40 PRISCILLA AVE.

SEE L.C. CERT. No. 155571 = 45 PRISCILLA AVE.

SEE "LOTTING PLAN, PRISCILLA AVENUE, BRAINTREE, NORFOLK COUNTY, MASSACHUSETTS DATED DECEMBER 6, 1999 PREPARED BY ROBERT E. HANNIGAN ASSOCIATES" AND APPROVED BY THE PLANNING BOARD ON MAY 23, 2000, RECORDED AT TOWN HALL.

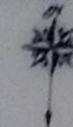
THE ABOVE REFERENCED DOCUMENTS SHOW PRISCILLA AVENUE IN ITS ENTIRETY, THE ACCESS EASEMENTS AND THE ELECTRIC EASEMENTS, AS SHOWN HEREON.

SEE L.C. PLAN No. 2986-N DATED SEPTEMBER 25, 1936 = CREATING THE WESTERLY PORTION OF PRISCILLA AVENUE.

SEE L.C. PLAN No. 2986-63 DATED FEBRUARY 2, 1962 = CREATING THE REMAINDER OF PRISCILLA AVENUE.

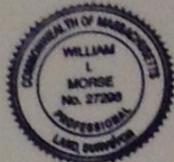
FOR COMPLETE FILE HISTORY REFER TO BRAINTREE PLANNING BOARD OFFICE RECORDS No. 99-12.

ROADWAY ACCEPTANCE PLAN  
OF  
PRISCILLA AVENUE  
IN  
BRAINTREE, MASSACHUSETTS  
AS Laid Out By  
THE CITY COUNCIL-MAYOR  
SCALE: 1" = 40' DATE: AUGUST 9, 2011  
PREPARED BY  
PROFESSIONAL LAND SURVEY ASSOCIATES

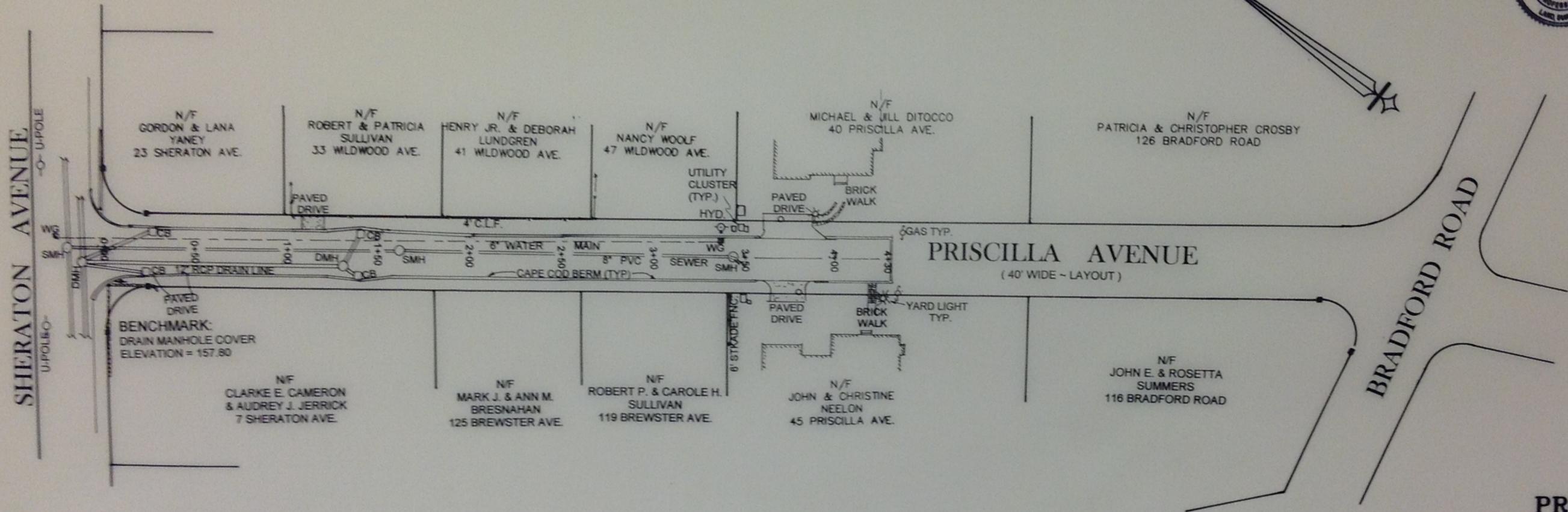


SHEET 1 OF 2

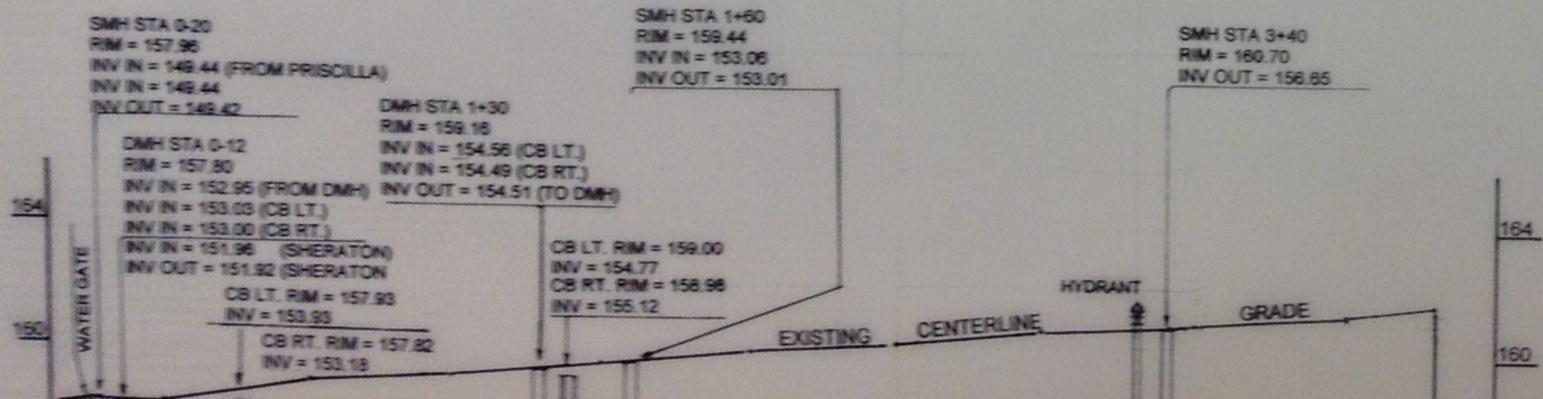
T:  
TRUST  
TREET  
MA 02184



I CERTIFY THAT THIS PLAN CONFORMS WITH THE REGULATIONS OF THE BOARD OF DEEDS.  
 WILLIAM I. MORSE  
 PROFESSIONAL LAND SURVEYOR  
 DATE 09/20/2011



HORIZONTAL SCALE: 1" = 40'  
 VERTICAL SCALE: 1" = 4'



PROJECT BENCHMARK:  
RIM OF DRAIN MANHOLE AT

ROADWAY  
 BRAINTRY  
 THE CITY  
 SCALE:



DATE: \_\_\_\_\_

BRAINTREE  
CITY CLERK

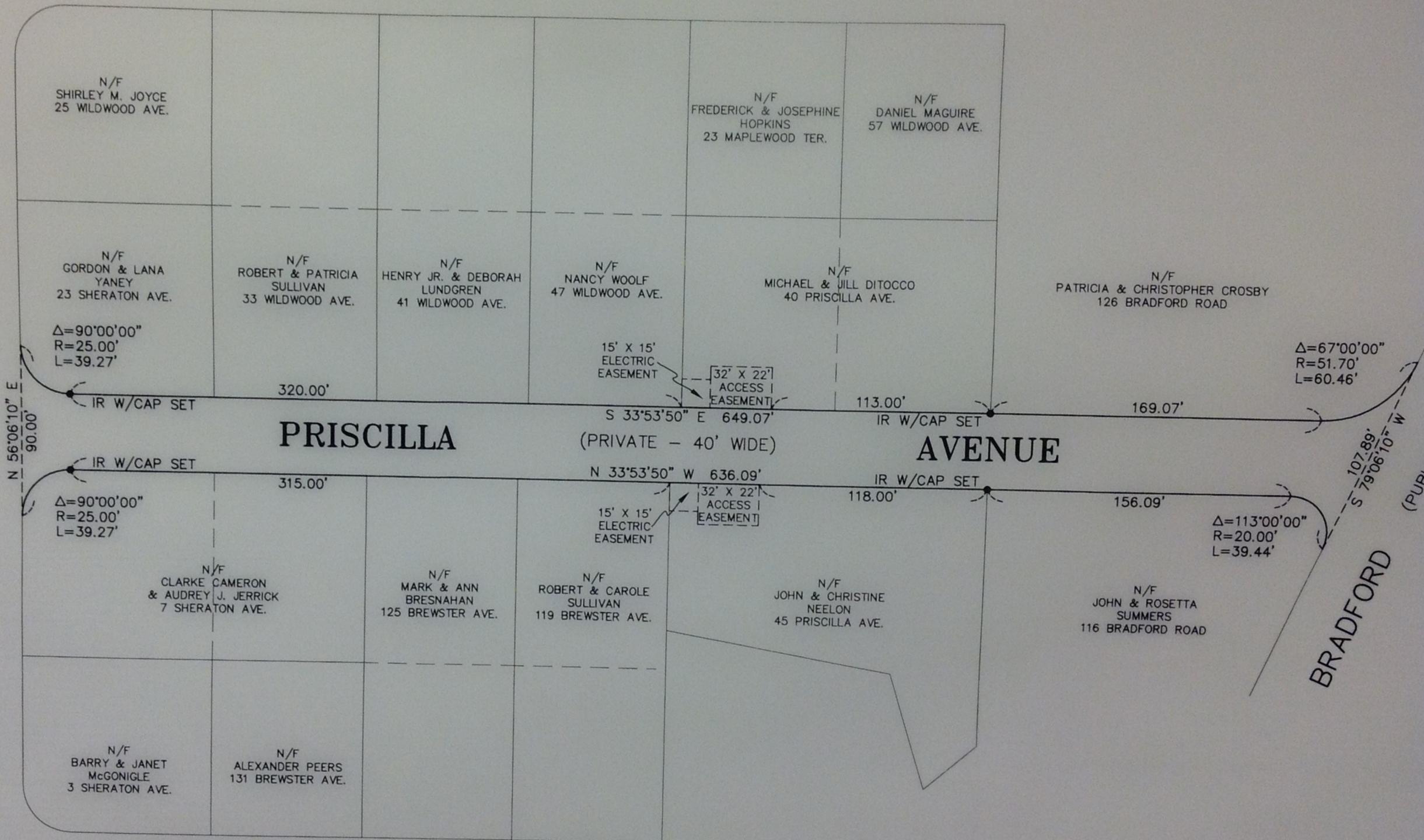
DATE \_\_\_\_\_

# WILDWOOD (PUBLIC - 40' WIDE) AVENUE

AVENUE

(PUBLIC - 40' WIDE)

SHERATON



# BREWSTER (PUBLIC - 40' WIDE) AVENUE

YOUT AREA  
FT. ±  
S ±

40 PRISCILLA AVE.

45 PRISCILLA AVE.

AVENUE, BRAINTREE, NORFOLK COUNTY, MASSACHUSETTS  
PREPARED BY ROBERT E. HANNIGAN ASSOCIATES AND  
BOARD ON MAY 23, 2000, RECORDED AT TOWN HALL.

MENTS SHOW PRISCILLA AVENUE IN ITS ENTIRETY



#13-006

OFFICE of the TOWN CLERK  
Joseph F. Powers, CMC/CMMC  
Town Clerk

**THE TOWN OF BRAINTREE**  
One John Fitzgerald Kennedy Memorial Drive  
Braintree, Massachusetts 02184  
TELEPHONE: 781-794-8240 FAX: 781-794-8259

TO: Charles C. Kokoros, Town Council President  
FROM: Joseph F. Powers, Town Clerk  
CC: Carolyn M. Murray, Town Solicitor  
James M. Casey, Clerk of the Town Council  
DATE: March 6, 2013  
RE: Proposed Changes to Town Ordinances Chapter 6-100



As a follow-up to the Town Council vote to refer proposed changes to Town Ordinances Chapter 6-100 Dogs & Other Animals, I am submitting the following material for review by the Committee on Rules & Ordinances prior to action by the Town Council:

- A red-line version of the current Chapter with deletions indicated by a red line and additions or amendments underlined in red; and
- A document entitled, "Summary of Proposed Changes to Chapter 6-100 Dogs & Other Animals under Braintree Ordinances to comply with Chapter 193 of the Acts of 2012" detailing the proposed changes under Order 13-006; and
- A "clean copy" of how Chapter 6-100 will read if all proposed changes are accepted in the document entitled, "Draft Version with Accepted Changes to Chapter 6-100 Dogs and Other Animals".

This memo and the attached documents have also been sent via email to Ms. Murray and Mr. Casey for their records and review. I also included in the email a draft notice of the public hearing to be held by the Town Council for Mr. Casey's use in providing public notice.

The changes that I am proposing to Chapter 6-100 mainly deal with the fee schedule for dog licenses as well as Personal Kennel Licenses. I believe these changes are necessary to be in place ahead of the 2013-2014 Dog Licensing Season which I plan on commencing April 1<sup>st</sup> through June 28<sup>th</sup>.

There is an additional matter in Chapter 193 of the Acts of 2012 which may require additional action by the Mayor and Town Council which is not included in these materials nor is part of the public notice.

I refer specifically to a provision under M.G.L., c.140, §139C, which if accepted by the Town, would create an exemption from the dog licensing fee for any dog owner aged 70 or older as of the licensing period.

I thank you and your colleagues on the Town Council for referring this matter to the Committee on Rules & Ordinances. Please do not hesitate to contact me if you require additional information or material.

**SUMMARY OF PROPOSED CHANGES TO  
CHAPTER 6-100 DOGS & OTHER ANIMALS  
UNDER BRAINTREE ORDINANCES  
TO COMPLY WITH  
CHAPTER 193 OF THE ACTS OF 2012**

**ORDER 13 - 006**

**Section 1:**

Section 6.100.010 Purpose is hereby amended by inserting after the word “properties”, the following words: - and to comply with Chapter 193 of the Acts of 2012.

**Section 2:**

Section 6.100.020 Definitions is hereby amended by deleting the full text under Section 6.100.020 Definitions in its entirety and inserting in its place thereof the following words: - The definitions contained with M.G.L., c.140, §136A shall apply to this Chapter.

**Section 3:**

Section 6.100.030 Dog License Required is hereby amended by deleting the word “law” and inserting in its place thereof the following words: - M.G.L., c.140, §137 through 138 inclusive and; further by inserting after the word “by”, the following words: - the Town Council and posted in and; further by inserting after the word “the”, the following words: - Office of the and; further, by inserting after the word “Clerk”, the following words: - as follows:

|                      |           |
|----------------------|-----------|
| Intact Dog:          | \$15.00   |
| Spayed/Neutered Dog: | \$10.00   |
| Service Animal:      | No Charge |
| Substitute Tag:      | \$5.00    |

**Section 4:**

Section 6.100.040 Late Licensing is deleted in its entirety and replaced with the following words:

**Section 6.100.040 Personal Kennel License**

Any reference within this Chapter to a “Kennel” or “Kennel License” is to meant to refer to a Personal Kennel as defined under M.G.L., c.140, §136A.

The Town of Braintree, operating under its Zoning Bylaws and/or Ordinances does not allow for the operation of commercial boarding or training kennels or commercial breeder kennels as defined under M.G.L., c.140, §136A.

Licenses issued for Personal Kennels shall be issued in packs of five (5) license tags. Each pack of five (5) licenses shall be priced at \$50.00.

Nothing under this section shall prohibit any owner of more than 4 dogs from purchasing individual dog licenses as described in Section 6.100.030 nor shall it prohibit an owner or keeper

of less than 4 dogs, 3 months or older, who does not maintain a personal kennel from securing a Personal Kennel License under this section as outlined in M.G.L., c.140, §137A.

**Section 5:**

Any new section is added by inserting the following words after Section 6.100.040: -

**SECTION 6.100.050 – Violations of Section 6.100.030**

Whoever violates Section 6.100.030 shall be assessed a penalty of \$50.00 which shall be paid to the Office of the Town Clerk.

**Section 6:**

Section 6.100.110 Dogs – Rabies Vaccination Required is deleted in its entirety.

**Section 7:**

Section 6.100.120 Wearing of Rabies Tag Required is deleted in its entirety.

**Chapter 6-100 Dogs and Other Animals**  
(Former By-law Chapter 6.04)

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**SECTION 6.100.010 Purpose**

The purpose of this Ordinance is to protect the health, safety and welfare of all the inhabitants who frequent and live in the town. It is further the purpose of this ordinance to prevent the needless health hazards caused by dog bites and dog feces upon public and private properties and to comply with Chapter 193 of the Acts of 2012, (Prior code § 63-1)

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**SECTION 6.100.020 Definitions**

~~As used in this Ordinance the following terms shall have the following meanings:~~

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~~A. Animal control officer: any person or persons appointed by the Mayor as the animal control officer under the provisions of Chapter 140, Sections 151 and 151A of the General Laws to carry out the provisions of this ordinance.~~

~~B. Animal shelter: any premises designated by the Mayor for the purpose of impounding and caring for animals held under authority of this ordinance.~~

~~C. Keeper: any person keeping or harboring dogs or other domesticated animals within the town.~~

~~D. Leash: chain or line no longer than six (6) feet long.~~

~~E. Owner: any person issued a license in accordance with the provisions of Chapter 140, Section 137 of the General Laws of the Commonwealth for a dog owned or kept within the town.~~

~~F. Person: any individual, partnership, company or corporation, association, trust or similar organization.~~

~~G. Restraint: A dog shall be deemed to be under restraint if on the premises of its owner or keeper in a way that it may not leave the premises without its owner or keeper, such as confined by fence, leash, runner, or other form of restraint; if outside the premises of the owner or keeper, is accompanied by a person who shall have the dog under control by holding it firmly on a leash. (Prior code § 63-2)~~

The definitions contained within M.G.L., c.140, §136A shall apply to this Chapter.

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**SECTION 6.100.030 Dog License Required**

No person shall own or harbor a dog in the town, which dog is not duly licensed as required by law M.G.L., c.140, §137 through 138 inclusive. The fee for said licenses shall be established by the Town Council and posted in the Office of the Town Clerk as follows:

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Intact Dog: \$15.00

Spayed or Neutered Dog: \$10.00

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Service Animal: No Charge  
Substitute Tag: \$5.00

(Prior code § 63-7)

**SECTION 6.100.040 Late Licensing**

There shall be assessed a fine of fifty dollars (\$50.00) for each year missed with respect to any dog that is not licensed within the licensing period, which extends from mid-April through the end of June. This fine shall be in addition to the penalties provided in Section 6.100.180. (ATM 5-14-2002 Art. 29; ATM 5-3-1995 Art. 17; prior code § 63-8)

**SECTION 6.100.040 – Personal Kennel License**

Any reference within this Chapter to a “Kennel” or “Kennel License” is to meant to refer to a Personal Kennel as defined under M.G.L., c.140, §136A.

The Town of Braintree, operating under its Zoning Bylaws and/or Ordinances does not allow for the operation of commercial boarding or training kennels or commercial breeder kennels as defined under M.G.L., c.140, §136A.

Licenses issued for Personal Kennels shall be issued in packs of five (5) license tags. Each pack of five (5) licenses shall be priced at \$50.00.

Nothing under this section shall prohibit any owner of more than 4 dogs from purchasing individual dog licenses as described in Section 6.100.030 nor shall it prohibit an owner or keeper of less than 4 dogs, 3 months or older, who does not maintain a personal kennel from securing a Personal Kennel License under this section as outlined in M.G.L., c.140, §137A.

**SECTION 6.100.050 – Violations of Section 6.100.030**

Whoever violates Section 6.100.030 shall be assessed a penalty of \$50.00 which shall be paid to the Office of the Town Clerk.

**SECTION 6.100.060 Leashing Required**

The owner or keeper of any dog or dogs shall at all times keep such dog or dogs under restraint while in the physical limits of the Town. (Prior code § 63-4)

**SECTION 6.100.070 Animal Nuisances Designated**

An owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds, or trespassing upon public or private property, or in such manner as to damage property, shall be deemed a nuisance. (Prior code § 63-5)

**SECTION 6.100.080 Quarantining Dogs that Bite or Diseased Animals**

Any dog which bites a person or any domesticated animal, which, upon inspection, appears to be affected with a contagious disease, shall be quarantined for not less than ten (10) days but not more than twenty (20) days in accordance with General Laws Chapter 129, Sections 21, 22 and

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24. If the inspector of animals requests other confinement, the owner shall surrender the animal for the quarantine period. The second dog bite that takes place is sufficient reason for the inspector of animals to request other confinement. The owner of any dog or animal so quarantined shall pay any charges associated with the care and custody of the dog or animal quarantined. Whoever is the owner or keeper of a dog found guilty of biting a person shall be punished by a fine in accordance with the penalties of Section 6.100.180. (Prior code § 63-6)

**SECTION 6.100.090 Dogs Running At Large -Impoundment and Reclamation**

Dogs running at large will be impounded. If the owner is known, notice shall be given within three days to such owner. If the owner is unknown, disposition of a dog shall be as provided under General Laws, Chapter 140, Section 151A. The owner or keeper of any dog so impounded, may reclaim such dog upon payment of the dog license fee, if it is then unpaid, and upon payment of the following maintenance and administrative charges:

A. Current boarding rate as allowed under Chapter 140, Section 151A for each day dog is held in the pound;

B. A ten (\$10.00) dollar administrative charge for a licensed dog wearing its license tag and a fifty (\$50.00) dollar administrative charge for an unlicensed dog or for a licensed dog not wearing its license tag, receipts therefrom shall be turned over to the Town Treasurer/Collector. (Prior code § 63-10)

**SECTION 6.100.100 Complaint Against Unresponsive Owner or Keeper**

In addition to any other statutory authority contained in General Laws, Chapter 140, the animal control officer may enter a complaint before the Mayor for the purpose of obtaining an order with respect to the control or disposition of dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in the ordinance. (Prior code § 63-11)

**~~SECTION 6.100.110 Dogs – Rabies Vaccination Required~~**

~~Whoever is the owner or keeper of a dog six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Unvaccinated dogs acquired or brought into the Commonwealth shall be vaccinated within thirty (30) days after acquisition or entry into the Commonwealth or upon reaching the age of six months, whichever comes later. Vaccinated dogs shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Department of Public Health. (Prior code § 63-12)~~

**~~SECTION 6.100.120 Wearing of Rabies Tag Required~~**

~~Wearing of rabies tag is required of all dogs six months of age or older that has been vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. (Prior code § 63-13)~~

**SECTION 6.100.130 Dog Feces**

No person who owns or harbors a dog within the Town shall allow such dog to defecate on private property other than that of its owner or keeper, or on a public sidewalk, or on other

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public areas. If a dog defecates on property other than that of the owner or keeper, the owner of the dog shall be responsible for the immediate removal of the feces. (Prior code § 63-14)

**SECTION 6.100.140 Confinement of Female Dogs in Heat**

Every female dog in heat (season) shall be confined in a building or secure enclosure in such a manner that such female dogs cannot come into contact with another animal except for planned breeding. (Prior code § 63-15)

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**SECTION 6.100.150 Termination of Ownership - Notification**

Any person who no longer owns or harbors a dog in the Town shall notify the Town Clerk immediately. (Prior code § 63-16)

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**SECTION 6.100.160 Disposal of Dead Animals**

Disposal of household pets, such as dogs and cats and other domesticated animals, that have died, and the ownership of which can be established, is the sole responsibility of the owner and must be disposed of in accordance with the General Laws of the Commonwealth.(Prior code § 63-17)

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**SECTION 6.100.170 Feeding Wild Animals**

No person shall feed any wild animals, including without limitation raccoons, homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence, or except as provided herein. The Health Department may issue permits for the establishment of feral cat feeding stations for the feeding of homeless cats on property in areas which are located at least 200 feet from any residence, church, school, business, or other structure for human habitation, as well as 200 feet from any park, playground, parking lot, or other open area used or intended for use by the public, provided that the owner of the property on which the feral cat feeding station is located grants written permission from the Health Department and/or its agents, Braintree Police Officers, and Braintree Animal Control Officers to enter upon the property for the purpose of inspecting and monitoring such feral cat feeding station. (ATM 5-15-2001 Art. 51 (part))

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**SECTION 6.100.180 Violation - Penalty**

The Animal Control Officer is authorized to seek a complaint against the owner or keeper of a dog or other domesticated animals, or other person who violates the provisions of this Ordinance, for which the following penalties shall be imposed:

- First offense: \$50.00
- Second offense: \$75.00
- Third offense: \$100.00

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For each subsequent offense a fine of one hundred dollars (\$100) shall be imposed for each offense so committed in the same calendar year. The Braintree Police Department is also authorized to enforce the provisions of this Ordinance. (ATM 5-15-2001 Art. 51 (part); ATM 5-14-1996 Arts. 21, 22; prior code § 63-3)

**SECTION 6.100.190 Displaying Non-domesticated Animals for Entertainment**

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No living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or similar entities on property by the Town of Braintree, or Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts, performances, and competition. (ATM 5-16-2001 Art. 62)

**DRAFT VERSION WITH ACCEPTED CHANGES TO:  
Chapter 6-100 Dogs and Other Animals  
(Former By-law Chapter 6.04)**

**SECTION 6.100.010 Purpose**

The purpose of this Ordinance is to protect the health, safety and welfare of all the inhabitants who frequent and live in the town. It is further the purpose of this ordinance to prevent the needless health hazards caused by dog bites and dog feces upon public and private properties and to comply with Chapter 193 of the Acts of 2012. (Prior code § 63-1)

**SECTION 6.100.020 Definitions**

The definitions contained within M.G.L., c.140, §136A shall apply to this Chapter.

**SECTION 6.100.030 Dog License Required**

No person shall own or harbor a dog in the town, which dog is not duly licensed as required by M.G.L., c.140, §137 through 138 inclusive. The fee for said licenses shall be established by the Town Council and posted in the Office of the Town Clerk as follows:

|                         |           |
|-------------------------|-----------|
| Intact Dog:             | \$15.00   |
| Spayed or Neutered Dog: | \$10.00   |
| Service Animal:         | No Charge |
| Substitute Tag:         | \$5.00    |

(Prior code § 63-7)

**SECTION 6.100.040 – Personal Kennel License**

Any reference within this Chapter to a “Kennel” or “Kennel License” is to meant to refer to a Personal Kennel as defined under M.G.L., c.140, §136A.

The Town of Braintree, operating under its Zoning Bylaws and/or Ordinances does not allow for the operation of commercial boarding or training kennels or commercial breeder kennels as defined under M.G.L., c.140, §136A.

Licenses issued for Personal Kennels shall be issued in packs of five (5) license tags. Each pack of five (5) licenses shall be priced at \$50.00.

Nothing under this section shall prohibit any owner of more than 4 dogs from purchasing individual dog licenses as described in Section 6.100.030 nor shall it prohibit an owner or keeper of less than 4 dogs, 3 months or older, who does not maintain a personal kennel from securing a Personal Kennel License under this section as outlined in M.G.L., c.140, §137A.

**SECTION 6.100.050 – Violations of Section 6.100.030**

Whoever violates Section 6.100.030 shall be assessed a penalty of \$50.00 which shall be paid to the Office of the Town Clerk.

**SECTION 6.100.060 Leashing Required**

The owner or keeper of any dog or dogs shall at all times keep such dog or dogs under restraint while in the physical limits of the Town. (Prior code § 63-4)

**SECTION 6.100.070 Animal Nuisances Designated**

An owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds, or trespassing upon public or private property, or in such manner as to damage property, shall be deemed a nuisance. (Prior code § 63-5)

**SECTION 6.100.080 Quarantining Dogs that Bite or Diseased Animals**

Any dog which bites a person or any domesticated animal, which, upon inspection, appears to be affected with a contagious disease, shall be quarantined for not less than ten (10) days but not more than twenty (20) days in accordance with General Laws Chapter 129, Sections 21, 22 and 24. If the inspector of animals requests other confinement, the owner shall surrender the animal for the quarantine period. The second dog bite that takes place is sufficient reason for the inspector of animals to request other confinement. The owner of any dog or animal so quarantined shall pay any charges associated with the care and custody of the dog or animal quarantined. Whoever is the owner or keeper of a dog found guilty of biting a person shall be punished by a fine in accordance with the penalties of Section 6.100.180. (Prior code § 63-6)

**SECTION 6.100.090 Dogs Running At Large -Impoundment and Reclamation**

Dogs running at large will be impounded. If the owner is known, notice shall be given within three days to such owner. If the owner is unknown, disposition of a dog shall be as provided under General Laws, Chapter 140, Section 151A. The owner or keeper of any dog so impounded, may reclaim such dog upon payment of the dog license fee, if it is then unpaid, and upon payment of the following maintenance and administrative charges:

- A. Current boarding rate as allowed under Chapter 140, Section 151A for each day dog is held in the pound;
- B. A ten (\$10.00) dollar administrative charge for a licensed dog wearing its license tag and a fifty (\$50.00) dollar administrative charge for an unlicensed dog or for a licensed dog not wearing its license tag, receipts therefrom shall be turned over to the Town Treasurer/Collector. (Prior code § 63-10)

**SECTION 6.100.100 Complaint Against Unresponsive Owner or Keeper**

In addition to any other statutory authority contained in General Laws, Chapter 140, the animal control officer may enter a complaint before the Mayor for the purpose of obtaining an order with respect to the control or disposition of dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in the ordinance. (Prior code § 63-11)

**SECTION 6.100.130 Dog Feces**

No person who owns or harbors a dog within the Town shall allow such dog to defecate on private property other than that of its owner or keeper, or on a public sidewalk, or on other public areas. If a dog defecates on property other than that of the owner or keeper, the owner of the dog shall be responsible for the immediate removal of the feces. (Prior code § 63-14)

**SECTION 6.100.140 Confinement of Female Dogs in Heat**

Every female dog in heat (season) shall be confined in a building or secure enclosure in such a manner that such female dogs cannot come into contact with another animal except for planned breeding. (Prior code § 63-15)

**SECTION 6.100.150 Termination of Ownership - Notification**

Any person who no longer owns or harbors a dog in the Town shall notify the Town Clerk immediately. (Prior code § 63-16)

**SECTION 6.100.160 Disposal of Dead Animals**

Disposal of household pets, such as dogs and cats and other domesticated animals, that have died, and the ownership of which can be established, is the sole responsibility of the owner and must be disposed of in accordance with the General Laws of the Commonwealth.(Prior code § 63-17)

**SECTION 6.100.170 Feeding Wild Animals**

No person shall feed any wild animals, including without limitation raccoons, homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence, or except as provided herein. The Health Department may issue permits for the establishment of feral cat feeding stations for the feeding of homeless cats on property in areas which are located at least 200 feet from any residence, church, school, business, or other structure for human habitation, as well as 200 feet from any park, playground, parking lot, or other open area used or intended for use by the public, provided that the owner of the property on which the feral cat feeding station is located grants written permission from the Health Department and/or its agents, Braintree Police Officers, and Braintree Animal Control Officers to enter upon the property for the purpose of inspecting and monitoring such feral cat feeding station. (ATM 5-15-2001 Art. 51 (part))

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#13 005

Office of the Mayor  
One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

TO: Charles Kokoros, President  
Braintree Town Council

FROM: Peter J. Morin, Chief of Staff and Operations

RE: Proposed Capital Plan and Bonding

DATE: March 1, 2013

On behalf of Mayor Joseph C. Sullivan, we are pleased to present the \$4.8 million Fiscal Year 2013 Capital Plan. The plan includes both bonded debt and cash purchases.

The proposal maintains the funding commitment for maintenance and improvements to the Braintree's schools (\$700,000) and to continue our successful "100 Roads" program (\$1,700,000). There are additional requests for \$743,500 in construction projects and equipment purchases for the Department of Public Works, \$385,000 in headquarters renovations and equipment purchases for the Police Department, \$300,000 in station renovations and equipment purchases for the Fire Department, \$125,000 to fund the first phase of revision of the town's zoning ordinances, and \$100,000 for library renovations. A more detailed explanation of each of the requests will be provided to the Ways and Means committee prior to their hearing. Bond counsel's review will occur prior to the full Council hearing.

As you are aware, a portion of the capital spending authorized by the Council last year has not yet been bonded. The Mayor requested this authorization in advance so that it would be available at the start of the construction season. Debt will be issued this spring for capital projects previously authorized by the Council including water improvements, road construction, library renovations and the purchase of the aerial tower truck.

This plan provides for Braintree's capital needs in a sustainable and prudent and affordable. It continues to incrementally increase our debt as a percentage of the fiscal year budget until it reaches level recommended by bond rating agencies.

I would respectfully request that this plan be referred to the appropriate committee, for hearing at which a more detailed presentation will be provided,

## LOCAL OPTION MEALS TAX INFORMATION SHEET\*

- Local Massachusetts Communities may impose a local meals tax of .75 percent of gross receipts upon accepting MGL Chapter 64L
- From inception (October 2009) 161 communities (46%) have adopted MGL Chapter 64L
- Of those communities adopting, 2 out of 3 adopted within first twelve-months
- The Department of Revenue (DOR) estimates \$307.3 million in local meals tax revenue were available since inception (Oct 2009 – Sep 2012).
- The City of Boston was ranked as the number one community in projected local meals tax revenue by DOR (\$63.3 million); Braintree ranked twenty-fourth (\$2.4 million)
- Of those communities not yet accepting, \$53.6 million in potential revenue left on the table
- Plymouth (\$3.1 million) and Braintree (\$2.4 million) represent the top two communities in lost revenue
- Based on the latest twelve-months of available data (November 2011 – October 2012) meals revenue for Braintree establishments is projected at \$121 million dollars
- During this twelve-month period the Commonwealth collected \$7.6 million in meals tax from Braintree establishments
- During this twelve-month period the Town of Braintree lost \$907,119 in meals tax revenue



LOCAL MEALS TAX REVENUE COLLECTED SINCE ADOPTION BY EACH CITY/TOWN

#13-008

| City/Town                      | Total Local Meals Tax Revenue Collected |
|--------------------------------|---|
| Amherst                        | 971,101                                 |
| Auburn                         | 894,530                                 |
| Bedford                        | 756,490                                 |
| Blandford                      | 92,133                                  |
| Boston                         | 55,052,402                              |
| Brookline                      | 2,536,770                               |
| Cambridge                      | 9,285,122                               |
| Chelmsford                     | 1,217,276                               |
| Chicopee                       | 1,514,329                               |
| Dartmouth                      | 1,689,637                               |
| Deerfield                      | 201,923                                 |
| Everett                        | 1,059,694                               |
| Franklin                       | 1,051,152                               |
| Hadley                         | 651,024                                 |
| Medford                        | 1,575,027                               |
| Meirosa                        | 417,988                                 |
| Northampton                    | 1,662,025                               |
| Palmer                         | 331,413                                 |
| Plainville                     | 497,392                                 |
| Raynham                        | 921,442                                 |
| Saugus                         | 2,273,665                               |
| Somerville                     | 2,455,443                               |
| Southbridge                    | 284,376                                 |
| Springfield                    | 4,143,254                               |
| Sunderland                     | 119,282                                 |
| Taunton                        | 1,583,090                               |
| Tyngsborough                   | 591,936                                 |
| West Springfield               | 1,918,847                               |
| Winthrop                       | 284,112                                 |
| Worcester                      | 5,669,809                               |
| <b>Adopted 10/1/2009 Total</b> | <b>\$101,702,684</b>                    |

|                               |                     |
|-------------------------------|---------------------|
| Andover                       | 1,234,055           |
| Arlington                     | 739,293             |
| Belmont                       | 401,665             |
| Chelsea                       | 765,931             |
| Dedham                        | 1,962,095           |
| Dudley                        | 107,864             |
| Easton                        | 612,877             |
| Fairhaven                     | 632,349             |
| Framingham                    | 3,081,104           |
| Gill                          | 27,780              |
| Hatfield                      | 44,410              |
| Hudson                        | 583,118             |
| Lexington                     | 867,620             |
| Lunenburg                     | 162,639             |
| Maynard                       | 253,919             |
| Millis                        | 194,482             |
| Nantucket                     | 1,615,732           |
| Natick                        | 2,012,070           |
| Needham                       | 993,208             |
| Newton                        | 3,340,566           |
| North Attleborough            | 921,185             |
| North Reading                 | 465,230             |
| Norton                        | 482,804             |
| Orange                        | 107,623             |
| Rehoboth                      | 114,696             |
| Seekonk                       | 1,163,649           |
| Shrewsbury                    | 847,154             |
| Sturbridge                    | 806,590             |
| Wakefield                     | 551,349             |
| Watertown                     | 1,112,501           |
| Wayland                       | 399,691             |
| Webster                       | 553,814             |
| Wellesley                     | 1,212,338           |
| Wellfleet                     | 458,821             |
| West Boylston                 | 289,333             |
| Wrentham                      | 580,992             |
| <b>Adopted 1/1/2010 Total</b> | <b>\$29,700,547</b> |

| City/Town                     | Total Local Meals Tax Revenue Collected |
|-------------------------------|---|
| Beverly                       | 1,257,852                               |
| Burlington                    | 2,651,073                               |
| Gloucester                    | 1,066,108                               |
| Lee                           | 391,733                                 |
| Milton                        | 260,139                                 |
| Peabody                       | 2,181,526                               |
| <b>Adopted 4/1/2010 Total</b> | <b>\$7,808,431</b>                      |

|                               |                     |
|-------------------------------|---------------------|
| Belchertown                   | 155,751             |
| Brewster                      | 312,699             |
| Bridgewater                   | 569,508             |
| Concord                       | 582,490             |
| Dalton                        | 59,490              |
| Danvers                       | 1,510,706           |
| Dennis                        | 930,866             |
| Great Barrington              | 475,195             |
| Greenfield                    | 619,743             |
| Hamilton                      | 132,942             |
| Harwich                       | 655,205             |
| Haverhill                     | 1,392,621           |
| Hingham                       | 1,209,614           |
| Lawrence                      | 907,825             |
| Lelcester                     | 151,079             |
| Lowell                        | 1,791,644           |
| Millbury                      | 502,295             |
| Norfolk                       | 107,303             |
| North Adams                   | 306,646             |
| Oak Bluffs                    | 474,491             |
| Orleans                       | 610,520             |
| Provincetown                  | 1,037,179           |
| Quincy                        | 2,810,185           |
| Revere                        | 1,040,865           |
| Salem                         | 1,544,978           |
| Southampton                   | 92,005              |
| Stoughton                     | 903,893             |
| Sutton                        | 98,010              |
| Walpole                       | 788,524             |
| Waltham                       | 2,289,865           |
| Westborough                   | 1,194,042           |
| Whately                       | 46,453              |
| Williamstown                  | 314,137             |
| Woburn                        | 1,758,268           |
| Yarmouth                      | 1,048,744           |
| <b>Adopted 7/1/2010 Total</b> | <b>\$28,425,781</b> |

|                                |                    |
|--------------------------------|--------------------|
| Barnstable                     | 2,101,047          |
| Brockton                       | 1,469,305          |
| Easthampton                    | 224,535            |
| New Bedford                    | 1,608,056          |
| Reading                        | 578,596            |
| Stoneham                       | 480,467            |
| Westport                       | 250,965            |
| <b>Adopted 10/1/2010 Total</b> | <b>\$6,712,971</b> |

|                               |                    |
|-------------------------------|--------------------|
| Charlton                      | 292,656            |
| Fall River                    | 1,360,932          |
| Falmouth                      | 1,086,821          |
| Middleborough                 | 451,326            |
| Newburyport                   | 680,578            |
| Pittsfield                    | 955,795            |
| South Hadley                  | 192,992            |
| Sudbury                       | 302,461            |
| Winchester                    | 212,822            |
| <b>Adopted 1/1/2011 Total</b> | <b>\$5,536,383</b> |

|                               |                  |
|-------------------------------|------------------|
| Malden                        | 542,911          |
| <b>Adopted 4/1/2011 Total</b> | <b>\$542,911</b> |

| City/Town                     | Total Local Meals Tax Revenue Collected |
|-------------------------------|---|
| Bernardston                   | 37,768                                  |
| Chatham                       | 375,017                                 |
| Clarksburg                    | 3,021                                   |
| Foxborough                    | 840,411                                 |
| Ipswich                       | 206,166                                 |
| Kingston                      | 246,776                                 |
| Lenox                         | 263,783                                 |
| Lynnfield                     | 104,731                                 |
| Mansfield                     | 388,592                                 |
| Monson                        | 33,048                                  |
| Norwell                       | 192,264                                 |
| Norwood                       | 654,885                                 |
| Randolph                      | 399,740                                 |
| Sherborn                      | 30,769                                  |
| Swampscott                    | 260,800                                 |
| Tewksbury                     | 490,959                                 |
| Truro                         | 49,486                                  |
| Wareham                       | 466,678                                 |
| Westford                      | 364,931                                 |
| Wilmington                    | 280,113                                 |
| <b>Adopted 7/1/2011 Total</b> | <b>\$5,689,938</b>                      |

|                                |                  |
|--------------------------------|------------------|
| Dighton                        | 16,525           |
| Lanesborough                   | 76,629           |
| West Stockbridge               | 16,717           |
| <b>Adopted 10/1/2011 Total</b> | <b>\$109,871</b> |

|                               |                  |
|-------------------------------|------------------|
| Berkley                       | 13,517           |
| Mendon                        | 53,582           |
| North Andover                 | 253,988          |
| Townsend                      | 46,508           |
| <b>Adopted 1/1/2012 Total</b> | <b>\$367,595</b> |

|                               |                  |
|-------------------------------|------------------|
| Abington                      | 17,419           |
| Ayer                          | 6,320            |
| Canton                        | 22,072           |
| Hanover                       | 24,610           |
| Hull                          | 15,885           |
| Manchester By The Sea         | 5,617            |
| Methuen                       | 55,973           |
| Whitman                       | 9,262            |
| <b>Adopted 7/1/2012 Total</b> | <b>\$157,158</b> |

|                                |            |
|--------------------------------|------------|
| Bellingham                     | n/a        |
| Ludlow                         | n/a        |
| <b>Adopted 10/1/2012 Total</b> | <b>n/a</b> |

| SUMMARY OF ACTUAL REVENUE COLLECTED |                      |
|-------------------------------------|----------------------|
| Quarter Adopted                     |                      |
| OCTOBER 2009                        | \$101,702,684        |
| JANUARY 2010                        | \$29,700,547         |
| APRIL 2010                          | \$7,808,431          |
| JULY 2010                           | \$28,425,781         |
| OCTOBER 2010                        | \$6,712,971          |
| JANUARY 2011                        | \$5,536,383          |
| APRIL 2011                          | \$542,911            |
| JULY 2011                           | \$5,689,938          |
| OCTOBER 2011                        | \$109,871            |
| JANUARY 2012                        | \$367,595            |
| JULY 2012                           | \$157,158            |
| OCTOBER 2012                        | N/A                  |
| <b>TOTAL COLLECTED</b>              | <b>\$186,754,270</b> |



# Bulletin

2009-15B

## LOCAL OPTION EXCISES

TO: Assessors, Accountants, Auditors, Clerks, Mayors, Selectmen, City/Town Managers, Finance Directors, City/Town Councils, City Solicitors and Town Counsels

FROM: Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

DATE: July 2009

SUBJECT: New Local Meals Excise and Amended Local Room Occupancy Excise Rate

This *Bulletin* provides preliminary information about the procedures for implementing sections of the Fiscal Year 2010 state budget regarding local option excises on restaurant meals and room occupancies. The Department of Revenue (DOR) collects the local excises in addition to the state taxes on the occupancies or meals and distributes the collections on a quarterly schedule.

The FY10 state budget:

- Adds a new local option excise of .75 percent on sales of restaurant meals originating within the municipality.
- Increases the maximum rate of the existing local option room occupancy excise from four to six percent (four and one-half to six and one-half percent for Boston).

Local excises become operative only if accepted by a city or town. Acceptance is by majority vote of the municipal legislative body, subject to local charter. G.L. c. 4, § 4. Questions about the charter requirements in your community should be referred to municipal counsel. As further explained in this *Bulletin*, acceptance of either local excise, or amendment of the local room occupancy excise rate, must occur at least 30 days in advance of the first day of a calendar quarter in order to become operative for that quarter. **Communities must report their acceptance or amendment of these local excises to the Division of Local Services (DLS) in the manner prescribed by this *Bulletin*.**

Additional guidance on implementation issues and procedures will be issued in the future.

If you have questions about these notification requirements, please contact the Municipal Data Bank at [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us).

## LOCAL OPTION MEALS EXCISE

Chapter 27, §§ 60 and 156 of the Acts of 2009

Adding General Laws Chapter 64L

**Effective for sales of restaurant meals on or after October 1, 2009**

A city or town may now impose an excise of .75% on the sales of restaurant meals originating within the municipality by accepting G.L. c. 64L, § 2(a). As with the existing local option room occupancy excise, the DOR will collect the local meals excise at the time it collects the state tax on the sale. Therefore, the local excise applies to all meals subject to the state sales tax. A community may not vary the rate or the meals subject to the excise.

The DOR will distribute the collections to the city or town on the same quarterly schedule that applies to the local room occupancy excise. G.L. c. 64L, § 2(b). The distribution schedule is found in Attachment A. A community may dispute its distribution by notifying the DOR, in writing, within one year of the distribution. G.L. 64L, § 2(b).

To assist in the administration of the excise, the DOR may provide cities and towns with certain information, including the total collections in the prior year and the identity of vendors collecting the tax locally. G.L. c. 64L, § 2(d).

### Acceptance Procedure

Acceptance of the local option meals excise is by majority vote of the municipal legislative body, subject to local charter. To accept G.L. c. 64L, § 2(a), the following or similar language may be used:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64L, § 2(a) to impose a local meals excise.

### Acceptance Effective Date

A community's acceptance of the local meals excise becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept. If not, the acceptance becomes operative on the first day of the second quarter after the vote. **As a result, October 1, 2009 is the earliest an acceptance can become operative for FY10. A community must accept on or before August 31, 2009 in order for the DOR to begin collecting the excise on that date.**

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance operative at the start of a later quarter by including the later start date in the vote ("to take effect on January/April /July/October 1, 2\_\_\_\_.")

## Notification Requirements

### (1) Notice of Acceptance

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded. (“Notification of Acceptance/Rescission–Meals Excise”). The notice is to be submitted within 48 hours of the vote. Without timely notice, the DOR cannot begin collecting the excise for the city or town.

### (2) List of Restaurants

After the clerk notifies the DLS of the community’s acceptance, the local licensing board or official will be asked to verify the restaurants or other establishments that serve meals in the community. The verified information will be used by the DOR to notify vendors of their obligations to collect and pay over the local excise and to ensure that sales are properly sourced to the community. More detailed instructions will be provided, but local officials should be prepared to review and verify this information on an expedited basis.

## Revenue Estimates

Within the next few weeks, the DOR expects to release estimates of the amounts each city or town could collect from imposing the local meals excise. At that time, we will provide further information about the use of meals excise revenue as an estimated receipt in the FY10 tax rate. No community will be allowed to use new local meals excise revenues in the FY10 tax rate, however, unless it has accepted the statute before the rate is set.

## ATTACHMENT A

## LOCAL OPTION EXCISE TIMETABLE

| FY QUARTER      | QUARTER START DATE | ACTION DEADLINE     | DISTRIBUTION DATE | REVENUE COLLECTED DURING     |
|-----------------|--------------------|---------------------|-------------------|------------------------------|
| Q1              | July 1             | May 31 <sup>1</sup> | September 30      | June, July, August           |
| Q2 <sup>2</sup> | October 1          | August 31           | December 31       | September, October, November |
| Q3              | January 1          | December 1          | March 31          | December, January, February  |
| Q4              | April 1            | March 1             | June 30           | March, April, May            |

<sup>1</sup> Latest date to accept or amend in order to implement for full fiscal year. In first year, community will receive collections from July – May (11 months). Community will receive full year collections thereafter.

<sup>2</sup> Earliest Quarter acceptances or amendments can become operative for FY10. If community implements in this quarter, it will receive collections from October – May (8 months) during FY10.

**#13 008**

**Councilor Mullaney:**

**Adoption of MGL Chapter 64L – Local Meals Tax**

**MOTION**

That the Town of Braintree accept the provisions of General Laws Chapter 64L, Section 2(a) to impose a local meals excise tax.

**COMMONWEALTH OF MASSACHUSETTS**  
**WILLIAM FRANCIS GALVIN**  
**SECRETARY OF THE COMMONWEALTH**

**Norfolk County, SS.**

To the Constables of the Town of Braintree

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Special State Primaries at

|             |  |
|-------------|--|
| Precinct 1A | Marge Crispin Center, 74 Pond Street (Rear)              |
| Precinct 1B | Mary E. Flaherty School, 99 Lakeside Drive               |
| Precinct 2A | N. Eugene Hollis School, 482 Washington Street           |
| Precinct 2B | St. Thomas More Parish Hall, 7 Hawthorn Road             |
| Precinct 3A | Donald E. Ross School, 20 Hayward Street                 |
| Precinct 3B | Recreation & Community Events Building, 85 Quincy Avenue |
| Precinct 4A | East Middle School, 305 River Street                     |
| Precinct 4B | Archie T. Morrison School, 268 Liberty Street            |
| Precinct 5A | Braintree Town Hall, 1 JFK Memorial Drive                |
| Precinct 5B | Liberty Elementary School, 49 Proctor Road               |
| Precinct 6A | South Middle School, 232 Peach Street                    |
| Precinct 6B | Highlands Elementary School, 144 Wildwood Avenue         |

on **TUESDAY, THE THIRTIETH DAY OF APRIL, 2013**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

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**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 19<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
CHARLES C. KOKOROS

\_\_\_\_\_  
THOMAS M. BOWES

\_\_\_\_\_  
LELAND A. DINGEE

\_\_\_\_\_  
SEAN E. POWERS

\_\_\_\_\_  
CHARLES B. RYAN

\_\_\_\_\_  
JOHN C. MULLANEY

\_\_\_\_\_  
HENRY N. JOYCE

\_\_\_\_\_  
RONALD E. DENAPOLI

\_\_\_\_\_  
PAUL D. CLIFFORD

Town Council of the Town of Braintree

Pursuant to the foregoing Notice, I hereby notify and warn the inhabitants of the Town of Braintree, qualified as expressed therein, to meet at the time and places mentioned for the purposes therein mentioned.

\_\_\_\_\_, March 20, 2013  
Russell W. Jenkins, Chief of Police/Constable

**#13 007**

**SAME NIGHT ACTION**

IN THE NAME OF THE COMMONWEALTH, THE TOWN OF BRAINTREE IS HEREBY REQUIRED TO NOTIFY AND WARN 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