



Thomas M. Bowes
President
District 3

Shannon L. Hume
At Large

CHARLES B. Ryan
At Large

CHARLES C. Kokoros
District 1

JOHN C. MULLANEY
District 2

Sean E. Powers
Vice President
At Large

Stephen C. O'Brien
District 4

Michael J. Owens
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

February 4, 2014

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, February 4, 2014 beginning at 7:30p.m.

Council President Bowes was in the chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, President
Sean Powers, Vice President
Charles Ryan
Charles Kokoros
John Mullaney
Stephen O'Brien
Michael Owens
Paul Dan Clifford

Not Present Shannon Hume

Others: Joseph Sullivan, Mayor
Peter Morin, Chief of Staff/Town Solicitor
Maureen Murray, School Superintendent
Lauren Murphy, Braintree Housing Authority Executive Director
Marta Googins, Braintree Housing Authority
Christine Stickney, Planning Department Director
John Cleaves, Pond Meadow Park

CORRESPONDENCE

- 009 14 Council President: Martin Luther King Poster Contest Winners

ANNOUNCEMENTS

- 008 14 Council President: Rockefeller Center Bus Trip
- 011 14 Council President: White's Hill Subdivision Neighborhood Meeting
- Councilor Owens: Community Events Department – Upcoming Events
- Councilor Clifford: Highland School Road Race
- Council President: Eaton Pond Meeting
- Council President: Snowstorm – No On-Street Parking

APPROVAL OF MINUTES

- January 23, 2014

Motion: by Councilor Powers to approve minutes of January 23, 2014

Second: by Councilor Kokoros

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

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

- **14 004 Mayor: Community Preservation Committee Appropriation – Pond Meadow Park or take up any action relative thereto**

Motion by Councilor Powers to open public hearing

Motion: by Councilor Powers

Second: by Councilor Kokoros

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

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the committee has recommended favorable action.

John Cleaves, Pond Meadow Park, explained that the bike path inside the park is in need of repairs and they have applied for a grant to begin to rehabilitate the bike path. The request for CPA funds is in two-parts; the first, is for \$25,000 as Braintree's share of a \$50,000 repair of 900 linear feet of blacktop and, the second part, is for \$50,000 as Braintree's share of a \$100,000 matching grant with the Massachusetts Division of Conservation Resources. The Weymouth's Community Preservation Committee presented an identical request before the Weymouth Town Council last evening and it was unanimously approved. If Braintree/Weymouth is unsuccessful in obtaining the grant the \$50,000, each Town contributed would be returned. Each of the communities would then seek funding via the annual budgeting process.

Councilor Clifford asked if he had obtained bids for initial 900 foot repair project. Mr. Cleaves responded that they obtained an estimate from the Town Engineer. Additionally, the blacktop would be purchased through the consortium.

Council President Bowes asked if any other member of the Council and/or anyone from the public would like to speak on the Order. No one came forward.

Motion by Councilor Powers to close public hearing

Motion: by Councilor Powers

Second: by Councilor Kokoros

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

Councilor Powers made the following motion:

In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$50,000 be appropriated from the Community Preservation Fund Unreserved Fund for the purpose of rehabilitating the Pond Meadow Bike Trail as described in the Pond Meadow application filed with the Community Preservation Committee, subject to the following conditions:

1. the award of a grant from the Massachusetts Division of Conservation Resources for this project, with 80% of the project cost to be reimbursed by the Division of Conservation Resources;
2. once this project is complete, the Town of Braintree's reimbursement from the Division of Conservation Resources shall be returned to the Braintree Community Preservation Act Unreserved Fund account;
3. the Town of Weymouth Town Council appropriates the equivalent funding for this project, as required by the grant;
4. a Town of Braintree Community Preservation Act Agreement regarding this project must be entered into and executed by the duly authorized representative of the Weymouth-Braintree Regional Recreational Conservation District; and
5. the funds are to be expended under the direction of the Town of Braintree Community Preservation Committee and by the Town of Braintree Director of Planning and Community Development.

Alternatively, in the event that this project is not awarded the aforementioned grant by the Massachusetts Division of Conservation Resources, then, in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$25,000 be appropriated from the Community Preservation Fund Unreserved Fund for the purpose of rehabilitating a portion of the Pond Meadow Bike Trail, as described in the Pond Meadow application to the Community Preservation Committee, subject to the following conditions:

1. the Town of Weymouth Town Council appropriates the equivalent funding for this project;
2. a Town of Braintree Community Preservation Act Agreement regarding this project must be entered into and executed by the duly authorized representative of the Weymouth-Braintree Regional Recreational Conservation District; and
3. the funds are to be expended under the direction of the Town of Braintree Community Preservation Committee and by the Town of Braintree Director of Planning and Community Development.

Motion: by Councilor Powers to approve Order 14 004

Second: by Councilor Kokoros

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

- **14 005 Mayor: Community Preservation Committee Appropriation – Braintree Housing Authority or take up any action relative thereto**

Motion by Councilor Powers to open public hearing

Motion: by Councilor Powers

Second: by Councilor Kokoros

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

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the committee has recommended favorable action.

Lauren Murphy, Braintree Housing Authority, informed members that the first request was to begin much needed renovations for kitchen and bathrooms in three of Braintree Housing Authority properties; 40-42 Tremont Street, 285 Quincy Avenue, and 16 Bellevue Road. The second request is for roof replacement in six of the Braintree Housing Authority properties; the Roosevelt Street Complex, 43 Hill View Road, 40-42 Tremont Street, 166 Cleveland Avenue, 285 Quincy Avenue, and 16 Bellevue Road.

Council President Bowes asked if any other member of the Council and/or anyone from the public would like to speak on the Order. No one came forward.

Motion by Councilor Powers to close public hearing

Motion: by Councilor Powers

Second: by Councilor Kokoros

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

Councilor Powers made the first of two motions:

MOTION No. 1: In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$78,445 be appropriated from the Community Preservation Act Community Housing Fund for the purpose of funding kitchen and bathroom renovations at three Braintree Housing Authority residences: 40-42 Tremont Street, 285 Quincy Avenue, and 16 Bellevue Road. Said appropriation is subject to execution of a Community Preservation Act Agreement by a duly authorized representative of the Braintree Housing Authority, and the funds are to be expended under the direction of the Town of Braintree Community Preservation Committee with oversight by the Town of Braintree Director of Planning and Community Development.

Motion: by Councilor Powers to approve Order 14 005(1)

Second: by Councilor Kokoros

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

Councilor Powers made the second of two motions:

MOTION No. 2: In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$320,107 be appropriated from the Community Preservation Act Unreserved Fund for the purpose of funding roof replacements at six Braintree Housing Authority residences: the Roosevelt Street Complex, 43 Hill View Road, 40-42 Tremont Street, 166 Cleveland Avenue, 285 Quincy Avenue, and 16 Bellevue Road. Said appropriation is subject to execution of a Community Preservation Act Agreement by a duly authorized representative of the Braintree Housing Authority, and the funds are to be expended under the direction of the Town of Braintree Community Preservation Committee with oversight by the Town of Braintree Director of Planning and Community Development.

Motion: by Councilor Powers to approve Order 14 005(2)

Second: by Councilor Kokoros

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

NEW BUSINESS

Refer to Committee on Ways & Means

- 14 006 Mayor: Appointment-Town Solicitor – Peter Morin or take up any action relative thereto
- 14 007 Mayor: Appointment-Commission on Disabilities – Paul Wasil or take up any action relative thereto

Motion: by Councilor Powers to refer Orders 14 006 and 14 007 to Committee

Second: by Councilor Kokoros

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

Executive Session

- 002 14 Council President: **First Executive Session** pursuant to G.L. c. 30A, Sec. 21(a) purpose number 1: "To discuss the reputation, character, physical condition or mental health, rather than the

professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or changes brought against, a public officer, employee, staff member or individual.”

Motion by Councilor Powers to take Order 002 14 off the table.

Motion: by Councilor Powers
Second: by Councilor Kokoros
Vote: For (8), Against (0), Absent (1- Hume)

Motion by Councilor Powers to withdraw Order 002 14.

Motion: by Councilor Powers
Second: by Councilor Kokoros
Vote: For (8), Against (0), Absent (1- Hume)

- 006 14 Council President: **Second Executive Session** pursuant to G.L. c. 30A, Sec. 21(a) purpose number 1: “To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or changes brought against, a public officer, employee, staff member or individual.”

Motion by Councilor Powers to take Order 006 14 off the table.

Motion: by Councilor Powers
Second: by Councilor Kokoros
Vote: For (8), Against (0), Absent (1- Hume)

Council President Bowes noted the Council received a request from the individual’s attorney for a continuance of Executive Session.

Motion: by Councilor Powers to continue Order 006 14 to March 4, 2014
Second: by Councilor Kokoros
Vote: For (8), Against (0), Absent (1- Hume)

- 010 14 Council President: **Third Executive Session** pursuant to G.L. c. 30A, Sec. 21(a) purpose number 3: “To discuss with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

At the conclusion of the executive session the Council will reconvene in open session only to adjourn the meeting.

On a roll-call vote to go into Executive Session:

Powers – Yes	Ryan – Yes	Hume - Absent
Kokoros – Yes	Mullaney – Yes	Bowes – Yes
O’Brien – Yes	Owens – Yes	Clifford - Yes

At 8:35pm Councilor Powers made a motion to move meeting to the Johnson Chambers for Executive Session.

On a roll-call vote

Powers – Yes	Ryan – Yes	Hume - Absent
Kokoros – Yes	Mullaney – Yes	Bowes – Yes
O’Brien – Yes	Owens – Yes	Clifford - Yes

At 10:19pm the Council came out of executive session.

The Clerk of the Council requested that the closed doors be opened prior to adjourning. Councilor Ryan opened the doors of the Johnson Chambers. No one was in the hallway outside the doors or entered the Johnson Chambers prior to adjournment.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 10:19p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- January 23, 2014 Minutes
- 14 004 Mayor: Community Preservation Committee Appropriation – Pond Meadow Park
- 14 005 Mayor: Community Preservation Committee Appropriation – Braintree Housing Authority
- 14 006 Mayor: Appointment-Town Solicitor – Peter Morin or take up any action relative thereto
- 14 007 Mayor: Appointment-Commission on Disabilities – Paul Wasil or take up any action relative thereto
- 002 14 Council President: **First Executive Session** pursuant to G.L. c. 30A, Sec. 21(a) purpose number 1: “To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or changes brought against, a public officer, employee, staff member or individual.”
- 006 14 Council President: **Second Executive Session** pursuant to G.L. c. 30A, Sec. 21(a) purpose number 1: “To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or changes brought against, a public officer, employee, staff member or individual.”*
- 010 14 Council President: **Third Executive Session** pursuant to G.L. c. 30A, Sec. 21(a) purpose number 3: “To discuss with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.