

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

### - AGENDA -

**November 5, 2014** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30<sub>PM</sub>

#### PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

#### CORRESPONDENCE

#### ANNOUNCEMENTS

- 076 14 Councilor Kokoros: Food Drive
- 077 14 Councilor Kokoros: Braintree Christmas Party, December 11<sup>th</sup>
- 083 14 Councilor O'Brien: Trio Restaurant
- 088 14 Councilor O'Brien: Recognition - El Sarape 26<sup>th</sup> Anniversary (Guillermo & Javier Adame)
- 085 14 Councilor Hume: Making a Difference "Parenting for Prevention", November 13<sup>th</sup>
- 086 14 Councilor Hume: Recognition: Linda Silowan
- 089 14 Councilor Hume: BFFE Fall Raffle
- 082 14 Councilor Clifford: Nov. 9 Re-Dedication War Memorial in front of Town Hall

#### APPROVAL OF MINUTES

- October 21, 2014

#### CITIZEN CONCERNS/COUNCIL RESPONSE

#### COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 087 14 Council President: Town Clerk Election Recap

#### OLD BUSINESS

- 14 064 Mayor: School Department Capital Funding Request for Classroom Technology or take up any action relative thereto (**Public Hearing**)
- 14 065 Mayor: Great Pond Dam Repair or take up any action relative thereto (**Public Hearing**)
- 080 14 Councilor Kokoros: Review town response of recent Ebola scare & review towns future policy /procedures or take up any action relative thereto

## **NEW BUSINESS**

None

### **Refer to Committee on Ways & Means**

- 14 067 Mayor: Free Cash and Retained Earnings Approval
- 14 069 Mayor: Supplemental Appropriations FY 15
- 14 070 Board of Assessors: FY2015 Tax Levy

### **Refer to Committee on Ordinance & Rules**

- 14 068 Request to Rezone property at 44 Allen Street
- 14 061 Discontinuance Petition: Cliff Street & portion of Lancaster Road

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

### **UPCOMING MEETINGS:**

Committee on Ordinance & Rules - **TUESDAY, NOVEMBER 18, 2014 @ 6:30pm (Fletcher Hall)**

Committee on Ways & Means - **TUESDAY, NOVEMBER 18, 2014 @ 6:30pm**

COUNCIL - **TUESDAY, NOVEMBER 18, 2014 @ 7:30pm**

## **ADJOURNMENT**



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## OFFICE OF THE TOWN COUNCIL

### October 21, 2014

## MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, October 21, 2014 beginning at 7:35p.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  
Shannon Hume  
Stephen O'Brien  
Michael Owens  
Charles Kokoros  
John Mullaney  
Charles Ryan

Not Present: Paul Dan Clifford

Others: James Casey, Town Clerk  
Ed Spellman, Finance Director  
Barbara Mello, Grant Writer  
Christine Stickney, Director Planning & Community Development  
Dennis Regan, National Grid  
Marta Googins  
Carolyn Loud

### **CORRESPONDENCE**

None

### **ANNOUNCEMENTS**

## **APPROVAL OF MINUTES**

- October 7, 2014

**Motion:** by Councilor Powers to approve

**Second:** by Councilor Kokoros

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

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

- 079 14 Election Workers: Marta Googins/Carolyn Loud

At 7:55pm Marta Googins and Carolyn Loud spoke at the podium about their concerns and lack of trust the Town Clerk had in them in not asking them back to work the State Primary Election on September 9, 2014.

At 8:03pm Town Clerk, James Casey stated he wanted to give valuable experience to some new workers at a less busy election. I was looking for people who had a willingness to work with me.

Council President Bowes stated this whole incident is an unfortunate situation. What it comes down to is the Town Clerk is the appointing authority. He would try to get parties together over the next few days.

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

None

## **OLD BUSINESS**

- 14 059 Mayor: Funding Request for Community Preservation Project – Hollingsworth Playground or take up any action relative thereto

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action

Barbara Mello, Grant Writer came to the podium and explained the Town of Braintree is a recipient of a grant award of \$145,787 from the State under the “Our Common Backyards” program that requires a local match of \$50,000 from the municipality. The purpose of tonight is for the Council to approve the \$50,000. The playground is about 75% complete as of today.

Councilor O’Brien was concerned about black pellets/tire crumbs that have been used elsewhere as artificial grass fillers. Councilor O’Brien asks to please find out if these are to be used.

At 7:17pm Ed Spellman, Finance Director stated Council authorized bond of \$50,000. This is the Town match. The Grant and CPA pay for the rest.

**Motion:** by Councilor Powers to approve  
**Second:** by Councilor Kokoros  
**Vote:** For (8), Against (0), Absent (1-Clifford)

- 14 060 Mayor: Funding Request for Community Preservation Project – Elm Street Cemetery or take up any action relative thereto

Councilor Mullaney, Chairman of the Committee on Ways & Means, stated the committee has met and supported this motion. It is recommended for favorable action

At 8:54pm Christine Stickney, Director of Planning & Community Development gave a brief overview of this request and that it is to approve and fund the preservation of gravestones within Elm Street Cemetery.

**Motion:** by Councilor Powers to approve  
**Second:** by Councilor Kokoros  
**Vote:** For (8), Against (0), Absent (1-Clifford)

- 14 063 National Grid: Petition - Sycamore Road or take up any action relative thereto

Councilor Ryan, Chairman of the Committee on the Department of Public Works, stated the committee has recommended favorable action with staff recommendations.

**To install and maintain approximately 1150 feet, more or less of 2 inch gas main in Sycamore Road, Braintree. From the existing 2 inch gas main at house #27, easterly to house #121 to serve houses #81, #90, #91, #101, #110, #111 and #121.** To include the following staff recommendations:

**BELD:** Engineering has reviewed petition #14 063 Sycamore Road. Please be advised there is a 15kV underground circuit within the proposed scope of work. This is a concrete encased line to be identified and marked through the Digsafe notification process. Additional drawings and information can be issued through the BELD Engineering Department.

**DPW:** This street is not under moratorium and no Town construction is pending this year. The streets in this area are tentatively programmed for the next three-year “100 Roads Program” to begin in 2017. We’d recommend that the petition be granted under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time. We also recommend that the following requirement be added to the permit, if it is to be granted:

Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor's engineer and approved by the DPW and Police Department.

**Motion:** by Councilor Ryan for favorable action with staff recommendations

**Second:** by Councilor Kokoros

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

## **NEW BUSINESS**

### **Refer to Committee on Ordinance & Rules**

- 14 066 Mayor: Proposed Amendment to the Zoning Bylaw Relating to Signs or take up any action relative thereto

Motion by Councilor Powers to refer Order 14 066 to the Committee on Ordinance & Rules.

**Motion:** by Councilor Powers to refer Order 14 066 to committee

**Second:** by Councilor Kokoros

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

### **Refer to Committee on Ways & Means**

- 14 064 Mayor: School Department Capital Funding Request for Classroom Technology
- 14 065 Mayor: Great Pond Dam Repair
- 071 14 (A) Council President: Re-Appointment of Town Auditor
- 071 14 (B) Council President: Re-Appointment of Outside Auditor

Motion by Councilor Powers to refer Order 14 064 & 14 065 to the Committee on Ways & Means.

**Motion:** by Councilor Powers to refer Order 14 064 & 14 065 to committee

**Second:** by Councilor Kokoros

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

Motion by Councilor Powers to refer Council Tracking Number 071 14(A) and 071 14 (B) to the Committee on Ways & Means.

**Motion:** by Councilor Powers to refer Council Tracking Number 071 14(A) and 071 14 (B) to committee

**Second:** by Councilor Kokoros

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

### **Refer to Committee on Public Safety**

- 080 14 Councilor Kokoros: Review town response of recent Ebola scare & review towns future policy/procedures or take up any action relative thereto

Motion by Councilor Powers to refer Order 080 14 to the Committee on Public Safety.

**Motion:** by Councilor Powers to refer Order 080 14 to committee

**Second:** by Councilor Kokoros

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

### **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:07p.m.

Respectfully submitted,

Susan M. Cimino  
Clerk of the Council

## **Documents provided for Meeting**

- October 21, 2014 Council Meeting Minutes
- 14 059 Mayor: Funding Request for Community Preservation Project – Hollingsworth Playground
- 14 060 Mayor: Funding Request for Community Preservation Project – Elm Street Cemetery
- 14 063 National Grid: Petition Sycamore Road
- 14 064 Mayor: School Department Capital Funding Request for Classroom Technology
- 14 065 Mayor: Great Pond Dam Repair
- 14 066 Mayor: Proposed Amendment to the Zoning Bylaw Relating to Signs



# Braintree Town Council In Recognition of

# El Sarape

Is recognized by the Braintree Town Council on their 26th year anniversary and extends its best wishes and congratulations to El Sarape and offers its sincere appreciation for your support of the Town of Braintree and its citizens.

*Thomas M. Bowers*  
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President/District 3

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Michael J. Owens  
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*Paul "Dan" Clifford*  
Paul "Dan" Clifford  
District 6



## Braintree Town Council In Recognition of

# Linda Silowan

Is recognized by the Braintree Town Council for her efforts in raising funds and awareness for Alzheimer's disease and this being her 10th and final year for the Forget Me Not Road Race in Memory of her mother Genevieve LaBier.

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Paul "Dan" Clifford  
District 6

# Community Night



## Making A Difference

**Thursday, November 13th, 2014**  
**“Parenting for Prevention”**

The audience will leave the presentation with...

- **Information on the effects and consequences of gateway drugs and other drug trends**
- **Effective communication skills when talking with their children about alcohol, tobacco and other drug use**
- **The importance of establishing clear rules and consequences at home regarding substance abuse**
- **Evaluate resiliency factors that help protect kids from substance use and local resources should parents require addiction support**

**East Middle School Auditorium**

**7:00pm-8:00pm**

Speaker ~ Traci Wojciechowski is the Regional Director of Student Assistance Programs at Caron Treatment Centers. Ms. Wojciechowski has been with Caron since 2002 and is responsible for ensuring that quality education, prevention and intervention services are provided to school systems and youth agencies throughout the Northeast.

All parents/guardians, interested community members, are encouraged to attend this program  
Presented by [Braintree Alliance for Safe and Healthy Youth](#)

**ATTENTION TOWN HALL DEPARTMENTS!**

**ANNOUNCING THE FIRST ANNUAL!**

**THANKS- for-GIVING!**

**CAN FOOD DRIVE!**

All Town Hall Departments are challenged to collect the most non-perishable food items between

**September 1st – November 14<sup>th</sup>**

All donations will be delivered to the

Braintree Food Pantry, 76 Pond Street

First Place is Lunch for the Winning Department!

Along with the admiration of your peers

and the sincere appreciation of those in need!

**Weekly totals will be announced to keep things interesting!**

Good Luck To All!



5th Annual  
**Braintree  
 Christmas Party**



*Please Join:*

**Mayor Joseph C. Sullivan**

**State Representative Mark J. Cusack**

**The Braintree Town Council**

**The School Committee**

**The Braintree Electric Light Commissioners**

**The Marge Crispin Center**

*for the*

**Annual Braintree Toy Drive**

*to benefit the Children of Braintree*

*In Memory of:* **Reverend Robert Ripley**

**Thursday, December 11, 2014 – 6:00 pm**

**GRANITE GRILL**

703 Granite Street | Braintree | 781-848-4500

**ADMISSION: Unwrapped Toy**

*Appetizers and Cash Bar*

Sean Powers 781-727-9408

Town Clerk's Office 781-794-8240

Chuck Kokoros 781-706-0683

Town Council Office 781-794-8152

**braintreechristmasparty@gmail.com**



## BFFE Fall Raffle

Drawing at the BHS Thanksgiving Day Football Game on November 27, 2014  
(You do not have to be present to win)

1st Prize \$1000

2nd Prize \$250

3rd Prize \$100

YES, I want to support the BFFE raffle.

(please enclose check & filled out raffle tickets)

NO, I am returning unused raffle tickets.

### Tickets: 1 for \$5.00 or 5 for \$20.00

Please make checks payable to: BFFE and return to your homeroom teacher

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

The Braintree Fund for Education, Inc. (BFFE), is a 501 (c) (3) Public Charity with a focus on providing state of the art technology for our children's classrooms and funding teacher grants. BFFE Website: [www.gpvillage.com/bffe](http://www.gpvillage.com/bffe)

**Drawing: Thanksgiving Day - November 27<sup>th</sup>**

**DEADLINE to return tickets to homeroom teacher: Monday, November 24, 2014**



# 1 4 - 0 6 4

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

Joseph C. Sullivan  
Mayor

781-794-8100

To: Thomas M. Bowes, President of the Council  
Susan M. Cimino, Clerk of the Council  
James M. Casey, Town Clerk

Cc: Edward J. Spellman, Director of Municipal Finance  
Michael Coughlin, Chief of Staff and Director of Operations  
Peter J. Morin, Town Solicitor

From: Joseph C. Sullivan, Mayor (JCS)

Date: October 2, 2014

RE: School Department Capital Funding Request for Classroom Technology

In working with the School Department we have identified capital projects previously authorized and completed that have remaining balances which are not needed for those intended purposes in the amount of \$254,000. The original projects were bond authorizations for a 20 year building improvement purpose and as they cannot be used for a purpose with a shorter time frame they can replace other more current projects in order to realize the funding requested herein.

An important priority identified by the School Administration is the need to update a significant portion of the district's computer hardware network. It has been close to ten years since our last major purchase of hardware and it currently lacks the flexibility we need to adequately address educational and training needs within our classrooms. As you know it is increasingly important that the School District remain current in terms of computer and classroom technology.

These funds will be utilized to replace certain hardware throughout the school district and to provide the resources for instruction in the 21st century skills outlined in the Massachusetts Frameworks (Common Core standards). They will also be utilized to administer and prepare students for the Partnership for the Assessment of Readiness for College and Careers (PARCC). I fully support the technology goals for our Braintree Schools and this funding request.

To meet the goal of having \$254,000 of funds to purchase school technology I propose the following three steps, included herein as motions for your consideration.

RECEIVED TOWN CLERK  
BRAintree, MA  
2014 OCT - 7 PM 3:25

- 1) Transfer \$254,000 of unexpended balances of 20 year building improvement bond funds to other 20 year building improvement projects (FY 2014 Capital project) previously authorized bonding (2 motions)
- 2) Rescind three FY 2014 School 20 year capital building bond authorizations in the amount of \$254,000
- 3) Create a new bond authorization of \$254,000 for school classroom technology that has a shorter bond authorization term

1) Transfer unexpended funds originally appropriated and borrowed to pay costs of building renovations:

The following three projects have been completed and no further financial liability remains. These funds will be transferred to the Braintree High School bathroom and locker room building renovations and the South Middle School auditorium building renovations for which renovations are ongoing.

<u>Unexpended</u> <u>Bond Issue Purpose</u>	<u>Balance</u>
a) BHS elevator repair/replacement	\$ 165,838.98
b) BHS roof repair/gymnasium	\$ 6,175.00
c) BHS masonry repairs	<u>\$ 82,687.62</u>
	\$ 254,701.60

The following are two motions to transfer the unexpended funds.

**A) MOTION:**

Ordered, that in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$172,013.98 is transferred from unexpended amounts originally appropriated and borrowed to pay costs of School building renovations, which projects have been completed and for which no further financial liabilities remain, to pay costs of Braintree High School bathroom and locker room renovations.

**B) MOTION:**

Ordered, that in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$82,687.62 is transferred from unexpended amounts originally appropriated and borrowed to pay costs of School building renovations, which project has been completed and for which no further financial liabilities remain, to pay costs of South Middle School auditorium renovations.

Since the request involves bond authorizations a public hearing is required under section 2-9 of the Town Charter.

2) Rescind the following amounts that have been authorized to be borrowed, but which are no longer needed for the purposes for which they were initially approved. Accordingly, your review and approval of the following motion is requested.

A) **MOTION:**

That the Town of Braintree rescinds the following amounts that have been authorized to be borrowed, but which are no longer needed for the purposes for which they were initially approved:

<u>Unissued Amount</u>	<u>Date of Loan Order Approval</u>	<u>Original CO /STM</u>	<u>Purpose</u>
\$ 72,000	5/13/14	14-020	BHS bathroom Renovations
\$100,000	5/13/14	14-020	BHS locker room renovations
\$ 82,000	5/13/14	14-020	South auditorium Renovation

Since the request involve bond authorizations a public hearing is required under section 2-9 of the Town Charter.

3) Authorization to utilize funds to secure new technology for Braintree Public Schools. Accordingly, your review and approval of the following motion is requested.

A) **MOTION:**

That the Town of Braintree appropriates the sum of Two Hundred Fifty- Four Thousand Dollars (\$254,000) to pay costs of the following capital projects and to meet this appropriation, the Treasurer, with the approval of the Mayor is authorized to borrow said amount in accordance with the authorizing statute set forth below or pursuant to any other enabling authority:

<u>Project</u>	<u>Amount</u>	<u>Authorizing Statute</u>
School Educational Technology	\$254,000	Ch. 44, s 7(28), S7 (29)

Since the request involve bond authorizations a public hearing is required under section 2-9 of the Town Charter.



**TOWN OF BRAINTREE  
OFFICE OF THE MAYOR**

One JFK Memorial Drive  
Braintree, Massachusetts 02184  
Tel: 781-794-8145

Joseph C. Sullivan  
*Mayor*

RECEIVED TOWN CLERK  
BRAINTREE, MA  
2014 OCT 10 PM 4:27

TO: Town Council  
FROM: Joseph C. Sullivan, Mayor *JCS*  
RE: Great Pond Dam Repair  
DATE: October 10, 2014

I am pleased to inform you that the Tri-Town Water Board (Braintree, Randolph, & Holbrook) has been approved for a grant from the Commonwealth of Massachusetts Dam and Seawall Repair and Removal Fund, for repairs to the Great Pond Lower Reservoir Dam.

The Tri-Town Water Board is highly committed to making dam repairs, for water supply protection and for the safety of the public. Our dam needs repair as the Great Pond Dam is classified as "High-Hazard" and in "Poor Condition" by the Commonwealth of Massachusetts Department of Recreation Office of Dam Safety. The Tri-Town Water Board is under an enforcement order to make repairs and improvements. Neither the cost of these repairs nor the urgency will diminish over time, so the three towns must act as quickly as possible.

The funding has been made contingent upon installing a fish ladder on the spillway. This will complement other projects that have been designed to restore alewife to the region.

The grant is a combination of a cash grant and low-interest loans. In addition, a cash match will be required from the three communities. The funding breakdown is shown here:

<b>TOTAL PROJECT COST*</b>	<b>\$1,358,911.00</b>
CASH GRANT (for engineering, design, and permitting)**	<b>\$185,329.00</b>
LOAN at 2% from Commonwealth Dam/Seawall Repair & Removal Fund (for construction)	<b>\$814,671.00</b>
CAH MATCH REQUIRED OF TRI-TOWN WATER BOARD	<b>\$358,911.00</b>

RECEIVED TOWN CLERK  
BRAintree, MA

The breakdown of costs by community is shown here: 2014 OCT 10 PM 4: 27

	<b>TOTAL AMOUNT</b>	<b>BRAINTREE PORTION (48%)</b>	<b>RANDOLPH PORTION (37%)</b>	<b>HOLBROOK PORTION (15%)</b>
<b>TOTAL PROJECT COST*</b>	<b>\$1,358,911.00</b>	<b>\$652,277.28</b>	<b>\$502,797.07</b>	<b>\$203,836.65</b>
CASH GRANT (for engineering, design, and permitting)**	<b>\$185,329.00</b>	\$88,957.92	\$68,571.73	\$27,799.35
LOAN at 2% from Commonwealth Dam/Seawall Repair & Removal Fund (for construction)	<b>\$814,671.00</b>	\$391,042.08	\$301,428.27	\$122,200.65
CASH MATCH REQUIRED OF TRI- TOWN BOARD	<b>\$358,911.00</b>	\$172,277.28	\$132,797.07	\$53,836.65

\*Total Project Cost Includes Fish Ladder (\$87,840.00)

\*\*The cash grant was raised from \$165,200.00 to \$185,329.00 on 10/3/2014, by EOEEA.

**Town of Braintree, Massachusetts**  
Suggested Form of Loan Order  
(Dam Repair Project)

ORDERED: That the Town of Braintree appropriates the sum of Six-Hundred Fifty-Two Thousand, Two-Hundred Seventy-Seven Dollars, and Twenty-Eight Cents (\$652,277.28) for the purpose of paying costs of the Town's portion of a dam repair project and all other costs incidental and related thereto; and that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(25) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; and that the Town is authorized to take any other action necessary or convenient to carry out this project.

RECEIVED TOWN CLERK  
BRAINTREE, MA  
2014 OCT 10 PM 4:27



## Commonwealth of Massachusetts

### Executive Office of Energy and Environmental Affairs

Governor Deval L. Patrick  
Secretary Maeve Vallely Bartlett

**Press Release Contacts:** Krista Selmi — 617-626-1109 or [krista.selmi@state.ma.us](mailto:krista.selmi@state.ma.us)

## **Patrick Administration Awards \$13.2 Million in Dam and Seawall Grants, Loans**

SCITUATE – Tuesday, September 2, 2014 – Energy and Environmental Affairs (EEA) Secretary Maeve Vallely Bartlett today announced \$13.2 million in investments for dams and coastal infrastructure in Massachusetts. These funds will help rehabilitate dams, protecting drinking water supplies as well as key coastal safety and economic assets in Massachusetts coastal communities.

“The Patrick Administration is making key investments to address the public concerns and risks from declining dams and seawalls,” said Secretary Bartlett. “These investments will not only protect public assets, such as water supply structures and first responder access corridors, but also prepare our communities for future extreme weather events.”

The coastal infrastructure projects will help to protect key public assets such as business districts, water and sewer systems and critical transportation routes for emergency services. The dam projects will repair structures that are high or significant hazard dams designed to support water supply reservoirs.

The funding for these investments includes funds from the EEA Environmental Bond, recently signed by Governor Patrick in August, as well as funds from the Dam and Seawall Repair and Removal Fund. This is the second round of awards from the Fund, and they are matched by an additional \$4 million in local and federal investments. In the first round earlier this year, \$5.9 million in grants and loans was awarded.

The Dam and Seawall Repair and Removal Fund was signed into law by Governor Patrick in 2013 to address the growing need to repair dams, coastal flood control structures and inland flood control structures that pose a risk to public health, public safety and key economic centers. The Patrick Administration is committed to proactively addressing these risks before disaster strikes, and sees increasing the resiliency of the Commonwealth’s infrastructure as particularly important in the face of increasingly extreme weather as a result of climate change.

“The creation of the Dam and Seawall Repair and Removal Fund has been a point of personal pride and I am pleased this second round of grants announcements has come. I want to thank the Governor and Secretary Bartlett for their personal attention to this issue which included touring our communities to see the need for these critical infrastructure improvements. These investments in Marshfield and Scituate will help our communities make critical repairs to seawalls that protect property and promote public safety. I want to thank our local officials, including Scituate’s DPW Director Kevin Cafferty, Marshfield’s DPW Director Tom Reynolds and Town Engineer Rod Procaccino, for submitting strong grant applications that effectively communicated the needs and capacity of our communities.”

The grant and loan recipients are as follows:

Applicant	Project	Total Award	Award Structure		Matching Funds	Project Summary
			Grant	Loan		
Marshfield	Foster Avenue Seawall	\$3,946,200	\$94,000	\$3,852,200	\$90,900	The Foster Avenue Seawall project will replace 1000 feet of structure, from Old Beach Road to Ninth Road. Originally constructed in the 1930's, this project will help increase Marshfield's resilience to coastal storm events and increase public safety.
Nantucket	Easy Street Bulkhead	\$1,342,309	\$153,600	\$1,188,709	\$58,981.42	This project will improve protection of a vital access route for first responders as well as a key commercial area. Easy Street is in the heart of Nantucket's downtown. Easy Street is the critical public transportation route for all goods and services going to and from the Steamship Authority terminal located at lower Broad Street.
Scituate	Oceanside Drive Seawall	\$4,000,000	\$191,829.66	\$3,808,170. 34	\$2,400,000	The project consists of reconstruction of a ±650 linear foot section of the existing Oceanside Drive seawall. This coastal structure provides protection to public roads and associated utilities and provides public access to the beach. During major storm events, Oceanside Drive often floods and becomes inundated with overwash consisting of large cobbles and sand, compromising access for first responders.
Attleboro	Hoppin Hill Reservoir Dam	\$1,000,000	\$160,000	\$840,000	\$100,000	The Dam is an approximately 1,100-foot long curved earthen embankment with a structural height of 23-feet. The Dam was originally

						constructed in 1910 and rehabilitated in 1987. In addition to helping ensure water supply, the area surrounding the reservoir is accessible by the public for passive recreation. Reconstruction is vital to public safety downstream and maintaining integrity of the reservoir.
Cohasset	Bound Brook Dam	\$1,000,000	\$158,000	\$842,000	\$421,200	The Bound Brook Control Dam along with its inlet control structure regulates water storage levels of Lily Pond, the primary water supply reservoir for the Town of Cohasset. In addition, Beechwood Street located on the crest of the dam is a heavily traveled road connecting the southern portions of Cohasset with the surrounding towns of Scituate, Norwell and Hingham around the Wompatuck State Park.
Leominster	Morse Reservoir Dam	\$1,000,000	\$37,400	\$962,600	\$708,000	The rehabilitation of the Morse Reservoir Dam will address three areas of significant seepage identified along the toe of the dam, resulting in an estimated loss of approximately 50 gallons per minute from the City's water supply. Failure of this dam could result in the destruction of Elm Street, several downstream neighborhoods and threaten the Distributing Reservoir Dam and Water Treatment Plant.
Tri-Town Water District (Braintree, Holbrook, Randolph)	Great Pond Lower Reservoir Dam	\$979,871	\$165,200	\$814,671	\$291,200	The Great Pond Lower Reservoir Dam spillway and surrounding earthen dam area will be rehabilitated and fish passage installed to help

↑  
Increased to \$1 Million

↑  
Increased to \$1,185,329. <sup>xx</sup>

↑  
Increased to \$358,911. <sup>yy</sup> (fish ladder)

						restore migration to the region. The length of the dam embankment will be armored to safely accommodate overtopping flows and the spillway parallel to West Street will be rehabilitated.
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###

- Follow Secretary Bartlett on Twitter.....[twitter.com/massEEA](https://twitter.com/massEEA)
- View videos on You Tube.....[www.youtube.com/MassEEA](http://www.youtube.com/MassEEA)
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100 Cambridge Street, Suite 900, Boston, MA 02114-2119 — (617) 626-1000 office / (617) 626 1181 (fax)



With 14 067

# 14 - 067

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

Joseph C. Sullivan  
Mayor

781-794-8100

October 30, 2014

To: Thomas Bowes, Council President  
Clerk of the Council  
Town Clerk

From: Joseph C. Sullivan, Mayor 

Cc: Edward Spellman, Director of Municipal Finance  
Michael Coughlin, Chief of Staff

Re: Free Cash Analysis

In accordance with the Town of Braintree's Fiscal Policies, the Town Accountant completes an analysis of the Town's Free Cash Certification as provided by the Massachusetts Department of Revenue. This analysis includes a review of major categories of general fund revenues as sources toward the Town's free cash and is attached for your review. This year's General Fund Free cash is \$14,267,766.

I forward this report for informational purposes. It provides context to our free cash as a result of FY 14 of general fund revenue collected. The report also includes Water and Sewer Retained earnings and Golf Retained earnings information.

I am also forwarding this report in relation to our October 20, 2014, request to distribute free cash in excess of our 10% balance target. As identified in that request we seek to move excess funds to the Town's Stabilization Fund, the Building Capital Stabilization Fund and the Stabilization Fund for Capital projects.

Please do not hesitate to contact me with any questions concerning the attached analysis.

#14-067



TOWN OF BRAintree  
ONE JFK MEMORIAL DRIVE  
BRAintree, MASSACHUSETTS 02184

Joseph C. Sullivan  
Mayor

Mark Lin  
Town Accountant

To: Joseph C. Sullivan, Mayor

Cc: Edward Spellman, Director of Municipal Finance  
Michael Coughlin, Chief of Staff and Director of Operations  
Peter J. Morin, Town Solicitor

From: Mark Lin, Town Accountant

A handwritten signature in black ink that reads "Mark Lin". The signature is written in a cursive, slightly slanted style.

Date: October 17, 2017

RE: Fiscal Year 2014 Free Cash Analysis

On September 17, 2014 we received the FY14 Free Cash certification from The Department of Revenue, indicating that the General Fund Free cash is \$14,267,766; Water and Sewer Retained earnings is \$1,614,661 and Golf's Retained Earnings is \$31,208.

We appropriated \$3,635,561 of FY13 Free cash for Stabilization fund, Capital Stabilization fund and several capital projects during FY2014.

Because of the positive variances of general fund revenues in excess of the budget by \$1.78 million and expenditures being less than budget by \$1.52 million this resulted in the strong free cash figure.

Attached for your review please find general fund sources of free cash analysis for Fiscal Year 2014. The report is a summary listing the major categories of general fund revenue and department expenditures.

You will see that for the general fund we have collected \$113 million dollars for the Fiscal Year 2014. The 12 month's general fund revenue collected, for the period ended June 30, 2014 at 102.60% of the revenue budget.

### PROPERTY TAXES

This is the largest category of the town's general fund revenue it accounts for approximately 69% of the general fund. The \$76 million collected is 100.56% of the current year's tax levy compared to 100.40% of the amount billed based on the prior year levy.

**STATE AID**

This is the next largest source of town revenue and is approximately 17% of general fund revenue the town receives. The major sources being Chapter 70 education aid and unrestricted general government lottery aid are now being paid on to us a monthly basis. The State began the monthly disbursements FY 2014 to help cities and towns by improving their cash flow. A number of the less wealthy cities can receive more than 75% of their total general fund budget from the state and these accelerated payments will help them considerably. The new monthly payments more closely match cities and towns' regular weekly payments like payroll and benefits. For FY14 we have received 101.53 % of the budget.

**MOTOR VEHICLE EXCISE**

This is the third largest source of town revenue for the town making up a little over 4% of general fund revenue. Motor vehicle excise is 116.18% collected. The first and largest commitment for FY 2014 comes to the town from the registry of motor vehicles in late January. We usually mail out the first commitment of motor vehicle excise in February with a due date in March. The first commitment for excise billing in the past has been approximately 30,000 bills for a total excise tax of \$3,900,000 which has been approximately \$388,000 higher than the first commitment for the prior fiscal year.

**OTHER EXCISE HOTEL**

This category is the local hotel excise tax received from guests staying in the community. The state sends these funds to the town on a quarterly basis. We have received strong collections in the hotel excise tax for the first three quarters and have collected 123.57% of our budget, or \$248,000 over our original estimate of \$1,050,000.00. This is the result of the economy coming back and the reopening of the new Hyatt in May 2012 at the site of the old Sheraton that was closed for an extended period of time for renovations.

**OTHER EXCISE MEALS**

The local option meals tax was approved by the Town Council as part of the FY 2014 budget. We will receive 10 months of revenue in FY 2014 due to the timing of the vote. We have received \$807,740.15 which is 115.39% of the \$700,000 budget. This amount collected to date is running about 15% above our estimate and \$107,000 above our estimate of \$700,000

**PAYMENT IN LIEU OF TAXES**

Payments in lieu of taxes are collected at a rate of 72.43%. BELD paid \$500,000 less than what we estimated, and they will make \$500,000 more in FY15.

**TRASH**

We budgeted 1,489,000 and the actual collections were 1,483,944 just slightly short of the budget. The Trash fee rate was collected at 99.66%.

**FEES**

This line is currently at 123.17% collected because the main source of revenue for this category is from Semass which comes generally in late January, \$931,242 compared to the budget amount for Semass of \$510,000 .

### **SCHOOL TRANSPORTATION**

This is a new general fund revenue source this year. These funds were previously in a revolving fund under the direction of the school department. The State places a limit on the total dollar amount of revolving funds under any one department. Due to increases in the number and amount of school revolving funds, the transportation fund was not reauthorized for FY 2014. Consequently the fund balance and new receipts are going to the general fund and the school budget was increased by \$175,000 of estimated school bus receipts. The amount of \$206,314 represents both the 12 months actual revenue is the FY 2014 receipts and also the prior year ending balance of the old revolving fund closed to the general fund.

### **INVESTMENT INCOME**

The interest rates on short term investments continue to fall. We have increased our reserve investable balances. We have increased our budget estimate this year to \$130,000 from \$75,000 FY 2013 last year. We have collected \$193,752.80 in 12 months of the fiscal year.

### **MISCELLANEOUS RECURRING**

This item is made up primarily of two items Federal items, for both Medicare Part D reimbursements and also Medicaid reimbursements for certain school special education services. This year the state has broken down the Medicaid as a separate category for reporting purposes. The New Medicaid category was budgeted at \$318,680 actual revenue for 12 months is \$416,589 or 130.72% of the budget. The other item is Misc. Recurring is primarily Medicare part D budgeted at 141,320 and collection is \$202,030 which is 142.96% of the budget.

### **MISCELLANEOUS NON-RECURRING**

This item is made up exclusively of a Federal government FEMA reimbursement of a prior year storm reimbursement. We have received \$137,406 through March.

### **TRANSFERS**

This section represents transfers budgeted from the enterprise funds and various special revenue accounts. These funds are generally transferred at the beginning of the fiscal year and this is the reason for the collected rate at being 100%.

**DEPARTMENT EXPENDITURES**

The major positive variances on the expenditure side were the following departments Finance Department \$167,258; Human Resource \$208,790; Police \$176,029; Fire \$148,282; School \$109,095 and DPW \$495,746.

**WATER and SEWER**

FY14, we suffered revenue deficit for Water and Sewer usage fee in amount of \$1.19 million due to the deduction of consumption. We collected actual revenue \$14,580,877.39, vs. \$15,770,741.42 budgeted revenue.

We have increased Water/Sewer rates since 07/01/2014 and are monitoring the consumptions; if necessary we might have to increase rates during 2015 fiscal year.

**GOLF**

Golf revenue was back on track in FY14; we collected \$1,381,020 actual revenue, which is 103.76% of budget. This compares to \$1,335,964 and 96.12% for FY13.

At the aid of transferring \$200,000 from general fund to cover FY13's deficit , Golf's Free Cash turned to \$31,208 in FY14; compares to (\$52,033) of FY13.

Please contact me or Ed Spellman if you have any questions or would like any additional information.

# # 1 4 - 0 6 7

TOWN OF BRAINTREE  
GENERAL FUND REVENUE  
FOR THE 12 MONTHS ENDED 06/30/14

Description	FISCAL YEAR 2014			FISCAL YEAR 2013			
	%of budget	Budget	Actual rev 12 mon	% collected	Budget	Actual rev 12 mon	% collected
Property Taxes	69%	75,969,210.00	76,396,941.18	100.56%	73,402,138.95	73,693,549.78	100.40%
State Aid	17%	19,308,099.00	19,603,868.88	101.53%	18,849,789.00	18,817,109.82	99.83%
Motor Vehicle Excise	4%	4,527,000.00	5,259,260.91	116.18%	4,075,000.00	4,962,068.32	121.77%
Other Excise Hotel/Motel & Boat	1%	1,050,000.00	1,297,527.83	123.57%	750,000.00	1,098,632.64	146.48%
Other Excise Meals Tax	1%	700,000.00	807,740.15	115.39%			
Penalties & Interest	0%	340,000.00	475,876.94	139.96%	340,000.00	381,755.99	112.28%
Payment in Lieu of Taxes	2%	2,230,000.00	1,615,216.17	72.43%	2,230,000.00	2,211,988.27	99.19%
Trash Fee	1%	1,489,000.00	1,483,944.00	99.66%	1,464,000.00	1,495,571.58	102.16%
Fees	1%	950,000.00	1,170,154.41	123.17%	900,000.00	1,000,389.54	111.15%
Rental Building	0%	193,000.00	271,167.48	140.50%	157,000.00	190,325.24	121.23%
School	0%	175,000.00	206,314.32	117.89%			
Department Cemetery	0%	28,000.00	39,650.00	141.61%	28,000.00	39,500.00	141.07%
Other Dept. Revenue	0%	146,000.00	257,637.50	176.46%	131,000.00	147,324.25	112.46%
Licenses and Permits	2%	1,839,950.00	1,516,707.80	82.43%	1,789,950.01	1,849,332.69	103.32%
Fines & Forfeitures	0%	150,000.00	153,379.10	102.25%	100,000.00	174,344.85	174.34%
Investment Income	0%	130,000.00	193,752.80	149.04%	75,000.00	187,815.24	250.42%
Medicaid	0%	318,680.00	416,589.23	130.72%			
Misc.-Recurring	0%	141,320.00	202,030.09	142.96%	410,000.00	784,440.42	191.33%
Misc.- Non-Recurring (FEMA)	0%		137,405.88		-	24,005.44	0.00%
Transfers	1%	884,303.00	1,943,797.00	219.81%	680,984.00	1,933,384.12	283.91%
<b>TOTAL</b>		<b>110,569,562.00</b>	<b>113,448,961.67</b>	<b>102.60%</b>	<b>105,382,861.96</b>	<b>108,991,538.19</b>	<b>103.42%</b>
Water Sewer		15,770,741.42	14,580,877.39	92.46%			
Golf		1,479,006.00	1,539,364.39	104.08%			



RECEIVED TOWN CLERK  
BRAINTREE, MA

# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

2014 OCT 22 AM 10:35

Joseph C. Sullivan  
Mayor

781-794-8100

To: Thomas M. Bowes, President of the Council  
Clerk of the Council  
Town Clerk

Cc: Edward Spellman, Director of Municipal Finance  
Michael Coughlin, Chief of Staff and Director of Operations

From: Joseph C. Sullivan, Mayor 

Date: October 20, 2014

Re: Free Cash and Retained Earnings Approval

The Department of Revenue has certified our General Fund Free Cash and our Enterprise Fund Retained Earnings for FY 2014 as follows:

- General Fund Free Cash \$14,276,766
- Water Sewer Retained Earnings \$ 1,614,661
- Golf Retained Earnings \$ 31,028

I have good news to report and wish to thank Municipal Finance Director Ed Spellman and our financial team for their strong efforts over the past few years. Last year we submitted to the Town Council the Financial Policies and Reserves document which formalized the financial policies we have been working on since the change in Town Government. Primary in that document was the establishment of annual reserves and the presentation of a structurally balanced budget. Annually we will present for your approval our analysis of free cash and a proposed use if in excess of our 10% target.

Below you will find three articles to be funded from our FY 2014 Free Cash balance in excess of our 10% target. The excess is approximately \$2,700,000, and our target will be met with a remaining Free Cash balance of \$11,576,766.

First, after the certification of Free Cash by the Department of Revenue, as per our recommended policies, we will replenish the stabilization fund. The increase is derived from the prior year's operation and accordingly we are submitting an article to deposit \$1,500,000 of the increase into the Stabilization Fund.

Second, we committed to continuing to contribute to the Capital Budget Reserve Account to mitigate the need to issue debt to address some future capital needs including building additions or renovations. We are recommending the approval and transfer an additional sum of \$ 500,000 from Free Cash to the Capital Budget Reserve. The purpose of this reserve is to support a capital item(s) or to pay principal and interest on debt service for capital items.

Third, we will be submitting our FY 2015 Capital Plan before the end of the calendar year. At this time we plan to deposit \$700,000 into the stabilization fund for part of our FY 2015 capital budget funding.

Accordingly, your review and approval of the following motions are requested:

1. Stabilization Fund

MOTION: That the sum of \$1,500,000 be transferred from the Fiscal Year 2014 certified Free Cash to the Town's Stabilization fund.

2. Building Capital Stabilization Fund

MOTION: That the sum of \$500,000 be transferred from the Fiscal Year 2014 certified Free Cash to the Town's Building Capital Stabilization fund.

3. Stabilization Fund for FY 2015 Capital

MOTION: That the sum of \$ 700,000 be transferred from the Fiscal Year 2014 certified Free Cash to the Town's Stabilization fund said funds to be set aside to pay for a portion of the Town's for the FY 2015 Capital Plan.

These monetary transfers will be proactive steps toward strengthening our municipal finances in a comprehensive and positive trajectory. I respectfully ask for your continued support.

Since these requests involve the appropriation of funds within the Fiscal Year 2015 budget, advertising and a public hearing is required under the sections 2-9 and 6-7 of the Town Charter.



RECEIVED TOWN CLERK  
BRAintree, MA  
2014 OCT 30 AM 11:22

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

To: Thomas M. Bowes, President of the Council  
Clerk of the Council  
Town Clerk

Cc: Michael Coughlin, Chief of Staff and Director of Operations  
Edward Spellman, Director of Municipal Finance  
Peter J. Morin, Town Solicitor  
Karen Shanley, Human Resources Director  
Thomas Whalen, DPW Director  
Russell Jenkins, Chief of Police  
Marybeth McGrath, Inspectional Services Director  
James O'Brien, Fire Chief  
Christine Stickney Planning and Development Director

From: Joseph C. Sullivan, Mayor 

Date: October 30, 2014

RE: Supplemental Appropriations FY15

We have recently completed a first quarter review of our FY 2015 budget and expenditure reports. This review included certain operational changes within specific Departments that require funding, and adjustments to the original budget as noted below. We respectfully submit this request for supplemental funds to support the current fiscal year budget and operations.

Please find requests for FY 2015 supplemental appropriations and line item transfers. Accordingly, your review and approval of the following motions are requested:

1. Human Resources – Staff replacement for medical leave.  
**MOTION:** That the sum of \$20,528 be transferred from DPW/ FY 2013/ vehicle-lawnmower account and \$9,472 from the DPW/ FY 2011/ vehicles for a total of \$30,000 be transferred to the Human Resources Department/ Program 01- Administration / Administrative Salaries account.
2. Library – Inadvertent omission of three (3) existing part time positions in FY 15 budget.  
**MOTION:** That the sum of \$9,472 be transferred from the DPW/ FY 2011 capital/ vehicles account, \$4,750 be transferred from the Finance department/ FY 2014 actuarial valuation account and \$28,327 be transferred from the Town's Stabilization Fund for a total of \$ 42,549 be transferred to the Library/ Program 05- Current Topic and Tiles/ Librarian account.

3. DPW - To complete basketball and tennis court refurbishment not covered in 2014 capital budget request.  
**MOTION:** That the sum of \$45,230 be transferred from the Town's Stabilization Fund to the DPW Department/ Program 02- Facilities and Equipment Maintenance / Repair account.
4. DPW - To complete rehab of Highland School playground.  
**MOTION:** That the sum of \$16,000 be transferred from the Town's Stabilization Fund to the DPW Department/ Program 02- Facilities and Equipment Maintenance / Repair account.
5. Municipal Licenses and Inspections – To fund unanticipated building safety and maintenance needs, as well as certain rodent control measures.  
**MOTION:** That the sum of \$74,000 be transferred from the Town's Stabilization Fund to the Municipal Licenses and Inspections Department/ Program 05- Inspections and Code Enforcement / Mitigation account.
6. FIRE - To fund the Town's matching portion (10%) of \$349,000 FEMA Grant for Fire Department protective equipment and breathing apparatus.  
**MOTION:** That the sum of \$34,939 be transferred from the Town's Stabilization Fund to Fire Department FEMA Grant account.
7. FIRE – To fund Fire Department's conversion to Bi-weekly payroll and bring payroll week ending dates current with rest of the Town.  
**MOTION:** That the sum of \$120,674 be transferred from the Town's Stabilization Fund to Fire Department/ salary lines, and that the Director of Municipal Finance is authorized to allocate said sums to and among the various accounts affected thereby in such amounts as are proper and required.
8. Finance - To fund additional copier and copy volume within Town Hall.  
**MOTION:** That the sum of \$11,600 be transferred from the Town's Stabilization Fund to Finance Department/ Program 04 Accounting / photo copier rentals account.
9. Finance – Inadvertently omitted annual increase in IT support for Town computer networks.  
**MOTION:** That the sum of \$25,000 be transferred from the Town's Stabilization Fund to Finance Department/ Program 08 Information Technology / Consultant account.
10. Finance - To fund Reverse 911 Technology for Town and Schools and resolve fiscal year invoice payment.  
**MOTION:** That the sum of \$6,000 be transferred from the Town's Stabilization Fund to Finance Department/ Program 08 Information Technology / Blackboard connect account.

11. Human Resources - To fund additional health insurance costs for higher than expected rates of participation of new employees in schools and fire department positions.  
**MOTION:** That the sum of \$134,234 be transferred from the Town's Stabilization Fund to Human Resources Department/ Program 04 Employee Benefits / Group Life and Medical Line account.
12. Police - To fund equipment and installation costs for transfer of Fire Alarm dispatch to Police Department in order to establish centralized dispatch center for the Town.  
**MOTION:** That the sum of \$141,320 be transferred from the Town's Stabilization Fund the Police Department/ Program 02- Building Maintenance / Equipment Maintenance account.
13. Planning and Development - To fund publicity and promotion of Braintree's participation in Life Science Corridor economic development initiative.  
**MOTION:** That the sum of \$5,000 be transferred from the Town's Stabilization Fund the Planning and Development Department/ Program 07- Economic Development/ Life Science Development account.
14. Planning and Development – To establish and fund Zoning Administrator position to staff and support the ZBA.  
**MOTION:** That the sum of \$35,000 be transferred from the Town's Stabilization Fund the Planning and Development Department/ Program 04- Planning / Zoning Administrator account.
15. Mayor – To fund membership to Metro Mayor's Coalition established by Metro Area Planning Council with communities of Boston, Brookline, Quincy and others.  
**MOTION:** That the sum of \$10,000 be transferred from the Town's Stabilization Fund to the Mayor's Department/ Program 01- Administration / Dues and Memberships account.
16. Mayor – To fund Town of Braintree 375<sup>th</sup> Anniversary Celebration and Events.  
**MOTION:** That the sum of \$50,000 be transferred from the Town's Stabilization Fund to the Mayor's Department / Program 01 – Administration/Anniversary account.
17. Human Resources – To fund the Veterans POW - MIA Chair of Honor installation at Braintree High School.  
**MOTION:** That the sum of \$2,200 be transferred from the Town's Stabilization Fund to the Human Resources Department / Program of Veterans Services / Veterans Benefits Account.
18. Legal – To fund unanticipated outside legal counsel expenses.  
**MOTION:** That the sum of \$35,000 be transferred from the Town's Stabilization Fund to the Legal Services Department / Administration Program 01/ Legal Services Account.

Since these requests involve the appropriation of funds within the fiscal year 2015 budget, advertising and a public hearing is required under the sections 2-9 and 6-7 of the Town Charter.



## Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

October 31, 2014

To: Thomas Bowes, Council President  
Clerk of the Council  
Town Clerk

From: Joseph C. Sullivan, Mayor

*JCS*

Cc: Robert Cusack, Chairman of the Board of Assessors  
Edward Spellman, Director of Municipal Finance  
Michael Coughlin, Chief of Staff

Re: Tax Rate Classification Motions

This memorandum provides motions for your consideration in determining the Town of Braintree's Fiscal Year 2015 Tax Rate. These motions, the tax classification shift, the small business exemption, the open space exemption and the residential exemption contribute to the setting of the tax rate for the Town.

Under separate cover, dated October 31, 2014, I am forwarding a more detailed analysis of these and other factors to support the tax rate classification. It is my recommendation that the Town Council support these recommendations. Accordingly, your review and consideration of the following motions is requested.

1. To apply the tax rate classification shift.

**MOTION:** Be it ordained that the Town of Braintree, through the Braintree Council, adopt the recommendation of the Mayor and the Board of Assessors to approve the Classification Tax Rate Shift of 175% to be applied to commercial, industrial and personal property.

2. Re: the small business exemption.

**MOTION:** To approve the "Small Business Exemption" as recommended by the Mayor and the Board of Assessors in a memorandum to the Town Council dated October 31, 2014, and as filed with the Office of the Town Clerk.

RECEIVED TOWN CLERK  
BRAintree, MA  
2014 OCT 31 PM 3:57

3. Re: the open space discount.

**MOTION:** To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum to the Town Council dated October 31, 2014, and as filed with the Office of the Town Clerk, to decline the “Open Space” discount.

4. Re: the residential exemption.

**MOTION:** To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum dated October 31, 2014, and as filed with the Office of the Town Clerk, to decline the adoption of the “Residential Exemption.”

**Department of Planning and Community Development**

**1 JFK Memorial Drive**

**Braintree, Massachusetts 02184**

**Phone: 781-794-8230 Fax: 781-794-8089**



Joseph C. Sullivan  
Mayor

Christine Stickney, Director  
Melissa M. Santucci Rozzi, Principal Planner  
Kelly Phelan, Conservation Planner

To: Thomas Bowes, President and Town Council Members  
From: Christine Stickney, Director of Planning and Community Development  
Date: October 22, 2014  
Re: Request to rezone property at 44 Allen Street

RECEIVED TOWN CLERK  
BRAintree, MA  
2014 OCT 22 PM 3:22

As Council members may recall, the Town embarked on a program in 2010 to explore the possibility of redeveloping the former Braintree Electric Light Department (BELD) site at 44 Allen Street comprised of 1.6 acres. As a former electric light plant the site has been vacated since 1993 when the last of the offices and storage departments moved to Potter Drive.

The site's proximity to the commuter rail and the Landing business area makes it a prime candidate for inclusion into the Braintree-Weymouth Landing District (BWLD). In addition the abutting property owned by George P. Williams is also included in this proposed rezone. Various public outreach efforts and the recent completion of a feasibility study have focused an overall vision towards a residential development option with public access along the river front. These findings have been shared with the public through public forums and the Town's website.

The Planning Board in conjunction with Mayor Sullivan proposes to rezone the property (Assessors Map 3004 Plots 7, 8, 9 and 11) from Commercial zoning to the Braintree-Weymouth Landing Zoning District. Assessors Map 3004 Plot 11 is owned by George P. Williams who is joining in this request to rezone his property that is comprised of 6, 540 SF.

Under the current zoning (Commercial) a multifamily housing development requires a Special Permit from the Planning Board to be developed as it will also under the BWLD zoning however the dimensional and density ratios are different between the two zoning districts. The BWLD district encourages more compact development in a multimodal transportation environment and provides housing options for people at different stages of life, income levels and work/live options.

Included in this request for action is a map of the subject property proposed for rezone from Commercial to Braintree-Weymouth Landing District - Assessors Map 3004 Plots 7, 8, 9 and 11 along with a second aerial showing the relationship of the proposed zone to the overall Braintree-Weymouth Landing District.

Please feel free to contact me relative to this request should you have any questions and/or concerns.

CC: Mayor Joseph C. Sullivan  
P. Morin, Town Solicitor

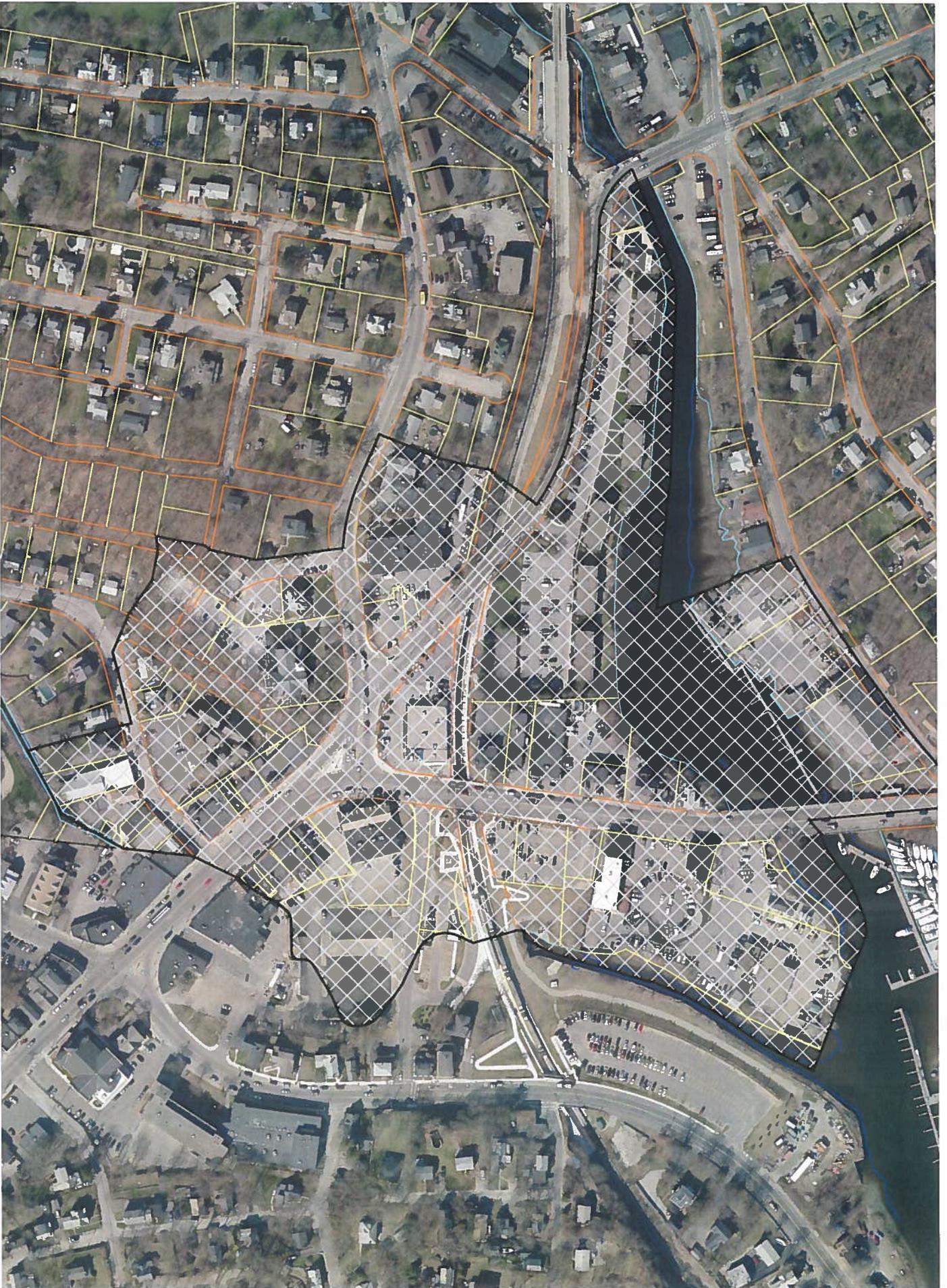
S. Cimino, Town Council Clerk  
J. Casey, Town Clerk

#14-068

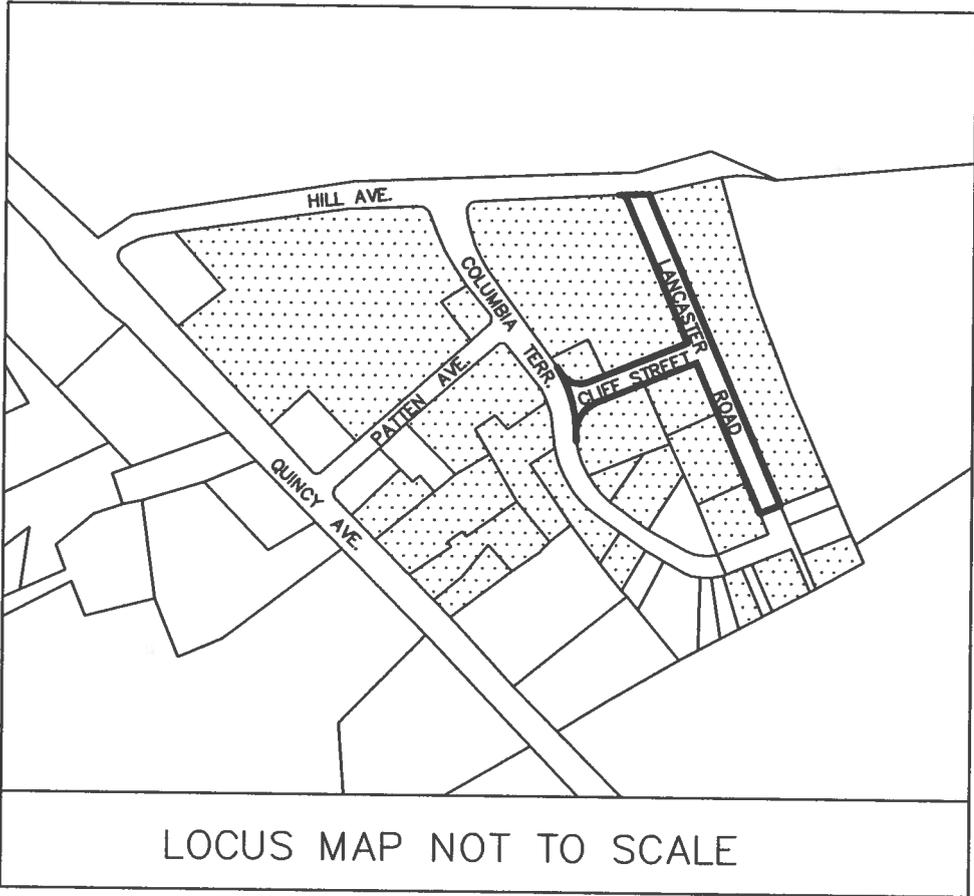


ALLEN STREET PROPERTY

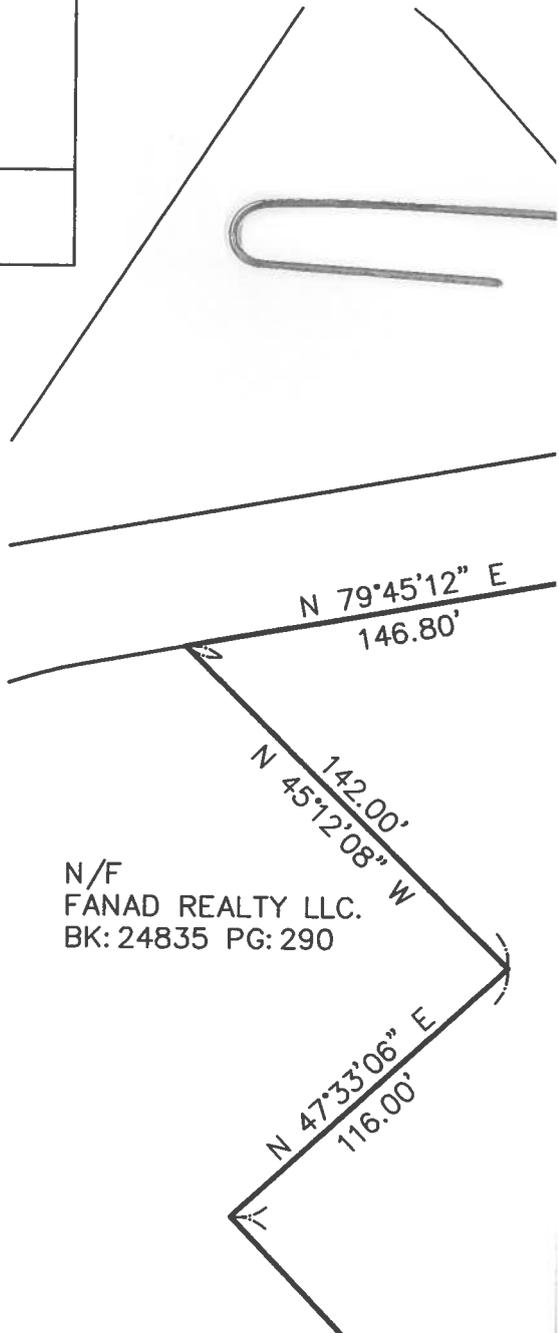
#14-068



BRAINTREE-WEYMOUTH LANDING DISTRICT



LOCUS MAP NOT TO SCALE



N/F  
 FANAD REALTY LLC.  
 BK: 24835 PG: 290

LAND COURT PLAN 7584 F



#14-061

RECEIVED TOWN CLERK  
BRAintree, MA

2014 SEP 25 PM 4:13

Frank A. Marinelli  
Attorney at Law  
439 Washington Street  
Braintree, Ma. 02184

Also admitted  
In Rhode Island

Tel: 781-849-0400  
Fax: 781-848-9927  
Email: Fmarinellilaw@aol.com

September 25, 2014

IN HAND

Thomas M. Bowes, President  
Town Council, Town of Braintree  
1 JFK Memorial Drive  
Braintree, MA 02184

Re: Discontinuance Petition, Cliff Street & portion of  
Lancaster Road

Dear President Bowes and Members of the Braintree Town  
Council:

Please be advised that this office represents the Quirk  
Auto Dealerships and its related landowner entities, K.  
Spillane LLC and Book She, LLC (the "Quirk entities" and/or  
"Petitioner") in connection with the attached request for  
discontinuance of Cliff Street and portion of Lancaster  
Road (collectively the "area of discontinuance").

Enclosed you will find the following:

1. Petition for Discontinuance;
2. Legal description for the area of discontinuance;
3. Certified list of abutters; and
4. Ten (10) copies of the "Proposed Discontinuance"  
Plan prepared by DeCelle Burke & Associates, Inc.

Thank you for attention to this matter.

Sincerely,



Frank A. Marinelli

Cc: Planning Department

**Area of Discontinuance**

Beginning on the northeast corner of the Hill Avenue and Lancaster Road intersection thence running;

South 85-05'-53" West Forty Nine and 04/100 feet (49.04') along Hill Avenue to a point, thence along a curve;

Southerly a Length of Twelve and 13/100 foot (12.13') with a Radius of Ten and 00/100 feet (10.00') to a point thence running tangent;

South 23-25'-40" East Two Hundred Ninety Eight and 01/100 feet (298.01') to the intersection with Cliff Street, thence turning and running;

South 66-34'-20" West Two Hundred and 06/100 feet (200.06') to a point on a curve, thence running along the curve;

Northerly a Length of Fifty Three and 88/100 feet (53.88') with a Radius of Forty and 22/100 feet (40.22') to a point thence running tangent;

North 46-40'40" West Thirty-Eight and 44/100 feet (38.44') to a point along Columbia Terrace, thence running along a curve;

Southerly a length of One Hundred Fifty One and 25/100 feet (151.25') with a radius of Two Hundred Forty Six and 22/100 feet (246.22') along Columbia Terrace to a point, thence along a curve;

Northeasterly a length of Seventy-Five and 78/100 feet (75.78') with a radius of Sixty-Three and 78/100 feet (63.78') to a point thence running tangent along Cliff Street;

North 66-34'-20" East Two Hundred and 04/100 feet (200.04') to the intersection with Lancaster Road, thence turning and running;

South 23-25'-40" East Three Hundred One and 40/100 feet (301.40') to a point , thence turning and running;

North 66-34'-20" East Forty and 00/100 feet (40.00') to a point at a lot owned by Clean Harbors Inc., thence turning and running;

North 23-25'40" West Six Hundred Thirty Three and 19/100 feet (633.19') along Lancaster Road to the Point of Beginning.

Said Area of Discontinuance = 36,165.4 s.f.

PETITION OF K. SPILLANE LLC and BOOK SHE, LLC (collectively the "QUIRK ENTITIES" or "PETITIONER") TO DISCONTINUE CLIFF STREET AND PORTION OF LANCASTER ROAD AS SHOWN ON A PLAN ENTITLED "PROPOSED DISCONTINUANCE" PREPARED BY DeCELLE BURKE & ASSOCIATES, INC. DATED SEPTEMBER 25, 2014 (the "PLAN")

1. Nature of Petition: Pursuant to M.G.L. c. 82, sec. 21, the Petition requests discontinuance of Cliff Street and the portion of Lancaster Road shown on the Plan (see Exhibit No. 1). The "area of discontinuance" is described in Exhibit No. 2.
  
2. Reasons for Petition: M.G.L. c. 82, sec. 21 provides in pertinent part: "The Selectmen or road commissioners of a town or city council of a city may lay out, relocate or alter town ways...and a town, at a meeting, or the city council of a city, may *discontinue* a town way or private way" (Emphasis Supplied).<sup>1</sup> Cliff Street and Lancaster Road were laid out by the Selectmen in 1980. The roads, or portions thereof, were not constructed to Town standards. Without limitation, discontinuance, as requested by the Petition, will discontinue Town maintenance responsibility for the area of discontinuance. Over the past approximate

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<sup>1</sup> M.G.L. c. 41, sec. 81L provides in pertinent part: "In a city of town having a planning board established under section eighty-one A but which has not adopted an official map no public way shall be laid out, altered, relocated or discontinued, unless the proposed laying out alteration, relocation or discontinuance has been referred to the planning board of such city or town and such board has reported thereon, or has allowed forty-five days to elapse after such reference without submitting its report..."

twelve (12) years, the Quirk entities acquired property abutting and/or proximate to the area of discontinuance. The Quirk acquisitions included land formerly used as the Flibotte junkyard. The Quirk entities own property abutting the area of discontinuance. The area of discontinuance and surrounding property are zoned Highway Business District (the "HBD"). Single family residential use is not allowed in the HBD. Motor vehicle sales/service (dealership) is a use by right in the HBD.<sup>2</sup>

3. Requested Action: The Petitioner respectfully requests, pursuant to M.G.L. c. 82, sec. 21 that the Town of Braintree, by and through its Town Council, discontinue the Town ways shown as Cliff Street and the portion of Lancaster Road (shown as the proposed discontinuance area on the Plan) together with discontinuance of any public easement to travel in/over the area of discontinuance. The Petitioner further requests, upon discontinuance, that the Town release to the property owner(s) abutting the area of discontinuance any right, title and/or interest of the Town in the area of discontinuance and/or take such other action deemed necessary and/or advisable.<sup>3</sup>

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<sup>2</sup> Quirk auto is currently licensed to park/store motor vehicles proximate to the area of discontinuance.

<sup>3</sup> Abutters to a public way ordinarily hold the title to the fee to the center of the public way subject only to the easement of travelers to pass and repass. In re Opinion of the Justices, 297 Mass. 559, 562, 8 N.E.2d 179, 181

Petitioner reserves all rights including the right to modify and/or supplement the Petition.

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(1937). Perley v. Chandler, 6 Mass.454, 456, 1810 WL 952 (1810). Nylander, *infra*. Mass. Practice Series, Vol. 18B, sec. 23.12, Discontinuance of Public Ways. Once the road is discontinued, however, the public easement to travel over the road is terminated and the abutter holds the land free from public easement. Perley, *supra*. See also Nylander v. Potter, 423 Mass. 158 (1996), at page 161: "When the town of Warwick discontinued Bachellor Road as a town road, the landowners abutting the road had full ownership interest in the roadbed." Wright v. Walcott, 238 Mass. 432, 436 (1921). Perley, *supra*; Opinion of the Justices, *supra*.

#14-061



Office of the  
**Board of Assessors**

ONE JOHN FITZGERALD KENNEDY MEMORIAL DRIVE

BRAINTREE, MASSACHUSETTS 02184

TEL: (781) 794-8050 • (781) 794-8056

FAX: (781) 794-8068

DATE: September 25, 2014

OWNER: Paper Street, Portions of Lancaster Rd and Cliff St

APPLICANT: Petition of Book She LLC  
K Spillane LLC

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* (E.S.)

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

## Braintree

## Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
3046 0 13	QUINCY AV	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3046 0 14	PATTEN AV	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 17	LANCASTER RD	CLEAN HARBORS OF BRAINTREE	C/O INDUSTRIAL VAL SVCS	PO BOX 92108	AUSTIN	TX	78709
3047 0 18	LANCASTER RD	CLEAN HARBORS OF BRAINTREE	C/O INDUSTRIAL VAL SVCS	PO BOX 92108	AUSTIN	TX	78709
3047 0 19	LANCASTER RD	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 20	LANCASTER RD	BOOK SHE LLC	C/O QUIRK CHEVROLET	PO BOX 850972	BRAINTREE	MA	02185
3047 0 25	LANCASTER RD	BOOK SHE LLC	C/O QUIRK CHEVROLET	PO BOX 850972	BRAINTREE	MA	02185
3047 0 55	COLUMBIA TR	PETERS JOHN D	PETERS ROBERTA D	66 COLUMBIA TERRACE	BRAINTREE	MA	02184
3047 0 60	COLUMBIA TR	BRAINTREE TOWN OF		TOWN HALL	BRAINTREE	MA	02184
3047 0 61	COLUMBIA TR	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 62	COLUMBIA TR	DIGAETANO JULIUS R TRUSTEE	DIGAETANO COLUMBIA TEF	54 MIDDLE STREET	BRAINTREE	MA	02184
3047 0 63	COLUMBIA TR	DIGAETANO JULIUS R TRUSTEE	DIGAETANO COLUMBIA TEF	54 MIDDLE STREET	BRAINTREE	MA	02184
3047 0 64	COLUMBIA TR	DIGAETANO JULIUS R TRUSTEE	DIGAETANO COLUMBIA TEF	54 MIDDLE STREET	BRAINTREE	MA	02184
3047 0 67	COLUMBIA TR	DIGAETANO JULIUS R TRUSTEE	DIGAETANO COLUMBIA TEF	54 MIDDLE STREET	BRAINTREE	MA	02184
3047 0 68	COLUMBIA TR	BOOK SHE LLC	C/O QUIRK CHEVROLET	PO BOX 850972	BRAINTREE	MA	02185
3047 0 69	COLUMBIA TR	BOOK SHE LLC	C/O QUIRK CHEVROLET	PO BOX 850972	BRAINTREE	MA	02185
3047 0 72	COLUMBIA TR	BOOK SHE LLC	C/O QUIRK CHEVROLET	PO BOX 850972	BRAINTREE	MA	02185
3047 0 78	PATTEN AV	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185
3047 0 85	COLUMBIA TR	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 86	CLIFF ST	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 87	LANCASTER RD	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 88	LANCASTER RD	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972
3047 0 89	COLUMBIA TR	K SPILLANE LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	Braintree	MA	02185-0972
3048 0 3	QUINCY AV	MARCH FOURTH LLC	c/o DANIEL J QUIRK MGR	PO BOX 850972	BRAINTREE	MA	02185-0972

*End of Report*

# 1 4 - 0 6 1