

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

### September 15, 2015

## MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, September 15, 2015 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  
Paul Dan Clifford  
Shannon Hume  
Charles Kokoros  
John Mullaney  
Stephen C. O'Brien  
Michael Owens  
Charles Ryan

Also Present: Joseph C. Sullivan, Mayor  
Mike Coughlin, Chief of Staff  
Edward Spellman, Finance Director  
Richard Walsh, Veterans Agent  
Major Michael Schuler  
Ann Toland, Marge Crispin Center

### APPROVAL OF MINUTES

#### • August 18, 2015

**Motion:** by Councilor Powers to Approve Minutes of August 18, 2015

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

#### • September 1, 2015

**Motion:** by Councilor Powers to Approve Minutes of September 1, 2015

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

## **CORRESPONDENCE**

- 049 15 Council President: Recognition – Braintree Summer Travel Baseball Team
- 052 15 Council President/Councilor Clifford: Recognition - Major Michael Schuler

## **ANNOUNCEMENTS**

- 048 15 Councilor Clifford: United States Submarine Veterans, October 3<sup>rd</sup>
- 053 15 Councilor Mullaney: Run for the Roses, September 20<sup>th</sup>
- 055 15 Councilor Hume: BHS Athletic Association Golf Tournament, September 19<sup>th</sup>
- 056 15 Councilor Kokoros: Bizokas Golf Tournament, October 2<sup>nd</sup>
- 058 15 Council President: Flu Clinic, October 4<sup>th</sup>

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

- 057 15 Councilor Mullaney: Discussion - Tree Cutting

Councilor Mullaney said the tree take down on Hawthorn Road could have been done better. He suggested responsibility lie with the Mayor's office. A possible letter of understanding be written up.

Councilor Mullaney made a motion that this issue be sent to the Committee on Ordinance & Rules to discuss what can be done in the future.

**Motion:** by Councilor Mullaney to forward to the Committee on Ordinance & Rules

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

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

- 051 15 Council President/Councilor O'Brien: Travel Policy – Training/Seminar

**Motion:** by Councilor Powers to Approve Travel

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

## **OLD BUSINESS**

- 15 027 Retirement Board Members Compensation or take up any action relative thereto (**Public Hearing for the proposed Ordinance change**)

Motion by Councilor Powers to Open Public Hearing for Order 15 027

**Motion:** by Councilor Powers

**Second:** by Councilor Ryan

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 027?

Councilor Clifford, Chairman of the Committee on Ordinance & Rules stated this Order 15 027 was TABLED at the Committee on Ordinance & Rules meeting until some questions can be answered from the Town Solicitor at the Ordinance & Rules meeting on September 9, 2015.

The Committee on Ordinance & Rules held a meeting on September 9, 2015. The following was discussed and voted:

The Retirement Board members are volunteers. Volunteers should not get a stipend. This could make other volunteers in the Town start to look for stipends.

The Requested Motion is the following:

*That the Town vote to accept the provisions of M.G.L. c. 32, s. 20(6), as amended by Section 34 of Chapter 176 of the Acts of 2011, to allow the elected and appointed members of the Braintree Contributory Retirement Board to receive a stipend of not less than \$3,000 nor more than \$4,500 per year.*

At the O&R meeting on Sept. 9 the committee members voted to recommend **UNFAVORABLE** action to the full Council. The vote was For (4), Against (0), Abstain (1-Owens).

The Full Council met on September 15, 2015. The Chairman of the Committee on Ordinance & Rules, Dan Clifford stated the Retirement Board was requesting a small stipend. We voted on September 9, 2015 recommend UNFAVORABLE action to the full Council. We did not want to set a precedent.

Motion by Councilor Powers to Close Public Hearing for Order 15 027

**Motion:** by Councilor Powers

**Second:** by Councilor Ryan

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

The full Council did not hold a vote on this. They accepted the UNFAVORABLE recommendation from the Committee on Ordinance & Rules.

- 14 022 Council President: Update of Chapter 5-565: Peddling & Solicitation (Former By-Law chapter 5.32) or take up any action relative thereto (**PUBLIC HEARING**)

Motion by Councilor Powers to Open Public Hearing for Order 14 022

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 14 022?

Council President Bowes referred to Councilor Clifford (Committee Chair) for Committee on Ordinance & Rules for recommendation.

Chairman Clifford stated there were conflicts with fines and other amendments that needed to be made to this Council Order 14 022.

Carolyn Murray, Town Solicitor was present at the meeting to advise on the amendments.

Committee on Ordinance & Rules recommended FAVORABLE action to the full Council.

Councilor Hume asked if the Committee worked with the Police Department on this. Councilor Clifford replied yes Chief Jenkins gave us recommendations.

Councilor Kokoros stated the Public Safety Committee will see to it residents get informed and to recognized the lanyard as an authorized solicitor in Braintree.

Richard Walsh, Veterans Agent stated a safety concern has been taking place with individuals calling the phone saying they are Police, Fire, the Mayor or Dick Walsh of Veteran Services and ask to put a check in an envelope taped to your front door. This is a Scam. Do not do this ever!

Motion by Councilor Powers to Close Public Hearing for Order 14 022

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

Motion by Councilor Powers to Accept Order 14 022 as discussed and amended.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

Motion by Councilor O'Brien Amend the Approved Council Order 14 022

**Motion:** by Councilor O'Brien

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

**Section 5.565.050 Solicitation and Canvassing, D. Registration, 1. i**

- i. Each applicant or individual canvasser/solicitor must sign a release authorizing the Town of Braintree, acting by and through the Police Department or the Licensing Coordinator for the Board of License Commissioners, to process a Criminal Offender Record Information (C.O.R.I.) report for each individual canvasser/solicitor that has been completed in the past 60 days. **Each C.O.R.I. will cost the applicant or entity \$75.00, payable to the Town of Braintree.** If any applicant or individual canvasser/solicitor is from outside of Massachusetts, said applicant. Individual canvasser or solicitor shall provide a certified copy of said individual canvasser's or solicitor's equivalent Criminal Offender Record Information issued by said canvasser's or solicitor's state of resident for each of the seven years preceding the date of application. Applicants or individual canvassers/solicitors who have been convicted (found guilty) of any of the following offenses within the past seven years are prohibited from canvassing or soliciting in Braintree: burglary, drug distribution, level 2 and level 3 sex offenders, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct, and unlawfully carrying weapons;

Motion by Councilor O'Brien to Amend 5-565 D. 1. i Council Order 14 022

**Motion:** by Councilor O'Brien

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

- 15 034 Mayor: Salt Shed Replacement Transfers or take up any action relative thereto (PUBLIC HEARING)

Motion by Councilor Powers to Open Public Hearing for Order 15 034

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

Council President Bowes asked if any member of the Council or General Public want to speak on Order 15 034?

Chairman Mullaney of the Committee on Ways & Means stated the committee recommends favorable action to the full Council on Order 15 034. The previous Salt Shed collapsed this past winter. The new Salt Shed measures 60 x 96 feet. Both the footprint and height are larger than previous. It will be a modular pre-fabricated unit.

Motion by Councilor Powers to Close Public Hearing for Order 15 034

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

Motion: That the Town appropriate the amount of Three Hundred and Fifty Thousand Dollars (\$350,000) for the purpose of paying for the replacement of the town salt shed at the DPW yard. To meet this appropriation the sum of One Hundred and Seventy-Nine Thousand Six Hundred Seventy-One Dollars and Fifty-Two Cents (\$179,671.52) be transferred from the Town's Insurance recovery account and the sum of One Hundred and Seventy Thousand Three Hundred Twenty- Eight Dollars and Forty- Eight Cents of \$170,328.48 be transferred from the Building Capital Stabilization fund for a total of \$350,000.00 to the DPW Facilities and Equipment Maintenance Program 02\ Building Repair account.

Motion by Councilor Powers to Approve Order 15 034

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

- 033 15 Council President: Town Auditor Job Posting or take up any action relative thereto  
This item was TABLED at the Committee on Ways & Means to further discuss the posting of this job.

### **NEW BUSINESS**

- 15 036 Town Clerk: Call to the Town Election November 3, 2015 (Same Night Action Required)  
No Council Member opposed Same Night Action.

Motion: **TOWN CLERK, CALL OF THE REGULAR TOWN ELECTION, NOVEMBER 3, 2015.**

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, THE TOWN OF BRAINTREE IS HEREBY REQUIRED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN WHO ARE QUALIFIED TO VOTE IN THE REGULAR TOWN ELECTION ON TUESDAY, NOVEMBER 3, 2015 FROM 7:00 AM TO 8:00 PM, TO VOTE AT THE POLLING PLACES IN THEIR RESPECTIVE PRECINCTS FOR THE FOLLOWING PURPOSE:

To cast their votes on the official ballot for: One (1) Mayor for a term of four years; Three (3) Councilors-At-Large for a term of two years; Six (6) District Councilors for a term of two years; Three (3) School Committee members for a term of four years; Five (5) Trustees Thayer Public Library for a term of four years; One (1) Municipal Lighting Board members for a term of four years; and Two (2) Housing Authority members for a term of four years.

Motion by Councilor Powers to Approve Order 15 036

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0), Absent (0), Abstain (0)

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

- 15 037 Mayor: Conveyance of Property – Lot 99

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

- 050 15 Discussion: Lyme Disease and Deer Population in Braintree
- 054 15 Discussion: Commission on Disabilities Proposal to Establish a Campaign on Community Accessibility

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

UPCOMING MEETINGS:

Next Council Meeting - **TUESDAY, OCTOBER 6, 2015@ 7:30pm**

#### **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:32p.m.

Respectfully submitted,

Susan M. Cimino

Clerk of the Council

### **Documents provided for Meeting**

- August 18, 2015 Council Meeting Minutes
- September 1, 2015 Council Meeting Minutes
- 057 15 Councilor Mullaney: Discussion - Tree Cutting
- 051 15 Council President/Councilor O'Brien: Travel Policy – Training/Seminar
- 15 027 Retirement Board Members Compensation
- 14 022 Council President: Update of Chapter 5-565: Peddling & Solicitation (Former By-Law chapter 5.32)
- 15 034 Mayor: Salt Shed Replacement Transfers
- 033 15 Council President: Town Auditor Job Posting or take up any action relative thereto
- 15 036 Town Clerk: Call to the Town Election November 3, 2015