

Sean E. Powers  
President  
At Large

Shannon L. Hume  
At Large

CHARLES C. Kokoros  
District 1

John C. Mullaney  
District 2

Thomas M. Bowes  
District 3



Charles B. Ryan  
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

### NOVEMBER 15, 2016

### MINUTES

A meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on November 15, 2016 beginning at 7:30p.m.

Council President Powers was in the chair.

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

Also Present: Mayor Joseph C. Sullivan  
Chief Paul Shastany, Police Chief  
Lisa Maki, Town Solicitor  
Dr. Frank Hackett, School Superintendent  
Edward Spellman, Jr  
James Arsenault, DPW Director  
Paul McSoley, Fire Dept. Finance Administrator  
Raymond Kasperowicz, Town Auditor  
Kate Naughton, School Committee  
Dennis Regan, National Grid

#### ANNOUNCEMENTS

- 067 16 Council President: A Lifeline for those concerned about a loved one's Addiction (MassBar)
- 120 16 Council President: 7<sup>th</sup> Annual Christmas Party December 1, Granite Grill
- 121 16 Council President: Marge Crispin Center – Holiday Season Fundraising/Food Collections
- 124 16 Council President: Holiday Open House, Dec. 11 Town Hall 1-4pm
- 125 16 Council President: BHS Sports Teams - Thanksgiving Rally (Football, Cheerleading, Dance) Seniors, Captains and Coaches were in attendance.

## **APPROVAL OF MINUTES**

- November 1, 2016

Motion made by Councilor Ryan to Approve Minutes of November 1, 2016

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

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

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

- 126 16 Council President: Introduction of Chief Shastany and Mayor's Update to the Council  
Mayor Sullivan stated we are working through a difficult situation. The evidence investigation continues. Town Solicitor, Lisa Maki is in touch with the Attorney General's office and this is ongoing. Dan Linsky is helping with the evidence room and training of the officers and this is ongoing.  
October 7, 2016 Chief Shastany joined us. The Chief has integrity and a lot of experience in this area of evidence. Mayor Sullivan stated this is a painful period of time. We are taking corrective steps so this does not happen in the future.

Chief Shastany stated it is an honor and privilege to be here to serve you. I am guided by high integrity standards. I was driven to come and help. I believe in meeting with the officers and asking for their input. Braintree will be looked at for their state of the art accountability and how to handle evidence in the future.

## **OLD BUSINESS**

- 16 060 National Grid Petition: MBTA Track Heater Elm Street and Old Elm Street or take up any action relative thereto

Council President Powers referred to DPW Committee Chair Councilor Mullaney on recommendations.

Councilor Mullaney stated this is recommended for favorable action to the full council.

Councilor Ryan read the following MOTION:

**To install and maintain approximately 60 feet more or less of 2 inch gas main in Old Elm Street, from the existing 6 inch gas main at building # 131-145 southerly to 129A Elm Street, the MBTA Track Heater with the following conditions:**

**BELD:** BELD Engineering has reviewed this permit and has no underground electric utility conflicts within the proposed scope of work.

**DPW:** This section of Elm Street and Service Road is not under the moratorium. The street has not been resurfaced in several years. We recommend that the petition for this section 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."

**(PUBLIC HEARINGS:)**

• **16 058 Mayor: Fiscal Year 2017 Supplemental Appropriations #1 or take up any action relative thereto**

Motion by Councilor Ryan to TAKE FROM the TABLE Order 16 058 and RECONVENE the Public Hearing

Second: by Councilor Hume

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

Council President Powers asked if any member of the Council or anyone from the public would like to speak on Order 16 058.

Councilor O'Brien stated he did ask Dr. Hackett about a new building vs. renovations. Dr. Hackett stated it is the best choice for our money.

Councilor Hume stated this is the best scenario for the Town of Braintree. Every option has been discussed and looked at. We looked into building a new High School and renovating the elementary schools and the MSBA has stated they would not partner with us on both projects.

Mayor Sullivan stated we did look at building a new high school. The MSBA said they would not give us any funds towards it. This will free up 22 classrooms town-wide. It will enhance our entire system. Then we can do more improvements at South.

**Motion:** by Councilor Ryan to Close Public Hearing on Order 16 058

**Second:** by Councilor Bowes

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

Councilor Ryan read the following Motions:

1. School Building Committee

**MOTION:** That the Town appropriate the amount of Two Hundred and Eighty-Six Thousand Nine Hundred and Seventy Four (\$286,974) Dollars for the purpose of paying costs of additional funding for a feasibility study for extraordinary repairs, including but not limited to substantial renovations and/or an addition thereto the East Middle School, located at 305 River Street, Braintree Massachusetts 02184, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the sum of and Sixty- Nine Thousand and twenty-three (\$69,023) dollars will be transferred from the Town's Stabilization fund and the balance of Two Hundred and Seventeen Thousand Nine Hundred and Fifty-One (\$217,951) Dollars will come from the Tax Levy. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

2. Sewer Enterprise Fund

**MOTION:** That the sum of \$50,000 be transferred from the Water Enterprise Administration program/ Legal account, \$15,000 be transferred from the Water Enterprise Administration program/ Software account,

\$15,000 be transferred from the Water Enterprise Building maintenance program/ Light account, \$25,000 be transferred from the Water Enterprise Building maintenance program/ Gas account, \$25,000 be transferred from the Water Enterprise Treatment Division program/ Chemical account, \$5,000 be transferred from the Water Enterprise Treatment Division program/ Sludge Management account and the sum of \$137,917 be transferred from the Fiscal Year 2016 certified Retained Earnings of the Water Sewer Enterprise Fund for a total of \$272,917 to be transferred to the Sewer Enterprise fund MRWA program /MWRA Sewer Assessment account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

### 3. Finance Division – Principal on Bonds

**MOTION:** That the sum of \$4,500 be transferred from the Town’s Stabilization fund to the Finance Department / Program 50 Debt Principal/ Bond Principal account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

### 4. Finance Division – Interest on Bonds

**MOTION:** That the sum of \$24,555 be transferred from the Town’s Stabilization fund to the Finance Department / Program 51 Debt Interest / Bond Interest account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

### 5. Water Enterprise Fund

**MOTION:** That the sum of \$19,178 be transferred from the Water Sewer Enterprise Fund Fiscal Year 2016 certified Retained Earnings to the Water Enterprise / Program 50 Debt Principal/ Bond Principal account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

### 6. Water Enterprise Fund

**MOTION:** That the sum of \$13,063 be transferred from the Water Sewer Enterprise Fund Fiscal Year 2016 certified Retained Earnings to the Water Enterprise / Program 51 Debt Interest / Bond Interest account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

### 7. Sewer Enterprise Fund

**MOTION:** That the sum of \$1,800 be transferred from the Water Sewer Enterprise Fund Fiscal Year 2016 certified Retained Earnings to the Sewer Enterprise / Program 50 Debt Principal/ Bond Principal account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

8. Sewer Enterprise Fund

**MOTION:** That the sum of \$779 be transferred from the Water Sewer Enterprise Fund Fiscal Year 2016 certified Retained Earnings to the Sewer Enterprise / Program 51 Debt Interest / Bond Interest account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

9. Golf Enterprise Fund

**MOTION:** That the sum of \$5,200 be transferred from the Golf Enterprise Fund Fiscal Year 2016 certified Retained Earnings to the Golf Enterprise / Program 50 Debt Principal/ Bond Principal account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

10. Golf Enterprise Fund

**MOTION:** That the sum of \$1,776 be transferred from the Golf Enterprise Fund from the Fiscal Year 2016 certified Retained Earnings to the Golf Enterprise/ Program 51 Debt Interest / Bond Interest account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

11. Mayor's Office

**MOTION:** That the sum of \$25,000 be transferred from the Mayors Department/ Program-01 Administration / Opioid education and prevention account to the Mayors Department/ Program 60/ Opioid education and prevention article

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

12. Law Department

**MOTION:** That the sum of \$160,000 be transferred from the Town's Stabilization Fund to the Law Department/ Administration Program 01 / Legal Services account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

The original #13 request was revised by Mayor Sullivan after the Ways & Means Committee meeting. Funds to be transferred from the **Town's Stabilization Fund instead of the original request from the Town Council's Reserve fund:**

13. Law Department REVISED MOTION

**MOTION:** That the sum of \$40,000 be transferred from the **Town's Stabilization Fund** to the Law Department/ Administration Program 01 / Expert Witness Services account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

The below ORIGINAL REQUEST was not voted on at full Council:

13. Law Department

**MOTION:** That the sum of \$40,000 be transferred from the **Town Council's Reserve fund** Program 02 / Reserve Fund account to the Law Department/ Administration Program 01 / Expert Witness Services account.

14. Police Department

**MOTION:** That the sum of \$30,000 be transferred from the Town's Stabilization Fund to the Police Department / Patrol Bureau Program 04 / Staff Development& Training account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

15. Department of Public Works

**MOTION:** That the sum of \$4,000 be transferred from the Town's Stabilization Fund to the Department of Public Works / DPW Construction Administration Program 05 / Photo Copier Rental account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

16 Treasurer Collector's Department

**MOTION:** That the sum of \$5,000 be transferred from the Town's Stabilization Fund to the Finance Department / Treasurer Collectors Department Program 10 / Tax Titles account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

17. Fire Department

**MOTION:** That the sum of \$33,815 be transferred from the Town's Insurance Recovery account, \$7,000 be transferred from the Fire Department/ Building maintenance program 02\ Natural Gas line, \$5,485 be transferred from Fire Department Equipment Maintenance program 03 \ Parts and Accessories account, \$1,000 from the Finance Department General Insurance program 09 \ Insurance Deductible account for a total of \$ 47,300 to be transferred to the Fire Department / capital projects Program 62 / Fire vehicle replacement account.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

• **16 061 Mayor: Tax Rate Classification or take up any action relative thereto**

Motion by Councilor Ryan to OPEN the Public Hearing

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Motion by Councilor Ryan to TABLE the Public Hearing and CONTINUE to December 6, 2016

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

• **16 063 Mayor: Request to Approve the FY 17 Capital Plan or take up any action relative thereto**

Motion by Councilor Ryan to OPEN the Public Hearing

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Motion by Councilor Ryan to TABLE the Public Hearing and CONTINUE to December 6, 2016

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

• **16 064 Mayor: Request for Appropriation - Fiscal Year 2017 General Fund Capital Budget or take up any action relative thereto**

Motion by Councilor Ryan to OPEN the Public Hearing

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Motion by Councilor Ryan to TABLE the Public Hearing and CONTINUE to December 6, 2016

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

• **16 065 Mayor: Request for Appropriation – Fiscal Year 2017 Enterprise Funds Capital Budget or take up any action relative thereto**

Motion by Councilor Ryan to OPEN the Public Hearing

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Motion by Councilor Ryan to TABLE the Public Hearing and CONTINUE to December 6, 2016

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

- **16 066 Mayor: Request for Appropriation – FY 2017 Capital Budget - Other Available Funds or take up any action relative thereto**

Motion by Councilor Ryan to OPEN the Public Hearing

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Motion by Councilor Ryan to TABLE the Public Hearing and CONTINUE to December 6, 2016

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

## **NEW BUSINESS**

- None

Motion by Councilor Ryan to refer the following to Committees:

Councilor Kokoros proposed Same Night Action for Order 16 067 and Order 16 068.

Council President Powers asked if a member has any objection to Same Night Action.

Hearing none the following Order 16 067 and Order 16 068 were unanimously voted:

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

- 16 067 Mayor: Re-Appointment Edward Spellman, Jr – Braintree Contributory Retirement Board or take up any action relative thereto

Motion: by Councilor Ryan to Approve the Re-Appointment of Edward Spellman, Jr.

Second: by Councilor Bowes

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

- 16 068 Mayor: Re-Appointment Peter J. Morin - Braintree Contributory Retirement Board or take up any action relative thereto

Motion: by Councilor Ryan to Approve the Re-Appointment of Peter J. Morin

Second: by Councilor Bowes

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

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

- 16 069 Council President: Amendment to Council Rule 32: Standing Committees or take up any action relative thereto

Motion: by Councilor Ryan

Second: by Councilor Bowes

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



**Refer to the Committee on the Department of Public Works**

- 128 16 Councilor Mullaney: Traffic Update Elm Street and Side Streets or take up any action relative thereto
  - Motion: by Councilor Ryan
  - Second: by Councilor Bowes
  - Vote: For (9), Against (0), Absent (0), Abstain (0)

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

**UPCOMING MEETINGS:**

Next Council Meeting is - **TUESDAY, December 6, 2016@ 7:30pm**

**ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:48p.m.

Respectfully submitted,

Susan M. Cimino  
Clerk of the Council

**Documents provided for Meeting**

- 16 060 National Grid Petition: MBTA Track Heater Elm Street and Old Elm Street or take up any action relative thereto
- 16 058 Mayor: Fiscal Year 2017 Supplemental Appropriations #1 or take up any action relative thereto
- 16 061 Mayor: Tax Rate Classification or take up any action relative thereto
- 16 063 Mayor: Request to Approve the FY 17 Capital Plan or take up any action relative thereto
- 16 064 Mayor: Request for Appropriation - Fiscal Year 2017 General Fund Capital Budget or take up any action relative thereto
- 16 065 Mayor: Request for Appropriation – Fiscal Year 2017 Enterprise Funds Capital Budget or take up any action relative thereto
- 16 066 Mayor: Request for Appropriation – FY 2017 Capital Budget - Other Available Funds or take up any action relative thereto