

1. 6:30 P.M. Committee Of Ways & Means

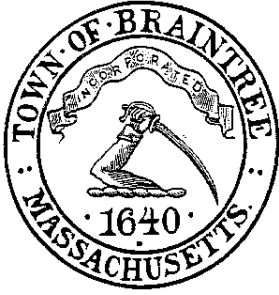
Documents:

[22 FEB 15 WM AGENDA.PDF](#)

2. 6:30 P.M. Committee Of Ways & Means

Documents:

[22 FEB 15 WM MTG.PDF](#)



Braintree Town Council
Committee of Ways & Means
One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

Joseph Reynolds, Chairman
Julia Flaherty, Vice-Chairwoman
Lawrence Mackin, Member
Elizabeth Maglio, Member

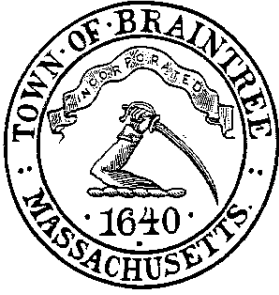
AGENDA

Tuesday, February 15, 2022

Starting Time – 6:30pm

Johnson Chambers

1. Roll Call
2. Approval of Minutes
 - November 30, 2021
3. Old Business
 - None
4. New Business
 - 22 005 Mayor: Home Rule Petition—Retirement of Officer Richard Seibert or take up any action relative thereto
5. Adjournment



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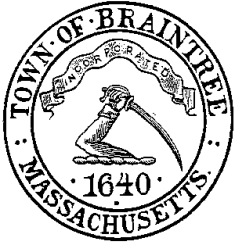
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Committee of Ways & Means

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

Meredith Boericke, Chairwoman
Charles Ryan, Vice-Chair
Donna Connors, Member
Julia Flaherty, Member
Steven Sciascia, Member

MINUTES

Tuesday, November 30 2021

A meeting of the Committee of Ways & Means was held Remote via Zoom Webinar, on Tuesday, November 30, 2021 at 6:00p.m.

Councilor Boericke was in the Chair.

Clerk of the Council, Susan M. Cimino conducted the roll call.

Present: Meredith Boericke, Chairwoman
Charles Ryan, Vice-Chairman
Donna Connors, Member
Julia Flaherty, Member
Steven Sciascia, Member

Also Present: Nicole Taub, Chief of Staff/Town Solicitor
Crystal Huff, Asst Town Solicitor
Ed Spellman, Director of Municipal Finance
Melissa SantucciRozzi, Planning Director
Board of Assessor's: Robert Cusack and Robert Connolly
Melissa Traft, Windjammer Cove
Matt Gaulinger, Windjammer Cove

The meeting was opened with the pledge of allegiance to the flag followed by a moment of silence for all those serving in our armed services, past and present.

Approval of Minutes

• October 19, 2021

Motion by Councilor Ryan to approve Minutes of October 19, 2021

Motion: by Councilor Ryan to approve Minutes of October 19, 2021

Second: by Councilor Connors

Vote: For (5—Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

Old Business

- **21 027 Mayor: Ordinance to Establish a Centralized Maintenance Department or take up any action related thereto** (To Be Tabled to next W&M) (*Public Hearing 12/7/21 at full Council*)

Chairwoman Boericke stated this item will not be taken up this evening.

Motion by Councilor Ryan to **TABLE Order 21 027** to a future meeting

MOTION: to TABLE Order 21 027 to a future meeting

Motion: by Councilor Ryan to **TABLE Order 21 027** to a future meeting

Second: by Councilor Connors

Vote: For (5–Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

New Business (*Public Hearings on 12/7/21 at full Council*)

- **21 057 Mayor: Tax Rate Classification or take up any action relative thereto**

Ed Spellman, Director of Municipal Finance stated this year we are again recommending the maximum tax shift from residential to commercial tax rate. We are shifting up the maximum portion allowable under the statute to give the residents the biggest tax break. With this shift the residential tax is \$9.95. With no shift it would be \$12.32. By doing this maximum shift we are basically shifting a portion of the tax of the average residential homeowner over to the commercial rate. The average residential home in Braintree is valued at \$563,445. That is up from last years value of \$521,835. The projected tax would be \$5,606.28 or an increase of about \$414. That is broken out into two components. The debt exclusion is about 25% or \$140.86 of the \$414 and \$273.16 is in line with some of the previous years tax increases.

Councilor Sciascia brought up the idea of a variable tax rate for residents. A discussion took place.

Chairwoman Boericke stated last years commercial change was less than a percent. This year is almost 3 1/2 percent. How did the commercial rate increase with the pandemic.

Board of Assessor Chairman Cusack stated we will see the impact later on more from the year 2021. The data is basically behind 2 years the fiscal year you are looking at. Next year the residential rate will likely increase due to commercial growth decreasing.

Motions read by Councilor Connors for favorable recommendation to the full Council Order 21 057 (1) through (4):

MOTIONS:

1. To apply the tax rate classification shift.

MOTION: Be it ordained that the Town of Braintree, through the Braintree Town 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.

Motion: by Councilor Connors for favorable recommendation to the full Council Order 21 055 (1)

Second: by Councilor Ryan

Vote: For (5–Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

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 November 23, 2021 and as filed with the Office of the Town Clerk.

Motion: by Councilor Connors for favorable recommendation to the full Council Order 21 055 (2)

Second: by Councilor Flaherty

Vote: For (5–Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

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 November 23, 2021 and as filed with the Office of the Town Clerk to decline the "Open Space" discount.

Motion: by Councilor Connors for favorable recommendation to the full Council Order 21 055 (3)

Second: by Councilor Ryan

Vote: For (5–Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

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 November 23, 2021, and as filed with the Office of the Town Clerk to decline the adoption of the "Residential Exemption."

Motion: by Councilor Connors for favorable recommendation to the full Council Order 21 055 (4)

Second: by Councilor Ryan

Vote: For (5–Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

- **21 058 Mayor: CPA Appropriation—Request for Appropriation-Windjammer Cove Affordable Conversion Project or take up any action relative thereto**

Crystal Huff, Assistant Town Solicitor stated this request adds 19 units to our SHI and makes all of the units eligible inclusion as well which is a total of 73 units.

Melissa SantucciRozzi, Director of Planning & Community Development stated we have been working on how to get the current two-bedroom rental market rate units to convert them into deed restricted affordable units. We worked hard to make sure we could include this in our minimum 40b safe harbor threshold. We went to the Community Preservation Committee and they were excited for us to propose use for affordable housing.

Councilor Ryan stated I want to commend Mayor Kokoros and all the staff involved with this to get us to our safe harbor numbers.

Chairwoman Boericke asked if these units will be fully in our affordable housing count by July 2023. Ms. SantucciRozzi stated yes that is the goal.

Chairwoman Boericke stated it looks like there are stairs. Do these not have to be ADA compliant with the state?

Ms. SantucciRozzi stated it would be with a new development but this is an existing development.

Motion read by Councilor Ryan for favorable recommendation to the full Council Order 21 058:

MOTION: That in accordance with the provisions of Chapter 44B of the General Laws, and with the recommendation of the Community Preservation Committee, the total appropriation of \$993,856.00, with \$700,000.00 from the Housing Fund and \$293,856.00 from the Unreserved Fund, to fund a portion of the cost associated with the Memorandum of Understanding that details the requirements for the "Windjammer Cove Affordable Conversion Project," (Assessors Map 3007, Plot 2). Said funds shall be expended under the direction of the Community Preservation Committee and the Director of Planning & Community Development.

Motion: by Councilor Ryan for favorable recommendation to the full Council Order 21 058

Second: by Councilor Connors

Vote: For (5—Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

- **21 059 Mayor: Request for Authorization - to Spend \$1,102,960.00 from the Turtle Crossing Settlement Fund for Windjammer Cove Affordable Conversion Project or take up any action relative thereto**

Melissa SantucciRozzi, Director of Planning & Community Development explained these funds were here because an owner of an affordable unit is not allowed to make over a certain amount of money. The money was given back to the municipality.

Motion read by Councilor Ryan for favorable recommendation to the full Council Order 21 059:

MOTION: That the Town Council authorize the Town, acting through the Mayor, to expend funds in the amount of one million one hundred two thousand nine hundred and sixty dollars (\$1,102,960) from the Turtle Crossing Settlement Fund to partially fund the execution and recording of a deed restriction on the property located at 79 Shaw Street (Assessors Map 3007, Plot 2) that designates at least twenty five percent (25%) of the units as affordable as described in the Memorandum of Understanding for the "Windjammer Cove Affordable Conversion Project."

Motion: by Councilor Ryan for favorable recommendation to the full Council Order 21 059

Second: by Councilor Connors

Vote: For (5–Boericke, Connors, Flaherty, Ryan, Sciascia), Against (0), Absent (0), Abstain (0)

It was unanimously voted to adjourn the meeting at 7:25p.m. by Roll Call Vote.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- Minutes of October 19, 2021
- 21 027 Mayor: Ordinance to Establish a Centralized Maintenance Department or take up any action related thereto (To Be Tabled to next W&M) (Public Hearing 12/7/21 at full Council)
- 21 057 Mayor: Tax Rate Classification or take up any action relative thereto
- 21 058 Mayor: CPA Appropriation—Request for Appropriation-Windjammer Cove Affordable Conversion Project or take up any action relative thereto
- 21 059 Mayor: Request for Authorization - to Spend \$1,102,960.00 from the Turtle Crossing Settlement Fund for Windjammer Cove Affordable Conversion Project or take up any action relative thereto



Office of the Mayor

One JFK Memorial Drive
Braintree, Massachusetts 02184

Charles C. Kokoros
Mayor

781-794-8100

To: Meredith Boericke, President of the Council
Susan Cimino, Clerk of the Council
James Casey, Town Clerk

From: Charles C. Kokoros, Mayor *CEK*

CC: Nicole I. Taub, Chief of Staff and Director of Operations
Edward Spellman, Director of Municipal Finance
Mark Dubois, Chief, Braintree Police Department

Date: January 31, 2022

Re: Home Rule Petition—Retirement of Braintree Police Officer Richard Seibert

Dear President Boericke, Clerk Cimino and Clerk Casey,

I am writing to request your support and authorization to file a Home Rule Petition on behalf of Braintree Police Officer Richard Seibert. Officer Seibert was appointed to the Braintree Police Department as a patrol officer in January 2005. For twelve years, Officer Seibert was assigned as a K9 Officer with his partner, Lucky, and the team has had an incredibly successful tenure working with municipal, state and federal law enforcement. For example, Officer Seibert and K9 Lucky's efforts have led to the seizure of millions of dollars of currency and real property derived from, or used to facilitate, the illegal manufacturing, packaging and/or sale of narcotics. Additionally, due to their hard work and dedication, millions of dollars' worth of illegal narcotics have been taken off the streets and hundreds of local, state and federal search warrants have been issued, leading to hundreds of arrests and convictions.

Prior to joining the Braintree Police Department, Officer Seibert served in the United States Army. While in the military, Officer Seibert attended and graduated Medic Training at Fort Sam, located in Houston, Texas, the Basic Mountaineering Leadership Course in Fort Greely, Alaska and the Military Police Course in Fort Dix, New Jersey. Officer Seibert also served in numerous combat deployments including in Somalia, Haiti and Afghanistan.

On June 4, 2021, Officer Seibert and Lucky were among the officers dispatched to a call for a domestic dispute involving a firearm in Braintree Village. The suspect had fled the apartment complex and traveled on foot into the wooded area with multiple firearms. Officers Seibert, William Cushing and Matthew Donoghue entered the area in search of the suspect. While closing in on the suspect's location, the officers were ambushed and gunfire was exchanged. Officers Cushing and Donoghue sustained multiple gunshot wounds from close range and Officer Seibert, a combat medic of the United States Army, was able to provide immediate medical attention before the officers could be transported to area hospitals for further treatment.

Due to injuries suffered during the incident, Officer Seibert has been unable to return to work and it has been reported that he will remain permanently incapacitated from performing the essential duties of a police officer. Therefore, in order to ensure that Officer Seibert receives the full benefit of his service upon retirement, I am requesting your support for the enclosed home rule petition providing for his retirement.

Specifically, the home rule petition allows Officer Seibert to retire in accordance with M.G.L. c. 32 s. 7. Further, that the annual amount of the pension payable to Officer Seibert shall be equal to the regular rate of pay that would have been payable to him had he been able to continue serving as a Braintree police officer until his death or reaching of age 65 (the maximum allowable age for service as a police officer in the Commonwealth). Upon reaching the age of 65, Officer Seibert will receive a pension in an amount equal to 80% of the average annual rate of pay paid to him in the previous 12 months. Finally, if Officer Seibert is married at the time of his retirement, then, upon his death, his surviving spouse shall receive a pension in the amount of 75% of the annualized amount of the pension payable to Officer Seibert on the date of his death.

The additional benefits payable pursuant to the legislation shall be funded and administered by the retirement board.

In addition to the draft home rule petition enclosed herein, letters of support from Chief Mark Dubois and the Braintree Police Officers Association are forthcoming.

Thank you.

**AN ACT PROVIDING FOR THE RETIREMENT OF RICHARD SEIBERT, A
POLICE OFFICER IN THE CITY KNOWN AS THE TOWN OF
BRAINTREE**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary and in order to promote the public good, the retirement board of the city known as the Town of Braintree shall retire Richard Seibert, a police officer in the Braintree Police Department, who was injured in the line of duty and, as a result, is permanently incapacitated from performing the essential duties of a police officer. The retirement benefits shall be paid and administered in accordance with section 7 of chapter 32 of the General Laws. Upon retirement, Richard Seibert shall receive a lump sum payment from the retirement board equal to his total accumulated retirement deductions.

(b) The annual amount of pension payable to Richard Seibert shall be equal to the regular rate of compensation that would have been payable to him had he continued in service as a police officer at the grade held by him at the time of his retirement until his death or until reaching age 65, whichever first occurs. The retirement shall become effective commencing on the date immediately following the final day for which Richard Seibert received regular compensation for such employment. The additional benefits granted in this act shall be funded and administered by the retirement board of the city known as the Town of Braintree, consistent with and subject to said chapter 32, except that sections 8, 91 and 91A of said chapter 32 shall not apply. All amounts paid under this act shall be exempt from state and local taxation, and exempt from federal taxation to the extent allowable under federal tax law.

(c) Upon attaining age 65, Richard Seibert shall receive a pension pursuant to section 7 of said chapter 32, the yearly amount of which shall be equal to 80 percent of the average annual rate of compensation paid to him in the previous 12 months.

(d) If Richard Seibert shall be married at the time of his retirement, then, upon his death, the retirement board of the city known as the Town of Braintree shall pay his surviving spouse if then living, a pension, payable in monthly installments in the amount of 75 percent of the annualized amount of the pension payable to Richard Seibert on the date of his death. The pension shall be subject to section 103 of said chapter 32.

(e) Richard Seibert shall be indemnified for hospital, medical and other healthcare expenses related to treatment of injuries sustained while in the line of duty on June 4, 2021 not otherwise covered by health insurance.

SECTION 2. This act shall take effect upon its passage.



Mark Dubois
CHIEF OF POLICE

Town of Braintree

POLICE DEPARTMENT

282 Union Street
Braintree, Massachusetts 02184

Phone: (781) 794-8635
Fax: (781) 794-8698

Braintree Town Council,

Please accept my endorsement and this letter of support for the passage of the "Act Providing for the Retirement of Richard Seibert, A Police Officer in the Town of Braintree."

Richard Seibert has been employed as a Police Officer in Braintree since January of 2005. Prior to his employment with Braintree, Officer Seibert served with distinction for fourteen years in the United States Army (1991- 2004). During his service in the 10th Mountain Division, he deployed to Somalia, Haiti, and Afghanistan. He retired at the rank of Military Police Sergeant.

During his entire time with the Braintree Police, Officer Seibert has served in the uniformed Patrol Division. For the last twelve years, has worked as a K9 Officer with his partner Lucky, a narcotic trained Labrador Retriever. Together they have been one of the most prolific K9 teams in the state, intercepting hundreds of pounds of illegal narcotics and seizing millions of dollars' worth of cash and assets derived from drug trafficking.

During the course of his career, Officer Seibert has been involved in numerous critical incidents and extraordinary circumstances. On one occasion in 2017, Officer Seibert was violently attacked on duty by a mentally ill subject and sustained injuries that kept him out of work for nine months. He worked hard to rehabilitate his injuries and returned to work in 2018.

Officer Seibert is known to be an officer that other officers and supervisors could rely on. He is a firearms instructor and tactically proficient. Drawing from his experience as a trained combat medic in the Army, Officer Seibert was always an asset on medical calls or instances of persons suffering from traumatic injury. He is a talented medic who can stabilize most injuries in the field. This talent was critical to the relatively positive outcome on June 4, 2021.

Officer Seibert was working a day shift on June 4 when he was called to respond to a report of a violent domestic disturbance on McCusker Dr. As the suspect fled, a K9 was called in to assist. Officer Cushing responded with his K9 partner Kitt. Officer Seibert volunteered to serve as a cover officer for the wooded search. Along with Officer Donoghue, the three officers and K9 Kitt began a track. Within a few minutes, the officers and K9 found themselves under attack by a gunman. K9 Kitt was killed, Officer Cushing grievously injured, and Officer Donoghue was struck by gunfire. Cushing was knocked down; however, he and Donoghue valiantly returned fire. As K9 Kitt lay dead between the suspect and the officers, the suspect continued to fire. Officer Seibert immediately responded with his rifle to stop the threat. Once the threat was mitigated, Seibert transitioned to the immediate care of his fellow officers. He rendered life-saving aid to Officer Cushing and treated Officer Donoghue's injuries. Looking at K9 Kitt, Officer Seibert knew there was nothing that could be done. Throughout this ordeal, Officer Seibert

"In Partnership With Our Community"

also calmly communicated vital information over the radio to other officers. Soon, many officers arrived and assisted.

This department was fortunate to have Officer Seibert working on June 4th. He possesses the skills, experience, and demeanor to help resolve this incident. However, the sights, sounds, and experience of that day is something that continues to stay with him. Due to the effects that this trauma has had on Officer Seibert, I respectfully request favorable action on this petition. Officer Seibert has supported this community faithfully for 18 years. My hope is that the Braintree community continues to support Officer Seibert so that he may retire and continue to care for his young family.

Respectfully submitted,



Mark W. Dubois



Braintree Police Officers Association

Massachusetts Coalition of Police, AFL-CIO, Local 365
282 Union Street, Braintree, MA 02184
781-843-1212



30 January 2022

TO: Braintree Town Council Members

RE: Home Rule Petition, Retirement of Officer Richard Seibert

Council Members,

It is with respect, honor, and compassion that the Braintree Police Officers Association (BPOA) and the Braintree Police Superior Officers Association (BPSOA) support and request favorable action on the Home Rule Petition, Retirement of Officer Richard Seibert.

To know Officer Seibert is a privilege and an honor, he is the type of person that will and has gone above and beyond for the Town of Braintree and its residents. Officer Seibert was first hired as a police officer in January 2005. Throughout his career he has received multiple awards, to include but not limited to Several Police Letters of Commendation, and dozens of favorable letters from citizens of Braintree writing to thank Officer Seibert for his hard work and compassion.

Officer Seibert has been assigned to the position of K9 Officer in the Patrol Division with his Partner Lucky since 2010. K9 Lucky is a trained drug dog; he and Officer Seibert are responsible for countless drug seizures in their 12 years together. In those 12 years Officer Seibert and Lucky were able to get millions of dollars and assets off the street that were directly linked to illegal drugs.

Spending his career in the Patrol Division aiding the public has put Officer Seibert at the forefront of many critical incidents throughout his career. The most recent occurring on June 4, 2021.

On June 4, 2021 Officer Seibert and his partner Lucky were working the dayshift, around 1245 hours he was dispatched with other officers for a domestic violence call where the suspect had left on foot and was reportedly armed. As the investigation was progressing Officer Cushing and his Patrol K9 Kitt were requested to locate the suspect. Officer Seibert was designated to assist Officer Cushing and K9 Kitt. Eventually security footage showed where the suspect entered the woods, due to the location a third Officer was requested to assist with the K9 Track (Officer Donoghue). Once Officer Donoghue arrived the track into the woods began.

Soon after beginning the track, the suspect was located behind a rock. After commands to drop the gun, the suspect suddenly opened fire on Officers Seibert, Cushing, Donoghue, and K9 Kitt. All three Officers engaged the suspect with return fire. K9 Kitt was shot multiple times as well as Officer Cushing and Donoghue. Officer Seibert, stepped beyond the wounded officers and engaged the suspect with his rifle. All three officers returned fire until the threat was stopped. With the suspect downed, Officer Seibert, an Army combat medic, rendered life-saving aid to Officer Cushing and treated Officer Donoghue's injuries. Unfortunately, he was not able to assist K9 Kitt, he had already succumbed to his wounds.



Braintree Police Officers Association

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Although officers train for violent encounters throughout their careers, this incident was one where there can be no adequate preparation. That is because the extreme violence of this up close and personal gun battle, was more akin to what can be seen on a battlefield rather than a police call for service. The conditions and circumstances of this incident have had profound impacts on the families involved, The Community of Braintree, The Braintree Police Department, and Officer Seibert.

To be ambushed by a suspect, provide return fire, witness the sights and sounds of K9 Kitt as he was shot multiple times, and then provide lifesaving medical aid to his fellow officers is extraordinary and traumatizing. Due to the trauma Officer Seibert experienced that day and its residual effects, the BPOA and BPSOA requests favorable action so that Officer Seibert may retire, and be returned to his family under the most supportive conditions, which this act provides. Thank you for your time and consideration.

Respectfully Submitted,

Matthew J. Donoghue

President, Braintree Police Officers Association

Lieutenant Kevin L. Ware

Vice President, Braintree Police Superior Officers Association