1. 6:00 P.M. Committee On Ordinance & Rules

   Documents:

   2020 MARCH 4 ORDINANCE AND RULES AGENDA.PDF

2. 6:00 P.M. Committee On Ordinance & Rules

   Documents:

   2020 MARCH 4 OR MTG.PDF

# Braintree Town Council
## Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

**MEMBERS**
David Ringius, Chairman
Steven Sciascia, Vice-Chairman
Julia Flaherty, Member
Lawrence Mackin, Member

# AGENDA
## Wednesday, MARCH 4, 2020

### Starting Time – 6:00 p.m.

### Johnson Chambers, Town Hall

**Pledge of Allegiance**

**Moment of Silence**

**Roll Call**

**Approval of Minutes**
- October 3, 2019
- December 3, 2019
- February 26, 2020

**Old Business**
- 002 20 Council President: Town Council Rules or take up any action relative thereto
  **(Rule Fifty-Six: Adoption of Rules)**

**New Business**
- 20 034 Councilor O'Brien: Proposed Bylaw – Single-Use Plastic Bag Reduction

**Adjournment**

# Braintree Town Council
## Committee on Ordinance & Rules

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**New Business**
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**Adjournment**

# Braintree Town Council
## Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

**MEMBERS**
Sean Powers, Chairman
David Ringius, Jr, Vice- Chairman
Charles Kokoros, Member
Timothy Carey, Member
Charles B. Ryan, Ex-officio

# December 3, 2019
# MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Johnson Chambers on Tuesday, December 3, 2019 beginning at 6:30pm.

Chairman Powers was in the Chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: Sean Powers, Chairman
Charles Kokoros, Member
Timothy Carey, Member

Not Present: David Ringius, Jr, Vice- Chairman

Also Present: Nicole Taub, Town Solicitor
James Arsenault, DPW Director
Joseph Reynolds, Chief of Staff
Stephen C. O'Brien, Councilor

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

**Approval of Minutes**
- None

**Old Business**
- None

**New Business**
- **19 047 Mayor: Tri-Town Legislation or take up any action relative thereto**
  Town Solicitor, Nicole Taub gave a brief overview of the Tri-Town Legislation. Ms. Taub stated Holbrook and Randolph passed this legislation at their meetings to file the document before you. This is the first step to create a Home Rule Petition to then create a stand-alone entity "Tri-Town District". This will be operated as does an enterprise fund.

Councilor Carey asked what if one of the three Towns do not pay their fair share.
Nicole Taub stated there are options to pull-out but they would be subject to legal action if they do not pay their debt owed.

Councilor Kokoros asked about a PILOT program.
Nicole Taub stated a PILOT program can be included in the Joint Powers Agreement (JPA).

Councilor Powers stated he was uncomfortable with approving the legislation without a JPA.

Nicole Taub stated the legislation is the first piece with key elements. The JPA gets into the "weeds" of day to day and will include lawyers from each Town.

Motion read by Councilor Kokoros for favorable recommendation to the full Council:

To approve the attached "Act Establishing the Tri-Town Water District" which shall be substantially in the form as presented and as substantially set forth in the document attached, to authorize the Town Council to take any action necessary in connection with the submission of said motion, and to authorize the General Court to make clerical or editorial changes of form to the bill.

**Motion:** by Councilor Kokoros for favorable recommendation to the full Council
**Second:** by Councilor Carey
**Vote:** For (3 - Carey, Kokoros, Powers), Against (0), Absent (1 - Ringius), Abstain (0)

It was unanimously voted to adjourn the meeting at 7:14 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

# Documents provided for Meeting

- 19 047 Mayor: Tri-Town Legislation or take up any action relative thereto

# Braintree Town Council
## Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

**MEMBERS**
Sean Powers, Chairman
David Ringius, Jr, Vice- Chairman
Charles Kokoros, Member
Timothy Carey, Member
Charles B. Ryan, Ex-officio

# October 3, 2019
# MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium Thursday, October 3, 2019 beginning at 6:04pm.

Chairman Powers was in the Chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: Sean Powers, Chairman
David Ringius, Jr, Vice- Chairman (not present)
Charles Kokoros, Member
Timothy Carey, Member

Also Present: John Goldrosen, Assistant Town Solicitor
Christine Stickney, Director Planning & Community Development
Melissa Santucci-Rozzi, Director Planning & Community Development
Jill Coyle, resident
Other residents

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

**Approval of Minutes**

- July 22, 2019

**Motion:** by Councilor Kokoros to approve minutes of July 22, 2019
**Second:** by Councilor Carey
**Vote:** For (3 – Carey, Kokoros, Powers,), Against (0), Absent (1 - Ringius), Abstain (0)

**New Business**

- **19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto**

MOTION by Councilor Kokoros to TAKE off the TABLE Order 19 011
**Motion:** by Councilor Kokoros to TAKE off the TABLE Order 19 011
**Second:** by Councilor Carey
**Vote**: For (3 – Carey, Kokoros, Powers,), Against (0), Absent (1 - Ringius), Abstain (0)

Councilor Powers, Chairman of the Committee on Ordinance & Rules stated they will begin at Section **4.8 Nonconforming Uses, Structures and Lots**

Councilor Powers read along with the "***Readers Guide***" (italics below). The Chairman will ask if there are any questions from members and residents as we go along and each Section is explained.

***§ 4.8 Nonconforming Uses, Structures, and Lots***

*• Substitution of one nonconforming use for another. Allowed by special permit only if the new use is "less detrimental" to the neighborhood than the existing use. Criteria have been added to help the ZBA determine this.*

*• The benefit must apply to the impacted neighborhood – "less detrimental" does not apply to town wide benefits.*

*• Use variances for nonconforming uses remain prohibited.*

*• Criteria have been added for allowing a nonconforming building or structure to be altered, enlarged or reconstructed.*

*• Reconstruction (including razing to a foundation and rebuilding) of a non-conforming single or two-unit dwelling must be reviewed by the ZBA through a special permit (as opposed to being approved by the Building Inspector).*

*• Alteration, reconstruction, extension or structural changes to nonconforming single and two-family dwellings must conform with the new standards for FAR (see § 5.7 Table of Dimensional and Density Regulations).*

*• Added a list of "de minimis" changes to nonconforming residential structures that only require permitting by the Building Inspector.*

**John Goldrosen, Assistant Town Solicitor gave copies and proposed the following be used as Section 4.8:**

DRAFT PROPOSED ZONING ORDINANCE---

### *§* 4.8 Nonconforming Uses, Structures, and Lots

A. Special Permit Granting Authority. For the purposes of this section, the Braintree Zoning Board of Appeals (ZBA) shall be the Special Permit Granting Authority (SPGA) for authorizing alterations or changes to preexisting nonconforming uses, structures, and lots per M.G.L. c. 40A, § 6.

B. General. The following general standards apply to nonconforming situations:

(1) Nonconforming structures and nonconforming uses may continue pursuant to the limitations established in M.G.L. c. 40A, § 6.

(2) A structure or use authorized by a building or special permit that is issued before the first publication of notice ofthe public hearing on an amendment to this Zoning Ordinance shall be deemed to be a lawfully nonconforming structure or use, provided that the use or the construction of the structure is commenced within twelve months after the issuance of the building or special permit, and that any such construction is continued to completion as continuously and expeditiously as is reasonable.

(3) No nonconforming use if changed to a conforming use shall be allowed to revert back to a nonconforming use.

(4) No changes to existing conforming lots can occur that do not meet the standards for lot dimensions in Table 2 of§ 5.8, Table of Dimensional and Density Regulations, unless granted Variance(s) pursuant to Section 3.7.

(5) Alterations to a lawfully established lot that does not meet the dimensional requirements in Table 2 of§ 5.8, Table of Dimensional and Density Regulations may be allowed by Special Permit, provided that the alteration does not increase the extent of an existing nonconformity nor create a new nonconformity, and that the ZBA finds that the altered lot is not substantially more detrimental to the neighborhood than the existing lot.

C. Nonconforming: Uses. The ZBA may, by the granting of a Special Permit, authorize the following:

(1) A nonconforming use to be changed to or replaced by a use that is listed in the Use Table as allowed in one or more districts but is not allowed in the Zoning District in which the nonconforming use is located, provided that the ZBA finds that the new use will be less detrimental to the neighborhood than the existing nonconforming use.

(2) A substantial extension of a nonconforming use, provided that the ZBA finds that the substantial extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

(3) For the purposes of determining the effect on the neighborhood of a changed or replaced nonconforming use or the substantial extension of a nonconforming use, the ZBA shall consider, among other factors, whether:

(a) The use is expected to generate the same or fewer vehicle or truck trip generation on and off the site;
(b) The use is expected to require the same or fewer parking spaces;
(c) The use is expected to reduce impacts from lighting/glare, fumes, or odors;
(d) The use will represent an improvement related to environmental impacts such as stormwater treatment; outdoor storage, handling, and/or disposal of hazardous waste; management of trash or other waste;
(e) The use will result in an improvement in aesthetics, operation and overall use of the site.

D. Alteration. Reconstruction or Structural Chan2.es to Nonconforming Structures other than Single- Family and Two-Family Dwellings. The ZBA, by the granting of a Special Permit, may authorize a preexisting nonconforming building or structure (other than Single-Family and Two-Family Dwellings), including those built on nonconforming lots, to be altered, reconstructed or structurally changed provided that such alteration, reconstruction or structural change:

(1) Will not create any new dimensional nonconformities;

(2) Does not increase the extent of any existing nonconformity; and

(3) Shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. For the purposes of this determination, the ZBA shall consider whether the alteration, enlargement or reconstruction meet the following criteria:

(a) No unmitigated increase in vehicle or truck trip generation on and off the site;
(b) No increase in the minimum parking requirement associated with the structure that cannot be accommodated on the site;
(c) No increased impacts related to lighting/glare, fumes or odors;
(d) No alteration of impervious area that increases the rate of stormwater discharge off the site for the 2-year or greater storm frequency;
(e) No negative impact to vehicular or pedestrian access, egress or circulation on and off the site.

E. Alteration. Reconstruction or Structural Chan!!.es to Nonconforming Single-Family and Two-Family Dwellings.

(1) In the case of a Single or Two-Family Dwelling which is nonconforming solely because of insufficient lot frontage and/or lot area, any proposed alteration or structural change (Excluding Reconstruction) may be permitted by the Building Inspector so long as all other dimensional requirements for lots and the proposed alteration or structural change meet the current standards in Table 2 of§ 5.8, Table of Dimensional and Density Regulations.

(2) In the case of a dimensionally nonconforming Single or Two-Family Dwelling on a conforming lot, where said building or a portion thereof is nonconforming as to one or more of the dimensional requirements for front, side, or rear yard setbacks or maximum height, any proposed alteration or structural change (excluding Reconstruction) may be permitted by the Building Inspector so long as such alteration or structural change to the existing structure will be in conformity with Table 2 of§ 5.8, Table of Dimensional and Density Regulations.

(3) In all other instances of alteration, reconstruction or structural change to a nonconforming Single or Two-Family Dwelling, including instances that involve demolition of a nonconforming single- or two-family dwelling, the applicant may petition the ZBA for a Special Permit under M.G.L. c. 40A, §6 to allow such alteration, reconstruction or structural change, provided that the ZBA finds that the new or modified dwelling is not substantially more detrimental to the neighborhood than the existing dwelling. In the case of demolition of the entire structure and subsequent reconstruction, the applicant shall file for the Special Permit prior to the demolition (except as provided in Section F-2).

(4) The creation of new nonconformities, such as relief from dimensional requirements with which the existing nonconforming structure complies, shall require a variance from the ZBA.

F. Abandonment. Discontinuance and Restoration of Nonconforming Structures and Uses.

(1) Any nonconforming use which has been abandoned or discontinued for more than two (2) years shall not be re-established and any future use shall conform to the regulations of this chapter.

(2) A nonconforming Single or Two-Family Dwelling which has been destroyed by fire or other casualty, or which has been ordered demolished by the Town pursuant to statutory authority, may be reconstructed in accordance with the provisions of Section E, if the reconstruction is substantially completed within two (2) years of the date of destruction or demolition.

(3) If a nonconforming structure, other than a Single- or Two-Family Dwelling, is destroyed by fire or other casualty, or is ordered demolished by the Town pursuant to statutory authority, any subsequent reconstruction of the structure shall conform to the structural dimensional requirements in Table 2 of§ 5.8, Table of Dimensional and Density Regulations.

--- END - DRAFT PROPOSED ZONING ORDINANCE---

Discussion took place with Councilors, Planning Department, Town Solicitor, residents.

It was discussed to have the next meeting (October 30, 2019) begin at Section 6.2

MOTION by Councilor Ringius to TABLE Order 19 011 to October 30, 2019 at 6:00pm

**Motion:** by Councilor Kokoros to TABLE Order 19 011 to October 30, 2019 at 6:00pm
**Second:** by Councilor Carey
**Vote**: For (3 – Carey, Kokoros, Powers,), Against (0), Absent (1 - Ringius), Abstain (0)

**<u>Old Business</u>**

- None

It was unanimously voted to adjourn the meeting at 7:29 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

## Documents provided for Meeting

- 19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto
- John Goldrosen Text Recommendation dated 8/29/19 for§ 4.8  Nonconforming Uses, Structures, and Lots
- Minutes July 22, 2019

# Braintree Town Council
## Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

**MEMBERS**
David Ringius, Jr, Chairman
Steven Sciascia, Vice- Chairman
Julia Flaherty, Member
Lawrence Mackin, Jr, Member

# February 26, 2020
# MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium on Wednesday, February 26, 2020 beginning at 5:30pm.

Chairman Ringius was in the Chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: David Ringius, Jr, Chairman
Steven Sciascia, Vice- Chairman
Julia Flaherty, Member
Lawrence Mackin, Jr, Member

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

**Approval of Minutes**

- September 26, 2019

**Motion:** by Councilor Flaherty to approve minutes of September 26, 2019
**Second:** by Councilor Sciascia
**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

**Old Business**

- None

**New Business**

- 002 20 Council President: Town Council Rules or take up any action relative thereto
  **(Rule Fifty-Six: Adoption of Rules)**

  Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated they will start at the beginning of the Town Council rules. Read through each rule and make recommendations.

  Starred items (*) will be items that the committee will re-visit or go back to and discuss further at a later time.

  Councilor Mackin left the meeting at 6:16pm due to a conflict of scheduling with another meeting.

  Chairman Ringius asked Clerk of the Council to review and suggest revisions for Town Council Rule 24.

  The next meeting will be held on Tuesday, March 4, 2020 at 6pm in Johnson Chambers.
  The Committee on Ordinance & Rules will begin with Rule 26.

It was unanimously voted to adjourn the meeting at 6:40 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

## Documents provided for Meeting

- 002 20 Council President: Town Council Rules or take up any action relative thereto
- Minutes September 26, 2019

# BRAINTREE
# TOWN COUNCIL
# RULES
# 2012

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**Rule One: The President – Call of Meeting to Order**

The President shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. In the absence of the President, the Vice-President shall assume the role of the President. If there is not available a Vice-President to preside, the At-Large Member who received the most votes in the last election will preside; if there is no At-Large Councilor Member available, then the member of District 1 will preside; and then if necessary proceed to each district numerically thereafter. The roll call shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses, and direct the Clerk to procure the attendance of absent members.

**Rule X: The President - Limitations**

No President shall serve more than two consecutive two-year terms.

The President shall not serve as Chair of a committee, standing or special.

**Rule Two: Appeals from Decision of the President**

The President shall preserve decorum and decide all questions of order, subject to appeal to Council. Any member of the Council may appeal the decision of the President by motion. No other business shall be in order until the question of appeal is decided. In the case of an appeal from a ruling of the President, the question shall be: "Shall the decision of the President stand as the decision of the Council?" The vote upon the question of appeal from the ruling of the President shall be by roll call to be decided by a simple majority. If a member transgresses the rules of the Council, the President, or any member by addressing the President, shall call him/her to order, in which case he/she shall be seated, unless permitted to explain.

**Rule Three: Substitute Chair**

The President may call any member to the Chair, but such substitutes shall not continue longer than one meeting. The President may continue to express his/her opinion on any subject under debate in the presence of the substitute Chair.

**Rule Four: Viva Voce and Rising Votes**

All questions shall be stated and put by the President. In case of a roll call vote, the President shall declare the result, after the Clerk has announced the number voting on each side. The results of viva voce votes shall be declared by the President without reference to the Clerk. Where a rising vote is taken, the President shall count and announce the result. Where the result of a viva voce vote is in doubt, the President may, and on demand of any member, shall call for a roll call vote.

**Rule Five: Seating Arrangements**

The President shall assign the seats of the Councilors and no members shall change his seat but by the permission of the President.

**Rule Six: Admission to Council Floor**

No person will approach the Council during Council meetings, except upon the permission of the President or presiding officer of the Council.

**Rule Seven: Committee Appointments**

The Council President shall appoint all members of all committees of the Town Council, whether special or standing.

***Rule Eight: Clerk and Employees**

The Clerk and other officers and employees of the Council shall work for every member of the Council. Every Councilor may have the right to request the Clerk and/or employees of the Council to perform work requested by a Councilor. The President will have the right to prioritize all work received from the Councilors. The President shall manage the Clerk and all employees of the Council.

**Deleted:** Powers and Duties

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**Rule Nine: Addressing President or Chair**

Every member speaking to a question or making a motion before a Town Council Committee shall address the Chair as **"Mr. President" or "Madam President", and in the absence of the Council President shall address the Chair as "Mr. Chairman" or "Madam Chairwomen",** who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Committee shall confine themselves to the question under debate and avoid personalities.

**Rule Ten: Debate Limitation**

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without leave of the Council.

**Rule Eleven: Speaking Decorum – Members**

No member shall be interrupted while speaking, but by call to order for the correction of a mistake; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or a paper being read. If a member is speaking or otherwise transgresses the rules of the Council any member may call him to order by addressing the President.

**Rule X: Speaking Decorum - Public**

Any person wishing to speak during the Public Comments portion of the meeting or on a Public Hearing item, shall notify the President prior to the calling of that portion of the agenda. No person shall address the Council without first being recognized by the President. Each person addressing the Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting. Any person who so disrupts the meeting may, at the discretion of the President or a majority of the Council, be subject to ejection from the meeting.

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**Rule Twelve: Point of Order**

Any member on being called to order shall cease debate until the point of order is decided unless allowed by the President to explain.

**Rule Thirteen: Voting**

Every member present when a question is put may vote either "yes" or "no" or "abstain". No member is required to vote on any matter and any member may leave the Council Chambers without explanation.

Any member may recuse himself or herself prior to debate or vote on any matter before the Council and request to be informed when said debate or vote has occurred. Any Member may return to the Council meeting at any time.

**Rule Fourteen: Election of Officers**

A majority of all members elected to the Council shall be required to elect a President, Vice-President, Town Auditor, Town Clerk and Clerk of the Council.

**Rule Fifteen: Tie Vote**

In case of a tie in votes on any proposal, the proposal shall be considered lost.

**Rule Sixteen: Division of a Question**

On demand of any member, a question under consideration covering two or more points shall be divided where the question permits of such division.

**Rule Seventeen: Demand for Roll Call**

Upon demand of any member, the roll shall be called for yeas and nays prior to President/Chair reading results into the record, upon any question before the Council.

**Deleted:** made before the negative has been put,

**Rule Eighteen: Motions and Procedure During Debate**

When a question is before the Council, no motion shall be entertained except:

1. To adjourn
2. To lay on the table
3. The previous question
4. To postpone to a time certain
5. To refer
6. To amend
7. To postpone indefinitely
8. To reconsider – at any meeting at which a vote has been taken, it shall be in order for any Councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the Council. A motion to reconsider requires a two-thirds vote.

Such motions shall take precedence in the foregoing order. A roll call may be ordered at any time to ascertain the number of members.

**Rule Nineteen: Motion to Lay on Table**

A motion to lay on table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of a majority of all the members of the Council.

**Rule Twenty: Adjournment and Recessing**

A motion to adjourn shall be in order at any time, except as follows:

(A) When repeated without intervening business or discussion;
(B) When made as an interruption of a member while speaking;
(C) When the previous question has been ordered; or
(D) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

Recess may be taken at the discretion of the President, or by Majority vote of the Council. In either case, the reason for the recess shall be clearly stated beforehand. If a recess is called by the President, it shall not exceed thirty (30) minutes without a majority vote of the Council. No Town Council business shall be conducted while the Council is in recess.

**Rule Twenty-One: Written Proposals and Resolutions**

All proposed ordinances, orders and resolutions shall be in writing and every motion shall be reduced to writing if the President or any member of the Council so directs; and no member shall be allowed to submit a written notice or resolution until he/she has read the same in his/her place or has provided the same in writing to every member of the council present.
Any proposal or proposition seeking Council endorsement of a particular course of action shall be presented in the form of a resolution. Every resolution shall be reduced to writing and shall be signed by the Councilor(s) presenting such resolution. A copy of the original resolution shall be provided to all the Councilors prior to any vote on said resolution.

**Rule Twenty-Two: Personal Privilege**

The right of a member to address the Council on a question of personal privilege shall be limited to those cases set forth and referred to in Robert's Rules of Order **Newly Revised**.

***Rule Twenty-Three: Suspension of Rule**

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Except as controlled by statute, any rule may be suspended by **a majority vote** of the Council.

***Rule Twenty-Four: Council Meetings**

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Regular meetings of the Council shall be held in the Council Chamber the first and third Tuesday evening of each month, commencing at 7:30 PM and shall adjourn not later than 11:00 PM. The Clerk of the Council shall notify the Councilors of all meetings of the Council by notice delivered personally, sent by mail or notification of availability in the Councilor's office. Whenever the first or third Tuesday evening of the month is a holiday, the regular meeting shall be held on the first or third Wednesday evening of the month at 7:30 PM unless otherwise provided for by motion. During July and August regular meetings shall be suspended by a majority vote of the Council. The Council may, by majority vote, dispense with any regular meeting, or change the day and hour of holding or adjournment of any regular meeting. No Town Council meeting shall be scheduled on the eve of a Preliminary or Final Election in the Town of Braintree. These meetings will be held on the first Wednesday following said election.

Begin 3/4

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**Rule Twenty-Five: Executive Session**

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The President shall cite the reason for going into executive session and indicate whether the Council shall leave executive session for the purpose of adjournment or return to open session. The President shall ask for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate executive session.

**Rule Twenty-Six: Special Meetings – Notice**

The President of the Council, or any four (4) members thereof, may at any time call a special meeting of the Council by causing written notices stating the time, place and purpose of the meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the Council, or left at his/her usual dwelling place, at least forty-eight (48) hours before the time of such meeting.

**Rule Twenty-Seven: Hearings**

The time devoted to public hearings at any meeting of the Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. Five (5) minutes shall be allowed each speaker to express his/her views on the matter being heard by the Council. **Additional time may be granted at the discretion of the Council President or Chairperson.**

In all hearings before the Council, the case of the petitioner shall be first submitted, except where the President of the Council rules otherwise.

**Rule Twenty-Eight: Attendance at Public Hearings & Voting**

Any Councilor may vote on enactment of an ordinance or measure if that Councilor is absent from the public hearing on the said ordinance or measure, provided that the Councilor, in his or her opinion, is fully informed of all testimonial and other matters before the Council at the public hearing as provided by available video tapes, audio tapes or the record of minutes, etc. of that public hearing.

**Rule Twenty-Nine: Order of Business and Agenda**

At every regular meeting of the Council the order of business shall be as follows:

1 Pledge of Allegiance
Moment of silence
2. Roll Call
3. Announcements
4. Act on Minutes
5. Citizen Concerns/Council Response
6. Old Business
7. Communications and Reports from the Mayor, Town Officers and Town Boards
8. Reports of Committees
9. New Business
10. Motions, Orders and Resolutions
11. Adjournment

The above order shall not be changed except by vote of a majority of all the members of the Council and upon the motion to change the order, no debate shall be allowed. New Business items will be assigned to an appropriate Committee for review and response unless otherwise ordered by the Council.

**AGENDA**

All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

**Rule Thirty: Citizen Participation at Council Meetings**

Individuals requesting time to address the Council under "Citizens Concerns/Council Response" shall make their request no later than 10:00 AM on the Wednesday preceding the Council meeting. Speakers shall limit the time for remarks to five (5) minutes. All items including but not limited to letters, written communications, reports or other materials being submitted from individuals addressing the Council must be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting.

The agenda will be prepared by the Clerk of the Council or his/her designee and the President. All matters to be brought before the Council shall be numbered by the Clerk of the Council or his/her designee at the time they are filed. Each item shall be numbered sequentially beginning with the first item filed in a calendar year.

**Rule Thirty-One: Anonymous Communications**

Unsigned communications shall not be introduced in the Council.

**Rule Thirty-Two: Standing Committees**

There shall be appointed standing committees of the Council as follows:

**WAYS AND MEANS** to consist of five (5) members

**ORDINANCE & RULES** to consist of four (4) members

**PUBLIC PARKS & RECREATION** to consist of three (3) members

**PUBLIC WORKS** to consist of three (3) members

**PUBLIC SAFETY** to consist of three (3) members

**ELDER AFFAIRS/VETERAN'S SERVICES** to consist of three (3) members

**EDUCATION/LIBRARY** to consist of three (3) members

**PERSONNEL ISSUES** to consist of three (3) members

**TRAFFIC & SAFETY** to consist of three (3) members

**COMMUNITY PLANNING** to consist of three (3) members

**The following are presented as guidelines for consideration by each committee:**

The *Ways and Means Committee*
Section 2-10 of the Town Charter. Assessor's business

i. Tax Classification
ii. Over-Lay Budget
iii. Payment-in-Lieu of Taxes program
iv. Property Valuations (all Classes)
v. Exemptions
vi. Appellate Tax Board Representation (As needed)

b. Capital Planning Budget
c. Stabilization Fund (requires major emphasis after years of spending down our "rainy day fund").
d. Free Cash Appropriations
e. Reserve Fund Items
f. Most Other Municipal Finance Items

The *Ordinance & Rules Committee* may consider and report on all matters relating to general ordinances of the town, including proposed amendments to the Zoning Ordinances or Zoning Map, land use and planning, special permits, consider Councilor rules and such other matters as may be referred to it by the Council or Council President.

The *Public Parks & Recreation Committee* may consider and report upon all matters relating to public park and recreation operations and programs and any other matters referred to it by the Council or Council President.

The *Public Works Committee* may consider and report upon all matters relating to public works operations and programs, including but not limited to streets, including requests for the appropriation of funds from the Chapter 90 State Highway Fund Account, sidewalks, snowplowing, street sweeping, rubbish collections, recycling, water works, drains and sewers, public buildings and grounds, traffic, and any other matters referred to it by the Council or Council President.

The *Public Safety Committee* may consider and report on all matters relating to the Police Department, Fire Department, the Police and Fire Auxiliary, the Emergency Management Department, and local Emergency Planning Committee, Public Health, and any other matters referred to it by the Council or Council President.

The *Elder Affairs and Veteran Services Committee* may consider and report on all matters relating to the elder affairs and veteran operations and programs and any other matters referred to it by the Council or Council President.

The *Education and Library Committee* may consider and report on all matters relating to the educational and library operations and programs and any other matters referred to it by the Council or Council President.

The *Personnel Committee* may consider and report on all matters relating to personnel issues and any other matters referred to it by the Council or Council President.

The *Traffic and Safety Committee* to consist of three (3) members or their designees as follows; the Chair of Public Safety, Chair of Ordinance & Rules, and the Chair of Public Works. The Traffic and Safety Committee may consider and report upon those matters relating to traffic and safety and any other matters referred to it by the Council or Council President. (Passed in Council - December 6, 2016)

The *Community Planning Committee* may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning. (Passed in Council April 25, 2017)

**Rule Thirty-Three: Attendance of Councilors at Committee Meetings**

The attendance of a Councilor at a committee meeting or at a meeting of another board, committee or commission or like entity of the Town shall be in his/her capacity as the representative of his/her constituency and shall not be counted or constituted as part of a quorum of the Council, unless the Council has called for and convened a meeting of the Council in accordance with the Town Charter, Rules of the Council or other provisions of applicable law.

**Rule Thirty-Four: Special Committees**

Special Committees may be authorized at any time by majority vote and shall be appointed by the President to consider such matters as the Council may refer to them.

**Rule Thirty-Five: Committee Meetings**

Committees shall meet on the call of the Chair, or a majority of its members, to be communicated by the Clerk of the Council or his/her designee. In case the Chair of any committee shall fail for ten (10) days from the time the subject has been referred to it, to call a meeting of the committee, a majority of the committee may call a meeting.

Notice of all committee meetings must be given at least forty-eight (48) hours before the time for meeting, but meetings may be held at any time by unanimous consent of all the members of the committee.

**Rule Thirty-Six: Chair-Quorum**

The Chair of a Committee shall be the member named first, and the member named next shall be the Vice-Chair. A majority of the members of a Committee shall constitute a quorum.

**Rule Thirty-Seven: Committee Reports**

Every committee of the Council to which any subject may be referred, shall report thereon to the Council.

**Rule Thirty-Eight: Town Council Action on Committee Reports**

The President of the Council or the presiding officer, upon receipt of the Committee Report, shall call the vote on the motion, petition or order as introduced so that the vote would be on the order, not on the committee report.

Documents referred to in committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

**Rule Thirty-Nine: Failure to Report**

When a committee to which a matter is referred, with instructions to report at a time named in the order of reference, is not ready to report at such time, the matter so referred shall, unless further time is granted **by a majority vote of the Council**, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the Clerk the documents pertaining to the matter, and the matter shall take its proper place in the order of business.

**Rule Forty: Relieving From Further Consideration**

Upon motion, the Council may, by **an affirmative vote of five (5)** members of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the calendar.

**Rule Forty-One: Secretary to Committees**

The Clerk of the Council or his/her designee shall act as secretary to the several committees, and keep a record of the attendance and business transacted at their meetings.

**Rule Forty-Two: Reference to Committees**

All petitions, orders, resolutions and ordinances may be referred to appropriate committees for investigation and report.

**Rule Forty-Three: Town Solicitor**

**At the request of the Council President, the Town Solicitor shall be required, either in person or by deputy, to attend Council meetings**. Any member of the Council may at any time call upon the Town Solicitor for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules. The Town Solicitor shall have a seat but no vote in the meetings of the governing board.

**Rule Forty-Four: Town Auditor**

**At the request of the Council President, the Town Auditor shall be required, either in person or by deputy, to attend Council meetings.** Any member of the Council may at any time call upon the Town Auditor for oral or written opinions of the financial conditions of the town.

**Rule Forty-Five: Department Heads**

At the request of the Council, any Department Head shall, either in person or deputy, attend meetings of the Council. Any member of the Council may at any time call upon the Department Head for oral or written opinions relative to his/her department.

**Rule Forty-Six: State of Federal Cooperation**

All proposals for projects which contemplate cooperation with, or financial participation by, the state or federal government, may be introduced to the Council by any member thereof or the Mayor. If a Town board or department head desires to propose such a project, the proposal shall be filed with the President of the Council. The Council shall refer all proposals to the Ways and Means Committee and to the Chair of the proper improvement committee. The Committee shall report their recommendations to the Council. If the Council approves the proposal, it shall by resolution, authorize the Mayor to make application to the proper authority.

**Rule Forty-Seven: Permission to Address the Chair**

Persons other than members of the Council, Town officials and news reporters, shall not be permitted upon the floor of the Council, or to address the Council, except upon introduction by a member of the Council with the consent of a majority of said Council. The Chair shall limit the time for the remarks of such person to five (5) minutes and such remarks shall be confined to the subject matter which is under consideration at that meeting. If anyone other than a Town official desires to speak to a member of the Council while the Council is in session, the member, if agreeable to the request, shall leave his/her seat and retire to the rear of the Council Chamber or elsewhere until the conversation is finished.

**Rule Forty-Eight: The Council Chambers**

The Council Chamber shall be under the supervision and control of the Clerk of the Council or his or her designee when the Council is not in session. Except as herein provided, it shall be used solely by the Council and its committees for the transaction of public business of the Town. If not required for such use, the Clerk or his or her designee may permit its use by any agency of the federal, state or local governments for the transaction of public business or by any nonpolitical organization in the Town, provided due notice is given the President of the Council. Seasonable application for such use must be made to the Clerk or his or her designee in such manner as may be prescribed by him or her. Any permission so granted may be canceled or revoked by the President of the Council forthwith where necessary for the protection of Town Property, the preservation of order, or other sufficient reason.

**Rule Forty-Nine: By-Laws, Etc., of Council**

All by-laws passed by the Council shall be termed ordinances and the enacting style shall be, "Be it ordained by the Town Council of the Town of Braintree." In all votes by which the Council expresses anything by order or command the form of expression shall be "Ordered" and in all votes by which the Council expresses opinions, principles, facts or purposes, the form shall be "Resolved".

**Rule Fifty: Communications from Mayor**

A list of the communications from the Mayor with their subject matter to be submitted to the Council shall be mailed at least two (2) days before the Council meeting to every Town Councilor.

**Rule Fifty-One: Council Expression**

The Council President or Vice President is authorized to convey the expression of interest shown by the Council on all occasions affecting its members and their families.

**Rule Fifty-Two: Notification of Committee Meetings**

The Clerk of the Council or his or her designee shall notify all Councilors of all Committee meetings.

**Rule Fifty-Three: Publication**

The **Clerk of the Council** shall determine the newspaper in the Town in which shall be published any loan order or any ordinance and said publication shall be made in a newspaper of general circulation in the Town.

**Rule Fifty-Four: Amendment and Repeal**

None of the foregoing rules and orders shall be amended or repealed at any Town Council meeting unless a majority of the members consent thereto and a motion for that purpose shall not be made and acted upon at the same meeting.

**Rule Fifty-Five: Parliamentary Procedure**

The Council shall be governed by "Robert's Rules of Order Newly Revised" in all questions of parliamentary practice not provided for by special rules or orders.

**Rule Fifty-Six: Adoption of Rules**

These rules will be reviewed and adopted within 90 days after the first Council Meeting in every even year.

**Rule Fifty-Seven: Authorization to Sign Bills**

The President of the Council is authorized to sign all bills, vouchers, payrolls, and similar documents pertaining to expenditures under the jurisdiction of the Town Council on behalf of the Town Council, and further, in the absence of unavailability of the President of the Council, the Vice President of the Council is herby authorized to sign such documents, subject to the same restrictions. (Passed in Council – June 17, 2008)

**Rule Fifty-Eight: Clerk of the Council signing documents on behalf of Council**

The Clerk of the Council shall not be authorized to sign any documents on behalf of a Council Member and shall not deliver documents that normally would have a signature until such time the document is signed by the appropriate Council Member, except for citations that have been voted by the Council and for which the Council Member has provided prior authorization for the Clerk to use a signatory stamp to affix said Council Member's signatures to said citation. (Passed in Council – August 19, 2008)

**Rule Fifty-Nine: Travel Reimbursement Policy For Braintree Town Councilors**

Expenses – Subject to appropriation, the Town Councilors shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of their duties. This policy will be considered prior authorization by the Town Council that allows mileage reimbursement in accordance with IRS federal tax regulations. Such reimbursement should be submitted to the President of the Braintree Town Council. This prior authorization will be limited to $2,500 per year for each Braintree Town Councilor and will not need an additional vote by the Braintree Town Council. Should a Councilor exceed this amount, they will still be able to submit a request to the full Braintree Town Council for approval. (Passed in Council – January 5, 2016)

**Rule Sixty: Resolution – Town Council Reorganization**

Be it Resolved this day January 5, 2016 that the process of the Town Council re-organization will not be encumbered by the standing tradition of automatically elevating its Vice President to President.
Resolve that the de-facto standard of electing a, President in waiting, 2 years in advance be modified and revised, And...
Resolve that because the informal tradition of Town Council re-organization was never formally considered, through Council Rules, or Charter that it be addressed formally now this day January 5, 2016, And…
Resolve that the re-organization process shall be open to all Council members to nominate their candidate of choice, And…
Resolve this open process become effective immediately this day January 5, 2016 and recorded in the Town Council Rules and Charter, as appropriate. (Passed in Council – January 5, 2016)

***Rule Twenty-Four: Council Meetings**

Regular meetings of the Council shall be held in the Council Chamber the first and third Tuesday evening of each month, unless otherwise posted, commencing at 7:30 PM and shall adjourn not later than 11:00 PM. The Clerk of the Council shall notify the Councilors of all meetings of the Council by email notice ~~delivered personally, sent by mail~~ or notification ~~of availability~~ in the Councilor's office. Notification of meetings will also be posted on the Town of Braintree website. Whenever the first or third Tuesday evening of the month is a holiday, the regular meeting shall be held on the first or third Wednesday evening of the month at 7:30 PM unless otherwise provided for by motion. During July and August regular meetings shall be suspended by a majority vote of the Council. The Council may, by majority vote, dispense with any regular meeting, or change the day and hour of holding or adjournment of any regular meeting. No Town Council meeting shall be scheduled on the eve of a Preliminary or Final Election in the Town of Braintree. These meetings will be held on the first Wednesday following said election. The Town Council Meeting Calendar shall be reviewed and adopted within 60 days after the first Council Meeting in every year.