

1. 7:00 P.M. Committee Of Ways & Means

Documents:

[18 AUGUST 14 W-M AGENDA.PDF](#)

- 1.1. 7:00 PM Committee Of Ways & Means

Documents:

[18 AUG 14 WM MEETING.PDF](#)



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

MEMBERS

Thomas Bowes, Chairman
Shannon Hume, Vice-Chairman
Stephen C. O'Brien, Member
Timothy P. Carey, Member
Thomas W. Whalen, Member

AGENDA

Tuesday, August 14, 2018

Starting Time – 7:00p.m.

Cahill Auditorium, Town Hall

1. Pledge of Allegiance/Moment of Silence
2. Roll Call
3. Approval of Minutes
 - June 19, 2018
 - June 28, 2018
4. New Business
 - 18 042 Mayor: Acceptance of Donations or take up any action relative thereto
 - 18 043 Mayor: Appointment – Associate Member to Planning Board – Hector Erinna or take up any action relative thereto
5. Old Business
 - None
6. Adjournment



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5. Old Business
 - None
6. Adjournment



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Committee of Ways & Means

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Thomas Bowes, Chairman
Shannon Hume, Vice-Chair
Stephen C. O'Brien, Member
Timothy Carey, Member
Thomas Whalen, Member

MINUTES

June 19, 2018

A meeting of the Committee of Ways & Means was held in the Johnson Chambers, Braintree Town Hall, on Tuesday, June 19, 2018 at 6:30p.m.

Councilor Bowes was in the Chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, Chairman
Shannon Hume, Vice-Chairman
Stephen O'Brien, Member
Timothy Carey, Member
Thomas Whalen, Member

Also Present: Shawn McGoldrick, Town Auditor

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

- None

New Business

- 022 18 Councilor O'Brien: Fiscal Year Budget Analysis and Review or take up any action relative thereto

Shawn McGoldrick, Town Auditor submitted a memo to Chairman Bowes at the meeting in reference to Highlights and analysis of the Committee of Ways and Means fiscal year 2019 operating budget hearings. Mr. McGoldrick stated I would like to provide you with the following information based on our review of the fiscal year 2019 proposed operating budget as well as hopefully address some of the concerns that were brought up by members of the Committee of Ways and Means during the proceedings:

1. The proposed fiscal year 2019 general fund operating budget of \$133,883,370 is balanced with \$133,883,370 of revenues and other financing sources.
2. The fiscal year 2019 budget increased approximately \$7,251,000 (5.73%) from fiscal year 2018. The School Department increased approximately \$2,534,000 (3.92%), mainly to due to contractual salaries; Police Department increased

- approximately \$1,020,000 (11.06%), mainly due to the additional hiring and funding of additional police officers; transfer to the Braintree School Building Authority increased \$1,020,000 (100%) and employee benefits for pension and health insurance increased approximately \$1,156,000 (5.93%). The majority of all other 2019 appropriations of the Town remained relatively the same as in fiscal year 2018.
3. Consistent with prior years, the Town did not use general fund free cash or stabilization funds to balance the fiscal year 2019 operating budget.
 4. As part of the 2019 general fund estimated revenues and other financing sources summary, various local receipts and other finance source (town own land) estimates increased as follows:
 - a. Local receipts:
 - i. Rentals; \$370K – New billboard
 - ii. Investment income; \$271K – Rise in interest rates
 - iii. Miscellaneous recurring; \$125K – Federal school grant pension reimbursement estimate
 - iv. Miscellaneous non-recurring; \$250K – Insurance proceeds from MIIA for evidence room claim
 - b. Town owned land increased approximately \$1,296,000. Town is selling Allen street property (former BELD property located down in the landing).
 5. A new enterprise fund was established, the storm water enterprise fund. This fund was established due to new EPA regulations and increasing compliance costs. A \$6.25 quarterly base fee per single family home with an increasing business fee will be charged in order to support the costs of this fund.
 6. The current balance of general fund free cash is \$11,202,231 which represents 8.57% of the fiscal year 2018 general fund operating budget. The Town's policy is to maintain free cash at 10% of the most current general fund operating budget. Typically the Town will generate a moderate increase in free cash at the end of each year. For the past three years free cash was certified at \$12,928,000, \$14,504,000 and \$15,029,000 for fiscal years 2015, 2016, and 2017, respectively. Each year, subsequent to the certification by the DOR, the Town appropriates free cash for capital outlay and stabilization reserves in amounts to adjust the free cash down to the 10% target rate.
 7. The following is an analysis of the Town's excess levy capacity for fiscal years 2015 through 2018 and the projected amount for fiscal year 2019. In fiscal years 2015 and 2016 the Town maintained little excess levy capacity. That is because local receipts were underestimated. In fiscal year 2017 the excess levy capacity increased to \$1,727,000 because the Town adjusted its estimated local receipts to more accurately reflect actual performance. Local receipts for fiscal years 2017 and 2018 are not underestimated which means any reduction to local receipts has a

direct impact increasing the tax levy. In fiscal year 2018, the excess levy capacity decreased by approximately \$600,000 because of the funding of the school building projects. Per Discussion with Ed Spellman, Director of Finance, the excess levy capacity will continue to decrease in fiscal year 2019 as a result of increased funding of the school building projects. The debt service for the current school building projects (East Middle School and South Middle School) are not excluded from proposition 2 ½. Because of the combined effect of the increase in nonexempt debt service and local receipts being accurately estimated, the Town will most likely have little excess levy capacity for the foreseeable future. It is expected that in 2020 little to no excess capacity will exist.

8. General Fund debt service for fiscal year 2019 is appropriated at \$4,335,000 (3% of total appropriations). This percent is consistent with the prior year and is relatively low percent in comparison with similar size communities.
9. The Town has the following fund balance related reserves (deficits) as of June 2018:

General fund free cash is \$1,869,191 short of its targeted 10% of current year appropriations. When fiscal year 2018 closes, it is predicted that free cash will be certified at an amount that equals or exceeds the 10% target rate.

The stabilization fund, with a fund balance of \$138,897, is approximately \$6,397,000 short of its targeted 5% of current year appropriations. The stabilization fund continues to add funds during the year, appropriated from free cash, and then subsequently, the majority is transferred out via supplemental appropriations for capital purchases.

The Water/Sewer Fund's free cash represents approximately 20% of its fiscal year 2018 appropriation.

The Community Preservation Fund has approximately \$4,892,000 in uncommitted reserves and unreserved fund balance.

Councilor O'Brien stated he would like to see a report like this each year from the Town Auditor as it is stated in their job description.

Councilor O'Brien made a motion to encumber the remaining FY2018 Town Auditor funds to continue the 3-year town wide forecast and the fraud risk assessment (COSO).

Motion: by Councilor O'Brien

Second: by Councilor Hume

Vote: For (1 – O'Brien), Against (4- Bowes, Carey, Hume, Whalen), Absent (0), Abstain (0)

MOTION failed.

Councilor Hume made a motion to encumber the remaining FY2018 Town Auditor unexpended funds to continue the fraud risk assessment (COSO).

Motion: by Councilor Hume

Second: by Councilor Carey

Vote: For (4- Bowes, Carey, Hume, Whalen), Against (1 – O'Brien), Absent (0), Abstain (0)

- 18 035 Mayor: FY18 Supplemental Appropriations #5 or take up any action relative thereto (WITHDRAWN)
No action needed.

Old Business

- None

It was unanimously voted to adjourn the meeting at 6:37p.m.

Respectfully submitted,

Susan M. Cimino,
Clerk of the Council

Documents provided for Meeting

- 022 18 Councilor O'Brien: Fiscal Year Budget Analysis and Review or take up any action relative thereto
- Memo from Town Auditor RE: Highlights and analysis of the Committee of Ways & Means fiscal year 2019 operating budget hearings



Braintree Town Council

Committee of Ways & Means

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

Thomas Bowes, Chairman
Shannon Hume, Vice-Chair
Stephen C. O'Brien, Member
Timothy Carey, Member
Thomas Whalen, Member

MINUTES

June 28, 2018

A meeting of the Committee of Ways & Means was held in the Cahill Auditorium, Braintree Town Hall, on Thursday, June 28, 2018 at 6:30p.m.

Councilor Bowes was in the Chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, Chairman
Shannon Hume, Vice-Chairman
Timothy Carey, Member
Thomas Whalen, Member

Not Present: Stephen O'Brien, Member

Also Present: Joseph C. Sullivan, Mayor
Joe Reynolds, Chief of Staff
Ed Spellman, Finance Director
Nelson Chin, Director Parks & Recreation
Christine Stickney, Director Planning & Community Development
Derek Manning, CPA
Tom Devin, School Committee member
Mike Carroll, OPM for South & East
Kerri Pickelo, resident/parent at Morrison

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

- June 5, 2018
 - Motion:** by Councilor Hume to Approve Minutes of June 5, 2018
 - Second:** by Councilor Whalen
 - Vote:** For (3 – Bowes, Carey, Whalen), Against (0), Absent (1 – O'Brien), Abstain (0)

New Business

- 18 036 Mayor: Request for Appropriation - Daugherty Gym Restoration or take up any action relative thereto (Public Hearing July 9)

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

MOTION: That in accordance with the provisions of Chapter 448 of the General Laws and with the recommendation of the Community Preservation Committee, a total amount of \$165,000 be appropriated from Town Community Preservation Act funds, consisting of \$82,500 from the Historic Resource Fund and \$82,500 from the Unreserved Fund, for architectural/engineering services for the restoration of exterior features and the provision of universal accessibility to the Daugherty Gym at 538 Washington Street (Assessors Map 2022, Plot 2A), said funds are to be expended under the direction of the Director of Recreation and the Director of Planning and Community Development.

Motion: by Councilor Hume to recommend favorable action to the full Council on Order 18 036

Second: by Councilor Carey

Vote: For (3 – Bowes, Carey, Whalen), Against (0), Absent (1 – O’Brien), Abstain (0)

- 18 037 Mayor: Request for Appropriation - Morrison School Outdoor Classroom or take up any action relative thereto (Public Hearing July 9)

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

MOTION: That in accordance with the provisions of Chapter 448 of the General Laws and with the recommendation of the Community Preservation Committee, the sum of \$133,854 be appropriated from the Town Community Preservation Act Unreserved Fund, for the purpose of capital improvements to recreational/open space areas, for the creation of an outdoor classroom on the grounds of the Archie T. Morrison Elementary School located at 260 Liberty Street (Assessors Map 3030, Plot 1). Said funds are to be expended under the direction of the School Department and the Director of Planning and Community Development.

Motion: by Councilor Hume to recommend favorable action to the full Council on Order 18 037

Second: by Councilor Whalen

Vote: For (3 – Bowes, Carey, Whalen), Against (0), Absent (1 – O’Brien), Abstain (0)

- 18 038 Mayor: Request for Appropriation - Flaherty School Gaga Pit or take up any action relative thereto (Public Hearing July 9)

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

MOTION: That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the sum of \$1,800 be appropriated from the Town Community Preservation Act Unreserved Fund for the purpose of capital improvements to recreational/open space areas, to pay for the cost of structural materials for the creation of a "gaga pit" within the playground and recreational area of the Mary E. Flaherty Elementary School located at 99 lakeside Drive (Assessors Map 2039, Plot 1). Said funds are to be expended by the Flaherty School PTO under the direction of the School Department and the Director of Planning and Community Development. A Community Preservation Grant Agreement is to be executed by the Flaherty School PTO prior to the start of any work.

Motion: by Councilor Hume to recommend favorable action to the full Council on Order 18 038

Second: by Councilor Whalen

Vote: For (3 – Bowes, Carey, Whalen), Against (0), Absent (1 – O’Brien), Abstain (0)

- 18 039 Mayor: Bond Authorization - South Middle School Feasibility Study or take up any action relative thereto (Public Hearing July 9)

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

ORDERED:

That the Town appropriate the sum of Three hundred and fifty thousand dollars (\$350,000) to pay costs of planning and design associated with conducting a feasibility study to develop and evaluate alternatives for the South Middle School, located at 232 Peach Street, in Braintree, Massachusetts and for the payment of all costs incidental and related thereto (the "Project"), for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; 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 project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of borrowing 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.

Any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: by Councilor Hume to recommend favorable action to the full Council on Order 18 039

Second: by Councilor Whalen

Vote: For (3 – Bowes, Carey, Whalen), Against (0), Absent (1 – O'Brien), Abstain (0)

- 18 040 Mayor: Appointment – Braintree Cultural Council, Leigh Champagne or take up any action relative thereto

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

To approve the appointment of Leigh Champagne to the Braintree Cultural Council, in accordance with sections 3-3 of the Town Charter.

Motion: by Councilor Hume to recommend favorable action to the full Council on Order 18 040

Second: by Councilor Whalen

Vote: For (3 – Bowes, Carey, Whalen), Against (0), Absent (1 – O'Brien), Abstain (0)

Old Business

- None

It was unanimously voted to adjourn the meeting at 7:07p.m.

Respectfully submitted,

Susan M. Cimino,
Clerk of the Council

Documents provided for Meeting

- Minutes for June 5, 2018
- 18 036 Mayor: Request for Appropriation - Daugherty Gym Restoration or take up any action relative thereto (Public Hearing July 9)
- 18 037 Mayor: Request for Appropriation - Morrison School Outdoor Classroom or take up any action relative thereto (Public Hearing July 9)
- 18 038 Mayor: Request for Appropriation - Flaherty School Gaga Pit or take up any action relative thereto (Public Hearing July 9)
- 18 039 Mayor: Bond Authorization - South Middle School Feasibility Study or take up any action relative thereto (Public Hearing July 9)
- 18 040 Mayor: Appointment – Braintree Cultural Council, Leigh Champagne or take up any action relative thereto

Office of the Mayor

One JFK Memorial Drive
Braintree, Massachusetts 02184



Joseph C. Sullivan
Mayor

781-794-8100

To: Charles Ryan, President of the Council
Susan Cimino, Clerk of the Council
James Casey, Town Clerk

cc: Joseph Reynolds, Chief of Staff and Director of Operations
Edward Spellman, Director of Municipal Finance

From: Joseph C. Sullivan, Mayor *JCS*

Date: June 26, 2018

RE: Acceptance of Donations

RECEIVED TOWN CLERK
BRAINTREE, MA
2018 JUN 26 AM 11:39

I submit the following request for acceptance of one donation to the Public Works Recreation & Community Events Department. Accordingly, your review and approval of the following motion is requested:

Public Works, Recreation & Community Events:

MOTION: That the Town of Braintree accepts the following gift upon the conditions attached and herein set forth:

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Stephen E. Goldman Family Trust	\$500.00	Recreation & Community Events

1098

STEPHEN E. GOLDMAN
STEPHEN E. GOLDMAN FAMILY TRUST
5 VINEWOOD RD
MILTON, MA 02186

DATE: 10/15/2018 53-179/113

Pay to the order of Town of Braintree
Fish Herdard

\$ 500.00

WILLIAMS A

Eastern Bank

100 EASTERN
MILTON, MA 02186

[Signature]

1098 Donations

⑆001098⑆ ⑆011301798⑆ 0601014335⑆



1 8 - 0 4 3

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

Joseph C. Sullivan
Mayor

781-794-8100

August 7, 2018

To: Charles B. Ryan, Council President

From: Joseph C. Sullivan, Mayor

JCS

Cc: Town Clerk

Town Councilors

Clerk of the Council

Christine Stickney, Director of Planning and Community Development

Re: Appointment of Alternate Planning Board Member

Pursuant to my authority as Mayor under Section 3-3 of the Braintree Town Charter I hereby appoint Hector Erinna of 29 Elliot Street as an Alternate Member of the Planning Board. As you are aware, via previous correspondence on this matter (copy enclosed), I believe that this associate member position will allow us to become a more efficient planning board in reducing time delays in the approval/disapproval process.

Further, with this submission of Mr. Erinna for placement to the board as the associate member, I believe his professional experience and his Veteran status will serve us well as a thoughtful member to this most important board.

I appreciate your review of this appointment and request favorable action.

Attachments: Erinna Resume

RECEIVED TOWN CLERK
BRAintree, MA
2018 AUG - 7 PM 4: 47

HECTOR ERINNA

West Medford, MA | Phone number | Email Address
LinkedIn Account

PROFESSIONAL SUMMARY

Protective Services Professional and U.S. Navy Veteran with a Top Secret Security Clearance and 14+ years of proven experience in the Federal Service. Accomplished measurable results while leading teams of 30 Agents in a dynamic, fast-paced environment. Possess a comprehensive background in Environmental Security and Public Safety derived from conducting domestic and global operations with the Transportation Security Administration. Managed risk upon multiple lines to protect assets, property, and equipment valued over \$10M while meeting the expectations of senior leadership. Possess extensive knowledge in Federal and State laws and regulations, chemical and flammable explosive materials, and program development. Recipient of multiple awards for outstanding performance and professionalism. Career supported by a Federal Air Marshal Certification.

- Protection Engineering
- Strategic Planning
- Quantitative Data Analysis
- Inspection / Investigation
- Training and Development
- Policy Implementation
- Preventative Security
- Performance Evaluation
- Microsoft Office Suite

PROFESSIONAL EXPERIENCE

Federal Air Marshal Service – Chelsea, MA
Transportation Security Agent

2002 – 2016

Engineered security measures for the TSA’s civil aviation system through effective tactical deployment. Detected, deterred, and removed any hostile acts targeting U.S. air carriers, airports, passengers, and crews in addition to task forces in cooperation with varied agencies to include federal, state and local.

- Audited 10 checkpoints at an International Airport to identify potential hazardous items and violations, reconciling 30 potential security breaches while streamlining efficiency during periods of increased security post 9/11
- Assessed and approved the validation of 130+ employee identification documents and vehicle records in accordance with TSA mandates
- Operated explosive detection equipment and x-ray scanners to perform physical security searches on 800-1000 persons daily and customer assets
- Determined sensitively level of secure information by initiating cross-functional performance between intelligence representatives, civil affairs, and air safety operation professionals
- Investigated potential vulnerabilities within air security, quarantined threats, triaged problematic components and standard operating procedures to promote a heightened security environment
- Inspected luggage, travelers, and facility for sensitive items or structural compromises to maintain 100% compliance within security operations
- Maintained knowledge relative to aviation security, to include applicable Federal Rules of Criminal Procedure, the Code of Federal Regulations, airport and air carrier standard security programs and, when appropriate, international laws and regulations
- Practiced the principles of hostile interviewing and criminal investigative techniques and adapted these methods and techniques to a number of high – stress situations
- Maintained combat efficiency of issued equipment to include service sidearm, rifles, edged weapons and secure communications gear valued in excess of \$500K
- Orchestrated training and sustained oversight over 30 security agents; disseminated 200+ encrypted communication devices valued at \$230K for maintenance and implemented a comprehensive inventory system, which resulted in zero loss, theft or damage.

EDUCATION / TRAINING

Federal Air Marshal Service Certification | Department of Transportation Security Administration
High School Diploma | Vilscek American High School | Germany

PRIOR EMPLOYMENT

United States Navy | Ordnance Technician | Various Locations



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

Joseph C. Sullivan
Mayor

781-794-8100

To: Charles B. Ryan, President of the Council
Town Council
Town Clerk
Clerk of the Council

From: Joseph C. Sullivan, Mayor

JCS

Date: April 24, 2018

RECEIVED TOWN CLERK
BRAintree, MA
2018 APR 24 PM 4:29

Re: Planning Board Associate Member: Proposed Amendments to the Town Zoning Ordinances and General Ordinances

The purpose of this memorandum is to request that the Town Council approve amendments to the Zoning Ordinances and the General Ordinances to create the position of Planning Board Associate Member, and to provide the form of the motions and articles for these amendments. The Zoning Ordinances amendment needs to be referred to the Planning Board for a public hearing and recommendation by that board.

A. Explanation for the proposed amendments

Currently, under Chapter 2.770 of the General Ordinances, the Planning Board consists of five members (appointed by the Mayor). There is no provision in either the General Ordinances or the Zoning Ordinances for an associate member. For the following reasons, it would be desirable to amend the General Ordinances and the Zoning Ordinances to create an associate-member position for the Braintree Planning Board.

The State Zoning Act, G.L. c. 40A, §9, provides that a municipality with a five-member Planning Board may establish an associate-member position. The associate member is permitted to serve in place of an absent regular member whenever the Planning Board is acting in its capacity as the special permit granting authority under the municipal zoning ordinance or bylaw. (The associate member is not eligible to participate in decisions on subdivision applications, since the state Subdivision Control Law does not provide for associate members.)

The Town's Zoning Ordinances designate the Planning Board as the special permit granting authority, and also give the Planning Board responsibility for site plan review and approval. (See Sections 135-501 and 135-711.) Under the State Zoning Act and the Zoning Ordinances, the approval of a special permit or a site plan requires a "supermajority" of four members of the five-member Planning Board to vote in favor, regardless of how many members are available to decide on a particular application. Therefore, if only four Planning Board members are available, all four must vote in favor, in order to approve the application. If only three Planning Board members are available and all three vote in favor, the application will nonetheless be deemed to have been denied, for lack of four affirmative votes. (For subdivision approval under the Subdivision Control Act, c. 41, §§81K *et seq.*, the rule is different: a simple majority, i.e., just three of the five Planning Board members, need to vote in favor to approve a subdivision plan.)

If the Planning Board were to have an associate member, it would be easier to satisfy the supermajority requirement whenever a regular Planning Board member is absent, or if a member recuses himself or herself due to a conflict of interest. Currently, whenever there is an application that requires a series of hearings over an extended period, it can be difficult to ensure that at least four of the five Planning Board members are present at each hearing. It sometimes becomes necessary to postpone hearings when one or more of the Planning Board members is unable to attend, simply to maintain the eligibility of at least four members. This situation delays action on applications, which is frustrating for both applicants and the Planning Board.

The procedure for creating the position of Planning Board associate member is set forth in G.L. c. 40A, §9, which provides, in part:

"Zoning ordinances or by-laws may provide for associate members of a planning board when a planning board has been designated as a special permit granting authority. One associate member may be authorized when the planning board consists of five members, and two associate members may be authorized when the planning board consists of more than five members. A city or town which establishes the position of associate member shall determine the procedure for filling such position. If provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board."

The quoted text states that the position of Planning Board associate member is to be provided for in a zoning ordinance. Therefore, an amendment to Section 135-501 of the Zoning Ordinances is proposed below. In addition, for the sake of completeness and clarity, an amendment is proposed to Chapter 2.770 of the General Ordinances, which addresses the membership and appointment of the Planning Board.

If the proposed amendments to the Zoning Ordinances and General Ordinances are approved, the Mayor will be authorized to appoint an associate member of the Planning Board, to serve as needed when the Planning Board is considering zoning applications. As stated below (in language derived from the provisions of G.L. c. 40A, §9), the associate member would serve as a voting member of the Planning Board in the event that one of the regular members is absent or unable to act, or has a conflict of interest, as well as if there is a vacancy on the Planning Board.

Pursuant to G.L. c. 40A, §5, the proposed amendment to the Zoning Ordinances requires a referral to the Planning Board for a hearing and recommendation, and also a hearing before the Town Council or a Council committee.

B. Proposed Town Council Motions for Amendments to the Zoning and General Ordinances

1. Amendment to the Zoning Ordinances

MOTION: That the Town Council vote to amend the Town's Zoning Ordinances, Article V – Special Permits, Section 135-501, to read as follows, by adding the words shown in **bold**:

"§135-501. Special permit granting authority (SPGA)

The special permit granting authority (SPGA) shall be the Braintree Planning Board. The Planning Board shall consist of five members and one associate member, appointed by the Mayor, as provided by Section 2.770.010 of the General Ordinances. The Planning Board Chair shall designate the associate member to sit on the Planning Board for the purpose of acting on a special permit application or site plan review, in the case of absence, inability to act, or conflict of interest on the part of a member of the Planning Board, or in the event of a vacancy on the Planning Board."

2. Amendment to the General Ordinances

MOTION: That the Town Council vote to amend the Town's General Ordinances, Chapter 2.770 "Planning Board", Section 2.770.010, to read as follows, by adding the words shown in **bold**:

"2.770.010. Establishment

1 8 - 0 4 3
1 8 - 0 2 9

There shall be a Planning Board of the Town which shall consist of five members and one associate member appointed by the Mayor, pursuant to MGL c. 41, §81A and c. 40A, §9, who shall serve without pay. The Mayor shall designate one of the Board members to serve as Chair, and the members shall choose one of the members as Vice Chair, Clerk, and/or Secretary. The associate member shall be eligible to participate solely on matters in which the Planning Board is acting as the special permit granting authority under the Town's Zoning Ordinances."