

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

**MEMBERS**

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

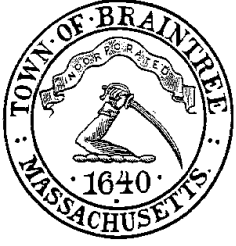
**AGENDA**

**Monday, May 22, 2023**

**Starting Time – 6:00p.m.**

**Horace T. Cahill Auditorium, Town Hall**

1. Pledge of Allegiance/Moment of Silence
2. Roll Call
3. Approval of Minutes
  - December 20, 2022
  - January 17, 2023
  - February 7, 2023
  - February 16, 2023
  - February 28, 2023
4. Old Business
  - 23 025 Mayor: FY2024 Operating Budget or take up any action relative thereto
    - FY2024 Revenue Forecast
    - Finance Dept
    - Schools
5. New Business
  - 23 029 Council President: Establishment of New Revolving Fund for Tree Replacement or take up any action relative thereto
  - 23 030 Mayor: FY2023 Supplemental Appropriation #2 or take up any action relative thereto
6. Adjournment



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

**MEMBERS**

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

**MINUTES**  
**Tuesday, December 20, 2022**

A meeting of the Committee of Ways & Means was held in Johnson Chambers, on Tuesday, December 20, 2022 at 6:30p.m.

**This meeting was moved to Cahill Auditorium due to a large public attendance.**

Councilor Reynolds was in the Chair.

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

Present: Joseph Reynolds, Chairman  
Julia Flaherty, Vice-Chairwoman  
Elizabeth Maglio, Member  
Meredith Boericke, Council President (ex-officio)

Also Present: Nicole Taub, Chief of Staff/Town Solicitor  
Ed Spellman, Finance Director  
Kenneth Murphy, Vice President for the Massachusetts Coalition of Police (Area 9),  
Mario Oliveira, retired Somerville police detective and ATF TFO  
Officer Ryan McHugh  
Public Safety personnel  
residents

## Approval of Minutes

- **May 11, 2022**

**MOTION:** to approve the Minutes of May 11, 2022.

**Motion:** by Councilor Flaherty to approve Minutes of May 11, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

## Old Business

- None

## New Business

- **22 070 Mayor: Appointment Braintree Local Cultural Council (LCC) -- Heidi Hurley or take up any action relative thereto**

Nicole Taub stated these are folks who work or live in the community with interest or expertise in the arts. The mayor appreciates your review of this appointment and requests favorable action.

Chairman Reynolds asked for a Motion to be read.

Councilor Flaherty read the following Motion for favorable recommendation to the full Council Order 22 070:

**MOTION:** Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with sections 3-3 of the Charter of the Town of Braintree to approve the appointment of Heidi Hurley to the Braintree Cultural Council.

**Motion:** by Councilor Flaherty for favorable recommendation to the full Council to approve Order 22 070

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

- **22 071 Mayor: Appointment Braintree Local Cultural Council (LCC) -- Jeanne Connolly or take up any action relative thereto**

Nicole Taub stated these are folks who work or live in the community with interest or expertise in the arts. The mayor appreciates your review of this appointment and requests favorable action.

Chairman Reynolds asked for a Motion to be read.

Councilor Flaherty read the following Motion for favorable recommendation to the full Council Order 22 071:

**MOTION:** Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with sections 3-3 of the Charter of the Town of Braintree to approve the appointment of Jeanne Connolly to the Braintree Cultural Council.

**Motion:** by Councilor Flaherty for favorable recommendation to the full Council to approve Order 22 071

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

- **22 072 Mayor: Home Rule Petition—Retirement of Officer Ryan McHugh or take up any action relative thereto**

Nicole Taub, Chief of Staff stated Officer McHugh began his career in law enforcement with the Braintree Police Department in October 2005. After several years with the Patrol Division, Officer McHugh was assigned to the motorcycle unit in 2011 and also served as the President of the Braintree Police Officers Association. During his tenure with the Braintree Police Department, Officer McHugh received several letters of commendations and recognition, the Medal of Valor, the Dana Award and the Medal of Honor at the 35<sup>th</sup> Annual Trooper George L. Hanna Memorial Awards for Bravery.

Additionally, Officer McHugh, along with the other officers involved, were recognized by the Town Council on August 15, 2017, for their professionalism, courage, bravery and service of their duty to protect on May 5, 2017.

On May 5, 2017, Officer McHugh, along with several other officers, were involved in an incident at Motel 6 that started with the need to serve an abuse prevention order and arrest warrant on a subject staying at the motel. Officer McHugh, along with four other officers, approached the door where the suspect was staying. After several attempts to enter without response, a key card was used to unlock the door. The door was pushed open a few inches until the security latch engaged. After announcing their presence again, the suspect opened fire from inside of the room. One officer, standing near the front of the door, was struck by gunfire and knocked backwards, sustaining wounds to his left eye, arm and right side of his head. Officer McHugh, along with Officer William Cushing, returned fire with their service weapons. They directed their fire at the threat in order to allow for the injured officer's evacuation. Once the initial gunfire exchange subsided, Officer McHugh ran to his cruiser to retrieve his patrol rifle and took position behind a vehicle to the right of the target door, along with Officers Cushing and Hamilton. Responding to more gunfire, the officers returned fire into the room. The officers maintained their positions in containment until relieved by other officers and tactical personnel. After another four hours, the suspect was discovered deceased in the room, cause of death later determined to be from the officers' rounds fired in self-defense.

Officer McHugh, along with his fellow Braintree police officers, truly exemplified what it means to put the lives of others before their own during the critical incident at Motel 6 on May 5th.

Officer McHugh returned to service following the incident; however, in early 2022, he began experiencing a recurrence of Post Traumatic Stress Disorder symptoms as a result of the June 4, 2021 incident. While Officer McHugh continues his work to improve these symptoms, his treating provider has determined that he no longer has the mental and emotional capacity to perform his duties as a Braintree police officer. Therefore, in order to ensure that Officer McHugh receives the full benefit of his service upon retirement, the mayor is requesting your support for the enclosed home rule petition providing for his retirement.

Specifically, the home rule petition allows Officer McHugh to retire in accordance with M.G.L.

c. 32 s. 7. Further, that the annual amount of the pension payable to Officer McHugh 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 McHugh 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 McHugh 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 McHugh 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, is a letter of support from the medical professional that has been treating Officer McHugh since February 2022, as well as letters of support from the Braintree Police Officers Association and the Massachusetts Coalition of Police. Additionally, included is a fitness for duty evaluation performed earlier this year regarding Officer McHugh's ability to return to full duty.

My name is Kenneth Murphy, and I am a Vice President for the Massachusetts Coalition of Police (Area 9) which represents both the Braintree Patrol Officer's Association and the Braintree Superior Officers Association in addition to 15 other surrounding department's police unions. I have successfully participated in efforts facilitating the "Home Rule Petition" (like the one before you) in the past and am currently involved in supporting efforts for the filed petitions stemming from the 2021 Braintree Police incident in which (2) officers were shot and K9 Kitt was tragically killed.

*"Falsehoods fly, while the truth limps behind"*- The falsehood or misrepresentation is that the accidental disability retirement processes exist for officers like Ryan McHugh. The truth is that no legislation currently exists which adequately captures and processes the particular and narrow field of officers disabled (from police work) by serious, permanent injuries sustained from a violent and extreme attack upon them by an armed individual. The "Home Rule Petition" is the request of a municipality for a new type of power from the state legislature which would only affect that one community issue. This is a process afforded to communities of the Commonwealth to address local matters and in this instance to intervene where the "state" has been ineffectual in returning police officers to their families fairly and without subjecting them to unsuitable, antiquated and potentially regressive guidelines. Therefore, we seek your support of the "Home Rule" petition effort for Officer Ryan McHugh stemming from the May 5, 2017 incident (#2017-7546).

The incident as you know involved (5) Braintree Police Officers attempting to serve an abuse prevention order and an arrest warrant on a subject staying in the motel. During the encounter, the suspect opened fire on the officers from his room, striking an officer in the head. The officers engaged in an exchange of gunfire with the suspect while attempting to render immediate aid to, and facilitate the evacuation of, the wounded officer. Officer McHugh would employ two weapon systems (his handgun and a patrol rifle) during the exchange.

This brief summary does not adequately encompass the conditions, circumstances, sights, sounds, smells, memories or emotions of the incident or the ensuing investigations, critiques, and analysis. In July 2017 former Police Chief Paul Shastany even said, "my officers are going through hell over this" (Patriot Ledger, July 2017) in reference to both the incident and the aftermath. To say this is not the "norm" in policing or merely an "extraordinary" incident falls short in rationalizing the magnitude of such an event upon an officer and the community. Some may feel that this type of incident can simply be "expected" during an officer's career, or under evaluate the gravity or casually appreciate the severity from the safety of a chair behind a desk while politely dressing up a basic claim, this wasn't that bad, but it was nothing short of "hell."

The fact of the matter is Braintree as a community experienced a spike in violence against their police officers with 3 shot in an astonishingly consolidated time frame (of 4 years). Sadly, when communities

experience increases in violence over time, often they can become conditioned to accept or rationalize past violence as “not that bad” because intensity and accumulation can skew perspectives. We must act collectively to ensure such a view is never tolerated.

Policing as we know is not the military, so to engage in combat operations in a town you live in, in a community you grew up in, on streets you drive your family through should never be normalized in any capacity. Going to work and witnessing a coworker being shot and then fighting for your life and those with you is extreme and should never be accepted as anything but. Officer McHugh along with the other officers received the Dana Distinguished Service Award, the Mass COP “Presidents Award,” the Massachusetts Police Association “Presidents Award” and the highest policing honor in the commonwealth, the Trooper George Hanna Award for “heroism in the face of extreme danger” as a result of this incident. It would stand to reason that this was an extreme incident with extraordinary impacts as we now know. Therefore a standard accidental disability retirement process and pension is not appropriate.

Unfortunately, Massachusetts lacks an adequate and reasonable process to return officers who have engaged in and suffered the impacts of extraordinary incidents like this to their families. Certainly, the Accidental Disability Retirement (ADR) process exists for officers injured in the line of duty. Officers permanently injured by line of duty falls, car accidents or the tearing of a shoulder while scuffling with a suspect for instance all have this well-established process.

Unfortunately, officers from this small field would be subjected to the same intrusive clinical process without appropriate governance for these circumstances, if not for the Home-Rule Petition. Without this petition, these officers, to include Officer McHugh would be subjected to broad stroking PERAC guidelines including a state medical evaluation with a one or three doctor panel that lacks suitable and current regulation. It’s a repeated process of speaking with doctors and panels he’s not met, not built a rapport or trust with and who’s singular purpose is to “judge” and render a decision upon him, his incident, the impacts, and his disability.

Currently there is approximately 11 like petitions before the state legislature from 5 communities across Massachusetts with Boston having 6 and Braintree currently having 2. In recent years Sommerville, Yarmouth, Weymouth, Falmouth and Boston among others have utilized the “Home Rule Petition” to support officers from this narrow field appropriately with consistent high thresholds of implementation including exchanges of gunfire, officers being shot and often fatality of officers and or suspects, which this incident meets. I write you in support of this measure and to ask you meet this “Home-Rule Petition” request with favorable action to spare this officer from further “hell,” to close the law enforcement door for him, to facilitate productive movement forward in his life and to provide the greatest level of assistance available.

Kenneth continued to say this is an extraordinary event. Essentially it is an exchange of gunfire. The suspect in many instances sub coming to their injuries from gunfire from police. This incident does this. This is not something that occurs in an everyday scenario. This is an extreme incident and worthy of a Home Rule Petition.

Chairman Reynolds stated this was an extraordinary life or death situation where an officer was shot and suspect killed by police fire. The term PTSD that has been determined by various mental health professionals who officer McHugh has been assessed by. PTSD is an illness I am very familiar with, having been a military officer for many years.

Kenneth Murphy stated obviously this would classify as the most traumatic situation an officer can be in. The community of Braintree closed a business in response to this. PTSD has triggers and the individual can't return to full or modified capacity. It causes difficulty controlling or reacting. The State Legislature needs to take responsibility for these but until they do it is the responsibility of the town where the state has left off. This officer is a member of your community. I hope it is supported the way it should be.

Councilor Maglio asked what is unsustainable? It is a real issue for communities like Braintree. Kenneth Murphy replied unfortunately your community has had two incidents here. there needs to be some kind of system to account for that. It is our responsibility for officers placed in this situation to help them out.

Councilor Maglio stated you mentioned this is an extreme high bar for these types of incidents. What would you say is significant about incidents that reach that high bar. Kenneth Murphy replied officers being shot, an exchange of gunfire and with this incident a suspect was neutralized.

Councilor Maglio asked in terms of benefits to be received is there any middle ground? Kenneth Murphy replied this is what is being used because it has been established as the appropriate responsibility and response in supporting that officer.

Chairman Reynolds stated we will have to stop this meeting at this time so BCAM can set up for the full Council meeting. I will request public comment be allowed at the full Town Council meeting this evening.

Councilor Flaherty stated in a moment we will take a vote. I will abstain from that vote and the reason being because we have not yet heard from the Chief. I will reserve my vote until after I have heard his comments.

Chairman Reynolds asked for a Motion to be read.  
Councilor Flaherty read the following Motion for favorable recommendation to the full Council Order 22 072:

**MOTION:** That the Town Council vote to authorize the Mayor to petition the General Court for "An Act Providing for the Retirement of Ryan McHugh, A Police Officer in the City Known as the Town of Braintree," as set forth in the petition for special legislation filed with the Town Council on or about December 5, 2022, and on file with the Office of the Town Clerk. Further, that the General Court be authorized to make clerical or editorial changes of form only to the bill prior to enactment by the General Court and further, that the Mayor be authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**Motion:** by Councilor Flaherty to approve Order 22 072

**Second:** by Councilor Maglio

**Vote:** For (1 – Reynolds), Against (0), Absent (0), Abstain (2 – Flaherty, Maglio)

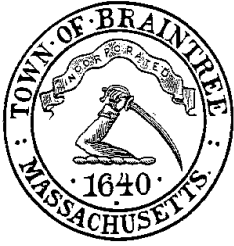
It was unanimously voted to adjourn the meeting at 7:15p.m.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

## **Documents provided for Meeting**

- Minutes of May 11, 2022
- 22 070 Mayor: Appointment Braintree Local Cultural Council (LCC) -- Heidi Hurley or take up any action relative thereto
- 22 071 Mayor: Appointment Braintree Local Cultural Council (LCC) -- Jeanne Connolly or take up any action relative thereto
- 22 072 Mayor: Home Rule Petition—Retirement of Officer Ryan McHugh or take up any action relative thereto





**Braintree Town Council**  
**Committee of Ways & Means**  
One JFK Memorial Drive  
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**MEMBERS**

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

**MINUTES**  
**Tuesday, January 17, 2023**

A meeting of the Committee of Ways & Means was held in Johnson Chambers on Tuesday, January 17, 2023, at 6:00p.m.

Councilor Reynolds was in the Chair.

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

Present: Joseph Reynolds, Chairman  
Elizabeth Maglio, Member

Not Present: Julia Flaherty, Vice-Chairwoman

Also Present: Nicole Taub, Chief of Staff/Town Solicitor  
Ed Spellman, Director of Municipal Finance  
Cindy DePina, Human Resources Director

**Approval of Minutes**

- None

**Old Business**

- None

## **New Business**

- **22 066 Council President: Appointment - Town Auditor or take up any action relative thereto (6pm – 6:30pm discussion)**

Chairman Reynolds stated I have looked at the initial offer and there is an increase. I understand there is a cost to do business. We may have an opportunity to negotiate. We have built a great relationship with this Town Auditor. He is very thorough and easy to access.

Councilor Maglio stated he has provided excellent information in a timely manner. He is helpful in his explanations. He provides a great overview. I have no concerns.

Chairman Reynolds stated the 2 previous contracts there was some negotiations. Discussion about yearly costs and budget continued stating we may want to invite them to attend a W&M meeting (Shawn and Hannah). We will then make a recommendation to the full Council (possibly bring to full Council on February 28 for discussion/vote)

Chairman Reynolds asked if there is a Motion to table Order 22 066 to a future meeting.  
Motion by Councilor Maglio to table Order 22 066 to a future meeting:

**MOTION:** To table Order 22 066 to a future meeting

**Motion:** by Councilor Maglio to table Order 22 066 to a future meeting

**Second:** by Councilor Reynolds

**Vote:** For (2 – Maglio, Reynolds), Against (0), Absent (1 - Flaherty), Abstain (0)

- **23 001 Mayor: Authorization of Four-Year Lease Agreement – 2015 Washington Street or take up any action relative thereto**

Chairman Reynolds asked if there was anyone from the Mayor's office who would like to speak on Order 23 001.

Nicole Taub, Chief of Staff stated the Town entered into a lease in May 2012 with the Division of Capital Asset Management and Maintenance on behalf of the Norfolk County Sheriff's Office for use of the property located at 2015 Washington Street. The property consists of 16,300 usable square feet of space contained within five (5) buildings. The original term commenced on June 1, 2012 with an annual rent of \$75,000 for a five (5) year term. In October 2016, the lease was extended for an additional four (4) year term with an annual rent of \$75,000 for 2017 and \$77,250 per year for 2018 through 2021. In 2022 the Town and the Commonwealth entered into a short-term tenancy to allow the parties to renegotiate the terms of the lease while allowing the Sheriff's Office to continue using the property.

The Town is now seeking to enter into a four (4) year lease extension with the Commonwealth to allow the Sheriff's Office continued use of the property at an annual rental rate of \$113,789.30, payable in monthly installments of \$9,482.44. This amount reflects an increase of \$36,539.30 over the prior lease value and will remain in effect until December 31, 2026.

We strongly value the Town's relationship with the Sheriff's Office and the benefit their use of the property provides for the community including, notably, the Youth Leadership Academy held on the property each summer and includes a low and high ropes challenge course. We look forward to continuing our relationship with Sheriff McDermott and his staff as we continue to work together to provide important public safety services to our residents. We request your favorable vote authorizing the Town to enter into a four (4) year lease extension for use of the property at 2015 Washington Street.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 001.

Councilor Maglio mentioned an email question from Councilor O'Brien.

Nicole Taub stated Councilor O'Brien requested we ask Bob Cusack weigh in on whether this is a fair lease because of Bob's real estate knowledge. I spoke with Bob Cusack who stated it is difficult to draw comparisons with this type of agreement and a traditional commercial agreement and looking at the specific zoning and the limitations around that.

Chairman Reynolds stated good job on the negotiations. There is also a value on the use of that property and how it is used currently.

Chairman Reynolds asked if there is a Motion for Order 23 001.

Motion read by Councilor Maglio for Favorable Recommendation to the full Council:

**MOTION:** That the Town, acting through the Mayor, be authorized to enter into a four year lease extension with the Commonwealth of Massachusetts by and through the Commissioner of its Division of Capital Asset Management and Maintenance for use of the property at 2015 Washington Street, Braintree, MA 02184 by the Norfolk County Sheriff's Office.

**Motion:** by Councilor Maglio for Favorable Recommendation to the full Council to Approve Order 23 001

**Second:** by Councilor Reynolds

**Vote:** For (2 – Maglio, Reynolds), Against (0), Absent (1 - Flaherty), Abstain (0)

- **23 002 Mayor: Transfer Funds from the Human Resources Salary Reserve or take up any action relative thereto**

Chairman Reynolds asked if there was anyone from the Mayor's office who would like to speak on Order 23 002.

Nicole Taub, Chief of Staff stated the Town has concluded negotiations with the Utility Workers Union of America, AFL-CIO, Local No. 466 (UWUA) and a collective bargaining agreement for the July 1, 2022 -June 30, 2025 term has been reached. Included in that agreement is a one percent (1%) cost of living increase for Fiscal Year 23. In order to fund the increase for non- union employees, funds need to be transferred from the Town's Human Resources Salary Reserve Fund, found in the Human Resources-Employee Benefits Program, Reserve Line approved during the FY23 budget process. As previously noted, this is not a request for any new fiscal appropriations. The total amount to be transferred is \$31,880.99 and will be

funded entirely through the Human Resources Reserve Line (0115204 578050). The current balance of the line, as approved in the original FY23 Budget, is \$448,251.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 002.

Councilor Maglio stated this list of positions is management staff to go retro to July 1, 2022. Why did they not get paid until now.

Nicole Taub stated now that we settled the contract we now know what will be the COLA for these folks. We start negotiations with every union at the same time. Prior to negotiations we set aside a 1% COLA. Some negotiations take longer than others. Offered across the board has been 1% in year one, 2% in year two and 3% in year three.

Councilor Maglio asked for the revenues year to date.

Chairman Reynolds stated this is a step in the process. This is more of a formality.

Chairman Reynolds asked if there is a Motion for Order 23 002.

Motion read by Councilor Maglio for Favorable Recommendation to the full Council:

**MOTION:** That the Town vote to amend the wage and salary classification schedules, as most recently amended by appropriating the sum of \$31,880.99 for the purpose of funding a wage increase for the non-union employees effective July 1, 2022, and for this purpose the sum of \$31,880.99 be transferred from the Human Resources-Employee Benefits Program-Reserve Line (0115204 578050) and further, that the Director of Municipal Finance is authorized to allocate said sums to and among the various accounts affected thereby in such amounts as are proper and required. In anticipation of approval of these agreements, funds were appropriated to the reserve account in the originally approved Fiscal Year 2023 budget.

**Motion:** by Councilor Maglio for Favorable Recommendation to the full Council to  
Approve Order 23 002

**Second:** by Councilor Reynolds

**Vote:** For (2 – Maglio, Reynolds), Against (0), Absent (1 - Flaherty), Abstain (0)

- **23 003 Mayor: Transfer Funds from the Water Sewer Reserve Fund or take up any action relative thereto**

Chairman Reynolds asked if there was anyone from the Mayor's office who would like to speak on Order 23 003.

Nicole Taub, Chief of Staff stated the Town has concluded negotiations with the Utility Workers Union of America, AFL-CIO, Local No. 466 (UWUA) and a collective bargaining agreement for the July 1, 2022 - June 30, 2025 term has been reached. The following item is to fund this union contract. The agreement with the UWUA includes a one percent (1%) wage increase for the current fiscal year, a two percent (2%) increase in year two and a three percent (3%) increase in year three. The agreement also includes a three

percent (3%) hazardous materials/conditions stipend to take effect in the current fiscal year. This is a fair and affordable agreement that will be funded through the Water and Sewer Reserve Fund, which has sufficient funding available to support these terms. As a result, funds for these contractual increases are to be transferred from the Town's Water and Sewer Reserve Fund, found in the Water and Sewer-Administration Budget approved during the FY23 budget process. This is not a request for any new fiscal appropriations.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 003.

Councilor Maglio asked about the stipend and how that works.

Nicole Taub stated the stipend is 3% of each individuals base salary.

Chairman Reynolds asked if there is a Motion for Order 23 003.

Motion read by Councilor Maglio for Favorable Recommendation to the full Council:

**MOTION:** That the Town vote to amend the wage and salary classification schedules, as most recent1y amended by appropriating the sum of \$45,997.79 for the purpose of funding a wage increase and other items as detailed in the Memorandum of Agreement (MOA) for the Utility Workers Union of America, AFL-CIO, Local No. 466 (UWUA), effective July 1, 2022, and for this purpose the sum of \$45,997.79 be transferred from the Water/Sewer Enterprise Fund Water- Administration Program 01-Reserve Line (7043801 578050) and further, that the Director of Municipal Finance is authorized to allocate said sums to and among the various accounts affected thereby in such amounts as are proper and required. In anticipation of approval of these agreements, funds were appropriated to the reserve account in the originally approved Fiscal Year 2023 budget.

**Motion:** by Councilor Maglio for Favorable Recommendation to the full Council to Approve Order 23 003

**Second:** by Councilor Reynolds

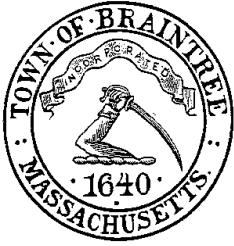
**Vote:** For (2 – Maglio, Reynolds), Against (0), Absent (1 - Flaherty), Abstain (0)

It was unanimously voted to adjourn the meeting at 6:55p.m. by Roll Call Vote.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

## Documents provided for Meeting

- 22 066 Council President: Appointment - Town Auditor or take up any action relative thereto
- 23 001 Mayor: Authorization of Four-Year Lease Agreement – 2015 Washington Street or take up any action relative thereto
- 23 002 Mayor: Transfer Funds from the Human Resources Salary Reserve or take up any action relative thereto
- 23 003 Mayor: Transfer Funds from the Water Sewer Reserve Fund or take up any action relative thereto



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

**MEMBERS**

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

**MINUTES**  
**Tuesday, February 7, 2023**

A meeting of the Committee of Ways & Means was held in Johnson Chambers, on Tuesday, February 7, 2023 at 6:30p.m.

Councilor Reynolds was in the Chair.

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

Present: Joseph Reynolds, Chairman  
Julia Flaherty, Vice-Chairwoman  
Elizabeth Maglio, Member

Also Present: Nicole Taub, Chief of Staff/Town Solicitor  
Ed Spellman, Director of Municipal Finance

**Approval of Minutes**

• **May 12, 2022**

**MOTION:** To Approve Minutes of May 12, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of May 12, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

• **May 16, 2022**

**MOTION:** To Approve Minutes of May 16, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of May 16, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

• **May 18, 2022**

**MOTION:** To Approve Minutes of May 18, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of May 18, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

**Approval of Minutes** (continued)

• **May 31, 2022**

**MOTION:** To Approve Minutes of May 31, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of May 31, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

• **June 7, 2022**

**MOTION:** To Approve Minutes of June 7, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of June 7, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

• **June 21, 2022**

**MOTION:** To Approve Minutes of June 21, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of June 21, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

**Old Business**

- **22 066 Council President: Appointment - Town Auditor or take up any action relative thereto**  
(6:30pm – 7:00pm)

Chairman Reynolds asked for a Motion to take off the Table Order 22 066

**MOTION:** To take off the table Order 22 066

**Motion:** by Councilor Flaherty to take off the table Order 22 066

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

Chairman Reynolds stated I would like to continue to go over a few more items and contact the references and then offer that Shawn McGoldrick and Hannah York attend a Ways & Means meeting.

There was discussion to have a meeting of Ways & Means and invite the CLA folks and make a recommendation to the full Council for the full Council to vote on February 28, 2023.

Chairman Reynolds asked members if there is a number to propose to CLA and if there is any ability to negotiate the new proposed hourly rates.

Discussion continued about the new rates vs the old rates and positions. Titles were not the same as the last contract. Members asked for an alignment of previous titles and now the new titles. This would be available for the next meeting.

Councilor Flaherty stated all most none of the work is done by the top tier. Technology fee is the same at 5%. There is no cap mentioned. We have never made it to our cap in the past. We have only ever made it to \$71,000. The budgeted amount was \$74,000 for years. The past two years we cut the budget to \$71,000 though the Town Solicitor stated if CLA had a project and they exceeded the \$71,000 up to their contracted amount of \$76,000 then we would have to pay that full amount.

Chairman Reynolds asked for a Motion to Table Order 22 066

Motion by Councilor Flaherty:

**MOTION:** To table Order 22 066

**Motion:** by Councilor Flaherty to table Order 22 066

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

### New Business

- **23 005 Mayor: Acceptance of Donations or take up any action relative thereto (7:00pm)**

Chairman Reynolds asked if there was anyone from the Mayor's office who would like to speak on Order 23 005.

Nicole Taub, Chief of Staff stated the Town was recently contacted by the Laurie Melchionda Foundation (Foundation) to make a donation in memory of Laurie Melchionda. Specifically, they would like to donate \$15,000 to help furnish the South Middle School Nurse's Office with items including, but not limited to, a medical bed/couch, exam paper, cabinets, a sink, a refrigerator, a locked cabinet, a medicine cabinet with sliding bins, a privacy exam screen, a rolling stool, a computer desk, thermometer(s), stethoscope(s), a blood pressure machine, scale(s), first aid kit(s) and supplies, nebulizer(s), vision and hearing screening(s) and office supplies.

Additionally, the Foundation would like to donate 5 Automated External Defibrillators (AEDs) for deployment at Town Hall and throughout the Braintree Public Schools as needed.

The Foundation was established in memory of Laurie Melchionda, who tragically lost her life in Spring 2020. Laurie began her career in nursing at Boston Children's Hospital, where she worked for 35 years. While serving the greater Boston community, Laurie also brought her skill and passion to Braintree, where she served as a school nurse and Director of Nurses both here and in the Weston Public School System. Laurie also served as a member of the Board of Health for four years. Laurie served our community with great pride and always had the best interest of our students, colleagues, family and friends at heart. I can't thank the Foundation enough for this generous donation that will help continue Laurie's great legacy well into the future.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 005.



Councilor Flaherty stated it is wonderful when people want to be so generous. Is there a plan in place to ensure coaches/teachers know where the defibrillators are and how to use them. Nicole Taub stated they are currently in the schools. We are just replacing them. It is good to have a class or program in the schools to make sure everyone is trained on this device.

Councilor Maglio stated is East Middle School nurse’s office fully funded with what they need? Nicole Taub stated yes it is.

Chairman Reynolds asked if there is a Motion for Order 23 005.

Motion read by Councilor Flaherty for Favorable Recommendation to the full Council:

**MOTION:** That the Town of Braintree be and hereby is authorized, in accordance with Section 53A of Chapter 44 of the Massachusetts General Laws to accept the following gift upon the conditions attached and herein set forth:

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Laurie Melchionda Foundation	\$15,000	South Middle School Nurses Office
Laurie Melchionda Foundation	5 Automated External Defibrillators	Town Hall and Braintree Schools

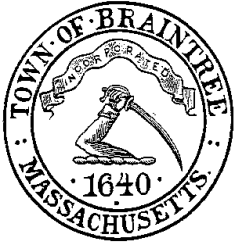
- Motion:** by Councilor Flaherty for Favorable Recommendation to the full Council to Approve Order 23 005
- Second:** by Councilor Maglio
- Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

It was unanimously voted to adjourn the meeting at 7:10p.m. by Roll Call Vote.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

## Documents provided for Meeting

- 22 066 Council President: Appointment - Town Auditor or take up any action relative thereto (*discussion*)
- 23 005 Mayor: Acceptance of Donations or take up any action relative thereto (7:00pm)



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

**MEMBERS**  
Joseph Reynolds, Chairman  
Julia Flaherty, Vice-Chairwoman  
Elizabeth Maglio, Member

**MINUTES**  
**Thursday, February 16, 2023**

A meeting of the Committee of Ways & Means was held via Zoom, on Thursday, February 16, 2023 at 5:30p.m.

Councilor Reynolds was in the Chair.  
Clerk of the Council, Susan M. Cimino conducted the roll call.

Present: Joseph Reynolds, Chairman  
Julia Flaherty, Vice-Chairwoman  
Elizabeth Maglio, Member

Also Present: Hannah York, CLA Principal  
Shawn McGoldrick, CLA – Town Auditor

**Approval of Minutes**

- None

**Old Business**

- **22 066 Council President: Appointment - Town Auditor or take up any action relative thereto**

Chairman Reynolds asked if Hannah would like to make a statement to introduce herself.

Hannah York stated I work for CLA as the Principal. We specialize in State and Local Government (SLG) and special grants like ARPA. We are excited to have the opportunity again to work with the Town.

Shawn McGoldrick stated that back in 2019 the current structure that was proposed back then the structure has changed and positions have changed. We went from a crew of 6 on the last proposal to 10. Many moved up to more senior rolls. The first CLA contract with the town it was more of a split with Dan Sullivan and Shawn McGoldrick. It was a brand new contract and I was new in the role. After a year I, Shawn have done a lot more of the work. The hope and the game plan is to get other people more involved. You will not lose me, I will be more of a review of their work. The first contract with the town was more or less low-balled it to get our foot in the door. We wanted this experience. We wanted to

work with the Town of Braintree. CLA is mandating us to get our rates. It is critical to get other people on our team to do this work as well. I will still be your direct contact.

Hannah York stated we are very committed to retain our top talent in CLA. We have an amazing group and award that with advancement and compensation. We need to do this to compete with the market. We have had low turnover.

Chairman Reynolds asked if any Committee members would like to speak on Order 22 066.

Councilor Flaherty stated that I enjoy working with Shawn and others from CLA. I made a call to Melrose as a reference and Shawn got 5 stars. He is very responsive to calls and trust is very high.

It is hard to compare this contract to the next one. Structure is a little different. Why is there a range of rate for the one Controller?

Shawn McGoldrick stated over a 3 year contract others could be elevated to that Controller level. Their pay would start with a lower billing rate at that first tier. Top tier would be for the Controller who has had much more experience.

Councilor Flaherty asked if it can be predicted which staff would do what percentage of the work.

Shawn McGoldrick stated the way the team is right now, I would see the Assistant Controller and some of the Seniors doing the work. I could ask for a team member to prep the work and I would review it. I am hoping it is me at 50% and Senior and Assistant Controller equaling 50%.

Hannah York stated it is also hard to predict because it depends on what kind of project Braintree asks us to do. The structure with Braintree is we do a lot of different projects. Our staff has a lot of different abilities and backgrounds so we can juggle that workload. We have a lot of options. Shawn has always done very well at the overall but not to exceed budget to get you the most for your money. We can do that by providing a mix with the different levels. We will do the highest quality work with the lowest price person that we can do.

Shawn McGoldrick stated we have never gone over our appropriation, we have never asked for a supplemental, we have turned over money most years. I do not go to Braintree if it is not necessary and if it is a slow time.

Councilor Flaherty asked about Technology Fee at 5% and if that can be negotiated.

Shawn McGoldrick stated that is a directive here at CLA. We spend a significant amount of money in technology. We take security very highly and scrutinize it and take it very seriously.

Councilor Maglio stated this is the first year I have worked with Shawn McGoldrick. You are by far the best. You have a connection, you have history with the town, you are accessible. If you do not have an answer you will get it. If there is wiggle room with this contract, I would hope it would be in the middle tier.

Chairman Reynolds stated I now understand the new organizational charts. I like this strategy of yours and bring up the senior team to have a stable and strong organization. You are giving the newer professionals in the field and having Shawn as the person to overlook and provide guidance. I would not

expect our level of service drop because you are there for guidance and supervision. How will the work % be divided.

Shawn McGoldrick stated I am hoping it is me at 50% and Senior and Assistant Controller equaling 50%. At other towns I set the other team members up and they do the work and use their skills and I review it and the community gets the benefit of a lower rate.

Chairman Reynolds stated Braintree has asked for a cap each year and you have consistently come in under that cap based on the services and what has been asked of you. Chairman Reynolds asked about spending the allocation of funds.

Shawn McGoldrick stated sometimes there is something in the news and it is asked can this happen in Braintree. There are also certain times of the year when we have more work to do than others like Budget Season. If your concern is we need more projects done then we can scale back and figure it out. We will have this discussion. We have never asked for more funding.

Hannah York stated we understand budgetary constraints. The last thing you want to do is cut on compliance and monitoring and oversight versus the risk if you do not have that going on. Having us as part of this team we can help provide other services.

Chairman Reynolds stated looking at the total picture your answers are very assuring.

Councilor Flaherty asked about a cap for this contract.

Shawn McGoldrick stated whatever the Town sets is what it is.

Councilor Flaherty stated I want the cap to be reasonable. I do not want you to cut back on the work you are doing.

Clerk of the Council Cimino weighed in the cap was at \$74,000 for most of these contracts. The past two years CLA agreed to a cap of \$71,000 due to the mayor's office ask for all departments to cut budgets. CLA has never exceeded the cap in any given year.

Councilor Flaherty stated I would like to suggest a cap of not to exceed \$76,000 for the next 3 years.

Hannah York stated we work within the budget we are given but if we leave a number out of the contract and state we work to the appropriation given there is no need to go back and re-negotiate the contract if we ever had a time where there were say a special project and needed more funding.

Clerk Cimino stated that a decision should be made on the appropriation each budget season with the Council President. We should not have a definite number be in the contract. If we ever wanted to exceed the number we would not want to have to re-negotiate.

Councilor Flaherty asked about staff members being at \$55 last contract. Was very little work assigned because the rate was so low or does the Braintree work need to be assigned to a more knowledgeable person.

Shawn McGoldrick stated I would not be able to use a staff member at \$55 per hour versus the actual going rate of \$130.

Hannah York stated our Interns now are in the \$120 to \$130 rate now. Our staff member now is a very high level person. We need a certain skill set and professionalism.

Councilor Flaherty asked if CLA is willing to come down in rates?

Hannah York stated at this time to keep competitive we feel those are fair rates.

Hannah York stated what if the cap would be whatever the annual appropriation is that the town agrees on each year.

Councilor Flaherty asked Clerk Cimino if that would work.

Clerk Cimino stated that would work. Each year the appropriation would be determined by the Town Council at budget time. It would be our decision.

Councilor Flaherty stated I like that and would like to make a favorable recommendation if you all agree.

Chairman Reynolds stated looking at the rates at the lower end. I have come up with about 372 hours billable hours divided by 6. I then multiplied the average rate of \$210 from the 6 different levels of rates and came up somewhere about \$78,000. I feel we are in the ballpark. I have a level of confidence we would have a budgeted amount each year that we decide upon with the flexibility.

Chairman Reynolds asked if there is a Motion for Order 22 066.

Motion read by Councilor Flaherty for Favorable Recommendation to the full Council:

**MOTION:** UPON THE REQUEST OF THE COUNCIL PRESIDENT, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED Pursuant to Section 2-8 (A) of the Charter of the Town of Braintree the Town Council to appoint Clifton Larson Allen as Town Auditor for a three year contract effective April 24, 2023 through April 23, 2026.

**Motion:** by Councilor Flaherty for Favorable Recommendation to the full Council to Approve Order 22 066

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

### New Business

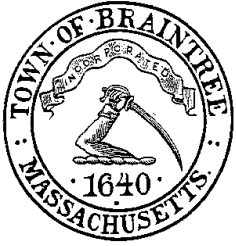
- None

It was unanimously voted to adjourn the meeting at 6:41p.m. by Roll Call Vote.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

## Documents provided for Meeting

- 22 066 Council President: Appointment - Town Auditor or take up any action relative thereto



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

**MEMBERS**

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

**MINUTES**  
**Tuesday, February 28, 2023**

A meeting of the Committee of Ways & Means was held in Johnson Chambers, on Tuesday, February 28, 2023 at 7:06p.m.

Councilor Reynolds was in the Chair.

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

Present: Joseph Reynolds, Chairman  
Julia Flaherty, Vice-Chairwoman  
Elizabeth Maglio, Member

Also Present: Nicole Taub, Chief of Staff/Town Solicitor  
Ed Spellman, Director of Municipal Finance  
Melissa SantucciRozzi, Director of Planning & Community Development  
Elizabeth Manning, CPC Director

**Approval of Minutes**

• **August 2, 2022**

**MOTION:** To Approve Minutes of August 2, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of August 2, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

• **September 19, 2022**

**MOTION:** To Approve Minutes of September 19, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of September 19, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

**Approval of Minutes** (continued)

- **September 27, 2022**

**MOTION:** To Approve Minutes of September 27, 2022

**Motion:** by Councilor Flaherty to Approve Minutes of September 27, 2022

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

**Old Business**

- **None**

**New Business**

- **23 006 Mayor: Re-Appointment - Braintree Local Cultural Council, H. Emily Ego or take up any action relative thereto**

Chairman Reynolds asked if there was anyone from the Mayor’s office who would like to speak on Order 23 006.

Nicole Taub, Chief of Staff stated this request is for the reappointment of Emily Ego to the Braintree Cultural Council.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 006.

Chairman Reynolds asked if there is a Motion for Order 23 006.

Motion read by Councilor Flaherty for Favorable Recommendation to the full Council:

**MOTION:** Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with sections 3-3 of the Charter of the Town of Braintree to approve the appointment of H. Emily Ego to the Braintree Cultural Council.

**Motion:** by Councilor Flaherty for Favorable Recommendation to the full Council to Approve Order 23 006

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

- **23 007 Mayor: Re-Appointment - Braintree Local Cultural Council, Jennifer Lynn or take up any action relative thereto**

Chairman Reynolds asked if there was anyone from the Mayor's office who would like to speak on Order 23 007.

Nicole Taub, Chief of Staff stated this request is for the reappointment of Jennifer Lynn to the Braintree Cultural Council.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 007.

Chairman Reynolds asked if there is a Motion for Order 23 007.

Motion read by Councilor Flaherty for Favorable Recommendation to the full Council:

**MOTION:** Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with sections 3-3 of the Charter of the Town of Braintree to approve the appointment of Jennifer Lynn to the Braintree Cultural Council.

**Motion:** by Councilor Flaherty for Favorable Recommendation to the full Council to Approve Order 23 007

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)

- **23 008 Mayor: Re-Appointment - Braintree Local Cultural Council, Anne Stuart or take up any action relative thereto**

Chairman Reynolds asked if there was anyone from the Mayor's office who would like to speak on Order 23 008.

Nicole Taub, Chief of Staff stated this request is for the reappointment of Anne Stuart to the Braintree Cultural Council.

Chairman Reynolds asked if any Committee members would like to speak on Order 23 008.

Chairman Reynolds asked if there is a Motion for Order 23 008.

Motion read by Councilor Flaherty for Favorable Recommendation to the full Council:

**MOTION:** Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with sections 3-3 of the Charter of the Town of Braintree to approve the appointment of Anne Stuart to the Braintree Cultural Council.

**Motion:** by Councilor Flaherty for Favorable Recommendation to the full Council to Approve Order 23 008

**Second:** by Councilor Maglio

**Vote:** For (3–Flaherty, Maglio, Reynolds), Against (0), Absent (0), Abstain (0)



It was unanimously voted to adjourn the meeting at 7:13p.m. by Roll Call Vote.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

## **Documents provided for Meeting**

- 23 006 Mayor: Re-Appointment - Braintree Local Cultural Council, H. Emily Ego or take up any action relative thereto
- 23 007 Mayor: Re-Appointment - Braintree Local Cultural Council, Jennifer Lynn or take up any action relative thereto
- 23 008 Mayor: Re-Appointment - Braintree Local Cultural Council, Anne Stuart or take up any action relative thereto

MOTIONS FOR TOWN COUNCIL APPROVAL OF FISCAL YEAR 2024  
OPERATING BUDGET

1. That the Town of Braintree raise and appropriate the sum of \$160,405,001 to provide for all of the expenses for the maintenance and operation of the Town's several departments and programs for the fiscal year 2024 and that the several sums herein set forth are hereby approved for the several purposes and are subject to the source of funding for said expenditures as outlined on the attached Exhibit A, specifically, that the sum of \$99,746 be transferred from Golf Course receipts, the sum of \$300,000 be transferred from the Overlay Surplus account, the sum of \$28,500 be transferred from the Waterways Improvement fund, the sum of \$22,000 be transferred from the Sale of Cemetery Lots, the sum of \$994,226 be transferred from Water and Sewer receipts, the sum of \$55,994 be transferred from Stormwater receipts, the sum of \$4,254,608 be transferred from the FY 2022 Certified Free cash and the balance to be raised in the tax levy, which shall include \$2,664,529 from the debt exclusion.
  
2. That the Town of Braintree appropriate the sum of \$1,933,892 to provide for all of the expenses for the maintenance and operation of the Town's Golf Course and related programs for the fiscal year 2024 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$1,933,892 be raised in the Golf Course receipts.
  
3. That the Town of Braintree appropriate the sum of \$23,367,823 to provide for all of the expenses for the maintenance and operation of the Town's Water and Sewer Division and related programs for the fiscal year 2024 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, that the sum of \$103,694 be transferred from the Water Sewer Rehabilitation Fund and the balance of \$23,264,129 be raised in the Water and Sewer receipts.
  
4. That the Town of Braintree appropriate the sum of \$1,412,833 to provide for all of the expenses for the maintenance and operation of the Town's Stormwater Division and related programs for the fiscal year 2024 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$1,412,833 be raised in the Stormwater receipts.

5. That the Town of Braintree appropriate the sum of \$630,175 to provide for all of the expenses for the maintenance and operation of the Town's Cable Television Public, Education and Government Access and related programs for the fiscal year 2024 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$630,175 be raised in the Cable Franchise Fees receipts.
  
6. Pursuant to General Law Chapter 44, Section 31D, the town is authorized to incur a liability in excess of the amount appropriated for snow and ice for fiscal year 2024.

V2sc

**Council President: Establishment of New Revolving Fund for Tree Replacement**

General Ordinance 3.140.00 – Departmental Revolving Funds

Amend 3.140.050 Authorized Revolving Funds to include new subsection J. as set forth below:

J. Tree Committee Revolving Fund

(1) Fund Name: Tree Replacement

(2) Revenues: The Town Accountant shall establish the Tree Replacement Revolving Fund as a separate account and credit to the fund all permit fees, and payment in lieu of replacement fees received under General Ordinance 12.30, as well as fees received under Zoning Ordinance §135-711(as amended).



# 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 *OCK*

CC: Margaret Laforest, Chief of Staff and Director of Operations  
Ed Spellman, Director of Municipal Finance  
James O'Brien, Fire Chief  
Mark Dubois, Police Chief  
Chrystal Huff, Town solicitor  
Jim Arsenault, Director, Department of Public Works  
Cindy DePina, Human Resources Director

Date: May 11, 2023

Re: FY23 Supplemental Appropriation #2 **REVISED**  
Transfer Details and Motions

RECEIVED TOWN CLERK  
BRAINTREE, MA  
2023 MAY 11 PM 3:14

President Boericke, Clerk Cimino, Clerk Casey,

As we approach the end of Fiscal Year 2023, we have identified several additional areas that require supplemental funds to support operations to the end of the fiscal year (June 30, 2023). The major items requiring funding are for DPW Facilities asbestos remediation, building repairs, Human Resources and Law, School Utilities, Fire overtime, DPW and Golf expenses related.

### Asbestos and Building Repairs

This first item is a Bond Authorization for two items first, Asbestos Removal and Remediation and second Building Repairs. These funds will provide the Facilities Department the funds for

several summer projects at the schools and they will have funds for the unexpected asbestos related items that come up with emergency items at town buildings with heating and pipe related emergency repairs that are in asbestos crawl spaces and basement areas.

#### Human Resources and Law

The next item is Human resources for moving the existing salary reserve and an additional sum into a salary reserve article for FY 2023 to carryover to FY 2024 when the contracts are expected to be settled and funded. There is also a request for funds to hire some part-time assistance to help cover a leave in the office.

The Law department request is for two items Outside Council line and for some travel costs.

This supplemental budget line item is required to cover unanticipated expenses for outside counsel due to important ongoing litigation. Specifically, the Town's appeal of the two Housing Appeals Committees decision relative to the 40B projects at 383 Washington Street, as well the litigation in *E Street LLC v. Town of Braintree*, require supplemental funding.

This supplemental budget line item is required to cover the Town Solicitor's travel expenses to Washington D.C. for oral arguments in *City of Quincy et al., v. FERC*, U.S. Court of Appeals for the D.C. Circuit No. 21-1115, et al., where the Town has appealed an order of the Federal Energy Regulatory Commission regarding the Weymouth Compressor Station.

#### School Utility Costs

The next item is for additional funds needed for the school utility costs.

#### Fire Overtime

I have worked with the Fire Chief to fund the overtime account at a more realistic number; however, injuries and sick time have resulted in overtime to cover the mandatory level of firefighters per shift. A new group of four firefighters has just graduated from the academy and is expected to reduce overtime costs through the end of the fiscal year, but additional funding is required to close out this year.

#### DPW Expenses

DPW is seeking additional; funds for two items Roadway remarking and grounds overtime,

#### Golf

Golf is seeking additional funds due to higher activity at the golf course and higher revenue which comes with higher operating costs in the enterprise fund. They are also seeking to increase their two revolving funds expenditure limits for the same reason. Revenues and expenses are up over their prior projections.

In total, the current amount of supplemental funding required is \$2,125,297.23. \$721,743 from the police department, \$49,381 from DPW Snow and Ice program, \$407,749.23 from Finance salary reserve, \$448,251 Human Resources salary reserve lines, \$40,000 from Golf cart leases line, \$138,900 from Golf Retailed earnings and \$319,273 from Free Cash.

The supplemental request is broken down as follows:

- Asbestos Remediation and Building Repairs Bond authorizations --\$3,500,000
- Human Resources and Law \$1,331,426.23
- School Utilities --\$ 429,963
- Fire Department--\$145,008
- DPW --\$40,000
- Golf --\$178,900
- Golf Pro Shop Revolving Fund Increase -- \$50,000
- Golf Food Service Revolving Fund Increase -- \$100,000

Accordingly, your review and approval of the following motions is requested:

**1. Asbestos Remediation and Building Repairs**

TOWN OF BRAINTREE, MASSACHUSETTS

IN TOWN COUNCIL

ORDERED:

That the Town of Braintree appropriates the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) to pay costs of the following capital projects:

<u>Project</u>	<u>Amount</u>	<u>Authorizing statute</u>
Asbestos Removal & Remediation	\$1,500,000	Ch. 44, s 7(1)
Building Repairs	\$2,000,000	Ch. 44. s 7(1)

and for the payment of all other costs incidental and related thereto; that the amounts indicated above for each project are estimates and that the Mayor may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Mayor, each of the projects described above can be completed within the total appropriation made by this Order; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to the authorizing statutes described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

A bond authorization requires a 2/3 vote of all members of the Town Council for approval, however to rescind an existing bond authorization or to authorize the refinancing of outstanding bonds requires only a simple majority. Since the request involves bond authorizations a public hearing is required under section 2-9 of the Town Charter.

**2. Human Resources and Law**

**Motion:** That the sum of \$284,426 be transferred from Police / Patrol Bureau Program 04/ Sworn Personal Line; \$407,749.23 be Transferred from Finance / Administration Program 01/ Reserve Account; \$448,251 be transferred from Human Resources / Employee Benefits Program 04/ Reserve Account; and \$191,000 of FY 2022 Certified Free cash for a total of \$1,331,426.23 to be transferred to the following accounts \$1,290,426.23 be transferred to Human Resources FY 2023 Salary Reserve Article: \$30,000 Law / Administration Program 01/ Outside Legal Services; 1,000.00 Law / Administration Program 01/ dues membership travel; \$10,000.00 Finance/ Administration program 01 / Consultant Line.

**3. School Utilities**

**Motion:** That the sum of \$292,309 be transferred from Police / Patrol Bureau Program 04/ Sworn Personal Line; \$49,381 be Transferred from DPW / Snow and Ice Program 11 / outside Contractor Account; and \$88,273 of FY 2022 Certified Free Cash for a total of \$429,963 to be transferred to the following accounts \$54,955 be transferred to DPW /School Utilities program 19/ Natural Gas Account; \$361,008 be transferred to DPW /School Utilities program 19/ Electric Account; \$10,000 be transferred to DPW /School Utilities program 19/ Water Sewer Account; \$4,000 be transferred to DPW /School Utilities program 19/ Gas Account.

**4. Fire Department**

**Motion:** That the sum of \$145,008 be transferred from Police / Patrol Bureau Program 04/ Sworn Personal Account to be transferred to the Fire / Fire Suppression Program 04/ Overtime Account.

**5. DPW Department**

**Motion:** That the sum of \$40,000 of FY 2022 Certified Free Cash to the following accounts \$20,000 be transferred to DPW /Traffic Program 10/ Roadway Markings Account; \$20,000 be transferred to DPW /Grounds division Program 18/ Overtime Account.

**6. Golf**

**Motion:** That the sum of \$40,000 be transferred from Golf /Golf Cart Operations / Program 06/ Golf Cart Lease Account; and \$138,900 of FY 2022 Golf Certified Retained Earnings for a total of \$178,900 to be transferred to the following accounts \$47,000 be transferred to Golf /Administration Program 01/ Part Time Labor Account; \$5,900 be transferred to Golf /Administration Program 01/ Group Medical and Life Account; \$5,000 be transferred to Golf /Administration Program 01/ Credit card Fees Account; \$17,000 be transferred to Golf /Building Maintenance Program 02/ Security / Fire Alarm Fees Account; \$4,000 be transferred



to Golf /Equipment Maintenance Program 03/ Outside motor Vehicle Repair Account; \$10,000 be transferred to Golf /Equipment Maintenance Program 03/ Gas Account; \$5,000 be transferred to Golf /Equipment Maintenance Program 03/ Diesel Account; \$5,000 be transferred to Golf /Turf Maintenance Program 04/ lime and Fertilizer Account; \$5,000 be transferred to Golf /Turf Maintenance Program 04/ Seed Account; \$75,000 be transferred to Golf /Golf Shop Operations Program 05/ Professional Staff Account.

**7. Golf Pro Shop**

**Motion:** That, in accordance with the provisions of Chapter 44, Section 53E1/2 of the General Laws, the maximum amount that may be spent by the Mayor, in conjunction with the golf greens superintendent, from the revolving fund monies without further appropriation during the fiscal year commencing July 1, 2022, to pay for salaries, expenses and contractual services associated with the operation of the golf course pro shop be increased to \$300,000.00.

**8. Golf Food Service**

**Motion:** That, in accordance with the provisions Chapter 44, Section 53E1/2 of the General Laws, the maximum amount that may be spent by the Mayor, in conjunction with the golf greens superintendent, from the revolving fund monies without further appropriation during the fiscal year commencing July 1, 2022, to pay for salaries, expenses and contractual services associated with the operation of the golf course food service be increased to \$550,000.00.

Purpose	Line Item #	Department	from	to	#2 HR+LAW
sworn personnel	0112104-511006	POLICE		284,426.00	
orig. salary reserve 1/2	0113301-5748050	FIN		407,749.23	
orig. salary reserve 1/2	0115204-578050	HR		448,251.00	
general fund free cash		free cash		191,000.00	
add'l salary reserve t	2023 salary reserve article			132,940.00	
add'l salary reserve s	2023 salary reserve article			301,486.00	
orig. salary reserve 1/2	2023 salary reserve article			407,749.23	
orig. salary reserve 1/2	2023 salary reserve article			448,251.00	
outside legal services	0115101-530002	Law		30,000.00	
Travel	0115101-573001	Law		1,000.00	
hr. consultant pt support	0113301-530004	HR		10,000.00	
		TOTALS	1,331,426.23	1,331,426.23	

Purpose	Line Item #	Department	from	to
sworn personnel	0112104-511006	POLICE	292,309.00	
snow and ice	0140011-538007	DPW	49,381.00	
general fund free cash		free cash	88,273.00	
natural gas	0140019-521009	School		54,955.00
electric	0140019-521011	School		361,008.00
water sewer	0140019-523001	School		10,000.00
gas	0140019-548006	School		4,000.00
		TOTALS	429,963.00	429,963.00

#23-030

Purpose	Line Item #	Department	from	to	#4 Fire
sworn personnel	0112104-511006	POLICE	145,008.00		
overtime	0122004-513001	Fire		145,008.00	
		TOTALS	<u>145,008.00</u>	<u>145,008.00</u>	

Purpose	Line Item #	Department	from	to
sworn personnel	0112104-511006	POLICE	-	
general fund free cash		free cash	40,000.00	
Roadway Markings	0140010-553001	DPW		20,000.00
overtime grounds division	140018-513001	DPW		20,000.00
		TOTALS	40,000.00	40,000.00

Purpose	Line Item #	Department	from	to
golf retained earnings		Golf RE	138,900.00	
golf cart leases	7163006-527001	Golf	40,000.00	
pt labor	7163001-512002	GOLF		47,000.00
group life + med	7163001-517005	GOLF		5,900.00
credit card fees	7163001-529003	GOLF		5,000.00
security / fire alarm fees	7163002-570600	GOLF		17,000.00
outside MV repairs	7163003-524003	GOLF		4,000.00
gas	7163003-548006	GOLF		10,000.00
diesel	7163003-548007	GOLF		5,000.00
fertilizer / lime	7163004-546001	GOLF		5,000.00
seed	7163004-546004	GOLF		5,000.00
golf pro professional	7163005-519007	GOLF		75,000.00
		TOTALS	178,900.00	178,900.00

#6 Golf