



Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

David Ringius, Chairman
Ryan Sterling, Vice-Chairman
Joseph Reynolds, Member
Annmary Quilty, Member
James Daiute, Member

AGENDA

Tuesday, January 20, 2026

Starting Time – 6:30 p.m.

Johnson Chambers

(Meeting notice posting notes 5 members being on this committee is a quorum of the full Council)

Pledge of Allegiance/Moment of Silence

Roll Call

Approval of Minutes

- June 3, 2025
- September 16, 2025
- October 7, 2025

Old Business

- None

New Business

- **25 070** Mayor: Proposed Zoning Ordinance Text Amendment Section 135-711 Site Plan Review or take up any action relative thereto (***Public Hearing on February 3, 2026 at full Council***)
- **002 26** Council President: Town Council Rules Review or take up any action relative thereto

Adjournment



Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

David M. Ringius, Jr, Chairman
Shannon Hume, Vice- Chairman
Julia Flaherty, Member
Peter Morin, Member
Annmary Quilty, Member

Tuesday, June 3, 2025 MINUTES

A meeting of the Committee on Ordinance & Rules was held in Johnson Chambers on Tuesday, June 3, 2025, beginning at 6:30pm.

Chairman Ringius was in the Chair.

Clerk of the Council, Susan Cimino conducted the roll call to begin the meeting.

David M. Ringius, Jr., Chairman of the Committee on Ordinance & Rules asked for a moment of silence for our first responders and all those serving home and abroad.

Present: David M. Ringius, Jr., Chairman
Shannon Hume, Vice-Chairwoman
Julia Flaherty, Member
Peter Morin, Member
Ann Quilty, Member

Also Present: Peter Matchak, Director of Planning & Community Development

Approval of Minutes

- November 14, 2024

Motion: by Councilor Hume to approve Minutes of November 14, 2024

Second: by Councilor Flaherty

Vote: For (5 – Flaherty, Hume, Morin, Quilty, Ringius), Against (0),
Absent (0), Abstain (0)

- November 19, 2024

Motion: by Councilor Hume to approve Minutes of November 19, 2024

Second: by Councilor Flaherty

Vote: For (5 – Flaherty, Hume, Morin, Quilty, Ringius), Against (0),
Absent (0), Abstain (0)

Old Business

- None

New Business

- 25 021 Mayor: Zoning Ordinance Text Amendments - Section 135-608 Floodplain Protection District or take up any action relative thereto

Chairman Ringius asked Director Matchak to speak on this.

Peter Matchak, Director of Planning & Community Development stated from time to time FEMA develops new flood plans. What this proposal is tonight is to adopt the most up to date and current floodplain map. There is no change to the bylaws except the adoption of the maps. This allows Braintree to stay up to date and current in the national insurance floodplain program.

Councilor Hume asked if we need to vote on this.

Director Matchak stated if we do not approve we fall out of compliance from a state and federal government standpoint. So yes, we do have to vote on this.

Chairman Ringius asked how often this is revised.

Director Matchak stated highest claims are in higher density areas and those get updated more often. Braintree is about every 3-7 year cycle.

Motion read by Councilor Hume:

Motion: for favorable recommendation to the full Council approve Order 25 021 as submitted with Planning Board recommendations.

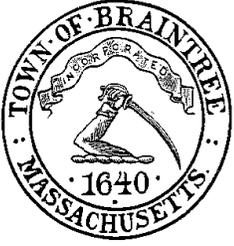
Motion: by Councilor Hume for favorable recommendation to the full Council approve Order 25 021 as submitted with Planning Board recommendations

Second: by Councilor Flaherty

Vote: For (5 – Flaherty, Hume, Morin, Quilty, Ringius), Against (0), Absent (0), Abstain (0)

It was unanimously voted to adjourn the meeting at 6:37pm

Respectfully submitted,
Susan M. Cimino, Clerk of the Council



Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

David M. Ringius, Jr, Chairman
Shannon Hume, Vice- Chairman
Julia Flaherty, Member
Peter Morin, Member
Annmary Quilty, Member

Tuesday, September 16, 2025 MINUTES

A meeting of the Committee on Ordinance & Rules was held in Johnson Chambers on Tuesday, September 16, 2025, beginning at 6:30pm.

Chairman Flaherty was in the Chair.
Councilor Morin conducted the roll call to begin the meeting.

David M. Ringius, Jr., Chairman of the Committee on Ordinance & Rules asked for a moment of silence for our first responders and all those serving home and abroad.

Present: Julia Flaherty, Member (Chaired the meeting)
Peter Morin, Member
Ann Quilty, Member

Not Present: David M. Ringius, Jr., Chairman
Shannon Hume, Vice-Chairwoman

Also Present: Kara Nyman, Chief of Staff
Ken Rossetti, Town Solicitor
Matthew Sisk, resident

Approval of Minutes

- None

Old Business

- None

New Business

- **25 058** Mayor: Proposed Appended Ordinance to Create a Herring and Fisheries Commission or take up any action relative thereto (**Public Hearing at full Council**)

Councilor Flaherty asked if anyone from the mayor's staff would like to speak on this.

Kara Nyman, Chief of Staff stated in accordance with Chapter 2.700.0 1 0 of the Code of the Town of Braintree, the mayor is respectfully requesting Town Council's consideration and approval of the proposed appended ordinance to create a Herring and Fisheries Commission. Braintree has a long history. They have been migrating here since 1799. Migratory fish are reaching Great Pond age in over 200 years. The proposed Herring and Fisheries Commission will carry that forward ensuring our rivers and ponds remain healthy and accessible to fish and wildlife.

The Commission will consist of residents serving without pay with a clear mission to restore waterways, maintain fish passage and engage the community. This work will help everyone. Educationally there will be opportunities for youth programs to connect with conservation. Culturally, continuing a proud Braintree tradition of stewardship. The Commission will collaborate with the Conservation Commission, DPW, Planning and state partners while seeking grants and state funding to limit outside costs to the town.

The Commission will help Braintree expand its conservation work, preserve migratory fish populations, enhance the condition of the Town's waterways, and expand public awareness of these critical issues.

Councilor Quilty asked what is the cost to the town.

Kara Nyman stated there is no cost associated with the establishment of the commission. There are talks about maybe making a Revolving fund for this commission by issuing permits to bring in revenue to the town. There would not be an associated cost for the town.

Kara Nyman stated there will be at least 3 but no more than five voting members. There will be at least one but no more than two youth members.

Councilor Morin asked if any other towns have this.

COS Nyman stated yes, I know Pembroke is one.

Mr. Sisk gave a list of other towns that have this type of Commission. Funding also came to towns by issuing permits to those who want to harvest herring.

Councilor Morin so this will be to keep the waterways from falling into the disrepair that they did. Our efforts have been intermittent at best over the last half century. I don't see any harm in this but we will be dependent on the regulations of the state and federal government.

Councilor Flaherty asked if we create this commission and allow this labor are there any safety issues. Mr. Sisk stated the culvert in Sunset creek near Royal Lake needs to be replaced. At McCusker Drive the major box culverts of the 3 of the 4 need to be dammed up. The water is so low the fish cannot get over that and also access to the Cochato River. I do not know if there are any liability. We have never had an issue.

Councilor Flaherty stated the herring are like the potato chip of the sea. Everybody likes them. I think this is a wonderful effort. We are a coastal community. This is making a contribution to the health of our ocean.

Motion read by Councilor Morin:

FOR FAVORABLE RECOMMENDATION TO THE FULL COUNCIL

MOTION: In accordance with Chapter 2.700.010 of the Code of the Town of Braintree, I respectfully move for the approval and ordination of proposed Chapter 2.900, entitled "Braintree Herring & Fisheries Commission," for the creation of the Herring and Fisheries Commission in the Town of Braintree.

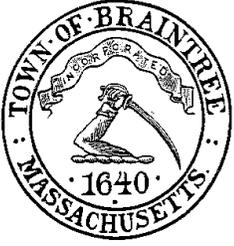
Motion: by Councilor Morin for favorable recommendation to the full Council approve
Order 25 058

Second: by Councilor Quilty

Vote: For (3 – Flaherty, Morin, Quilty), Against (0), Absent (Hume, Ringius), Abstain (0)

It was unanimously voted to adjourn the meeting at 6:46pm

Respectfully submitted,
Susan M. Cimino, Clerk of the Council



Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

David M. Ringius, Jr, Chairman
Shannon Hume, Vice- Chairman
Julia Flaherty, Member
Peter Morin, Member
Annmary Quilty, Member

Tuesday, October 7, 2025 MINUTES

A meeting of the Committee on Ordinance & Rules was held in Johnson Chambers on Tuesday, October 7, 2025, beginning at 7:00pm.

Chairman Ringius was in the Chair.

Clerk of the Council, Susan Cimino conducted the roll call to begin the meeting.

David M. Ringius, Jr., Chairman of the Committee on Ordinance & Rules asked for a moment of silence for our first responders and all those serving home and abroad.

Present: David M. Ringius, Jr., Chairman
Julia Flaherty, Member
Peter Morin, Member
Ann Quilty, Member

Not Present: Shannon Hume, Vice-Chairwoman

Approval of Minutes

- March 18, 2025

Motion: by Councilor Flaherty to approve Minutes of March 18, 2025

Second: by Councilor Quilty

Vote: For (4 – Flaherty, Morin, Quilty, Ringius), Against (0),
Absent (1 - Hume), Abstain (0)

Old Business

- None

New Business

- **25 052** Council President: Town Council Rule 28A: Executive Session Minutes – Review and Approval or take up any action relative thereto

Chairman Ringius stated please see memo from our Town Solicitor Ken Rossetti about the approval of Executive Session minutes.

Are there any comments from committee members on the recommendations?

Councilor Flaherty said our former rules do not say a Town Solicitor needs to approve the ES minutes. Must a lawyer always be present at a Town Council Executive Session? The answer is NO.

If that is the case, then how would the Town Solicitor evaluate Minutes if they weren't present for the meeting.

What if the President wasn't present at the meeting and then the Vice-President wasn't present at the meeting, who then approves the ES Minutes.

Chairman Ringius explained the following recommendation #1 from Councilor Hume noting *"one need not be present to vote on minutes"*. I do feel we would all want an opportunity to review ES minutes.

Recommendations:

1. Sending out ES Minutes to all Councilors to review. (possibly by the Town Solicitor therefore not a public record email)
After they are given two weeks and if no reply – the assumption is they approve the minutes.
Then the Town Solicitor/Council President/Clerk of the Council can meet and review the ES minutes.
2. Give more time for the Council President to reply... Where it states "10 days" replace with at least "10 business days"

Councilor Quilty stated I like the idea of this but with some changes because I do not feel we all need to be present to approve the minutes.

Councilor Morin stated I think this is a solution looking for a problem. I do not like it. The full Council as the Legislative group, every member should have a vote on minutes. I understand the goal is for expedience. I am less concerned about distributing a memo. I have seen minutes being sent in your box and review and send your thoughts to the Clerk of the Council by a certain date and they will be considered at the next Council meeting. A small group of members is not the answer.

Chairman Ringius stated on this we have calendar days written vs days vs months vs business days. I had some concern with statutory language. I am a big fan of checks and balances of each branch of government we have here in town. In essence, making the town solicitor a voting member and

excluding elected councilors as the town solicitor is an executive branch member. We do not use Executive Session much on the Council.

We recently had a few Executive Session meetings and I think we are trying to create an answer to a problem I do not think existed prior to it. I do not think we need this Rule, and I do not like the form of it the way it currently stands.

Councilor Flaherty stated we had an ES meeting to approve minutes of a previous ES meeting, would we then need an ES meeting to approve those minutes? At what point does it end. We might need an explanation on when it is final. How does the School Committee do this?

Chairman Ringius stated you get the ES minutes printed and distributed in a “box”, you review them and send any revisions to the Clerk of the Council and a short ES meeting is held to approve them. Councilor Morin explained you then do create minutes for that meeting but you do not have to go into Executive Session for that because there is no reason to. That can be approved in open session because there will be nothing revealed in that open meeting.

Councilor Morin stated we hold the ES minutes until the matter becomes public and we can release it with redactions if necessary.

Councilor Morin stated when you make a rule it is to fix a problem. You are not supposed to create ambiguity and you are not supposed to create new problems.

Chairman Ringius stated if something is codified we are tied to it and can create more problems for ourselves.

Chairman Ringius asked if there is a Motion to Table this?

Councilor Morin stated I would move that we Table Order 25 052.

Motion: by Councilor Morin to Table Order 25 052

Second: by Councilor Flaherty

Vote: For (4 – Flaherty, Morin, Quilty, Ringius), Against (0), Absent (1 - Hume), Abstain (0)

It was unanimously voted to adjourn the meeting at 7:17pm

Respectfully submitted,
Susan M. Cimino, Clerk of the Council



**Mayor
Erin V Joyce**

Department of Planning and Community Development

1 JFK Memorial Drive
Braintree, Massachusetts 02184
Phone: 781-794-8230

PLANNING BOARD

Kimberly Kroha, Chair
Thomas M. Kent, Vice-Chair
Darryl K. Mikami, Clerk
Jennifer J. Connolly, Member
Robert M. Kane, Member
Anthony Kinahan, Alternate

**To: Town Council, President Peter Morin and the Honorable Town Council
Mayor Erin V. Joyce
Kara Nyman, Chief of Staff
Ken Rosetti, Town Solicitor**

From: Peter Matchak, Planning Director on behalf of the Planning Board

Date: January 15, 2026

**RE: Planning Board Report
Recommendation on Town Council Order 25-070
Zoning Ordinance Text Amendments**

Section 135-135-711: Site Plan Review

1. Amend Section 135-711 (B) "Applicability" – Added Text

BACKGROUND AND APPLICATION TIMELINE

Mayor Erin V. Joyce submitted an application for text amendments to the Town Council on Dec 19, 2025 (TCO 25-070), to amend the Zoning Ordinances as it relates to section 135-711: Applicability. The Application was transmitted to the Planning Board Dec 19, 2025, and was advertised for the Jan 13, 2026 Planning Board Meeting. On Jan 13th, 2026, The Planning Board voted to issue a Favorable Recommendation to the Braintree Town Council, with an amendment as noted below.

Planning Board Public Hearing Summary

On Jan 13, 2026, Peter Matchak, Planning Director presented the Amendments to the Planning Board. Background information regarding the proposed language and Mass General Law Chapter 40A Section 3 to how the Town arrived at the submitted text under TCO 25-070 with the help of Attorney Carolyn Murry of KP Law.

Planning Board Recommendation

The Planning Board made a unanimous (4:0:0) favorable recommendation with the following additional text amendment represented in the color red.

PROPOSED ZONING: (new language highlighted in red)

135-711 Site plan review (SPR) of multifamily, apartment, business and commercial developments.

A. Purpose. The purpose of a site plan review conducted under this section is to:

- (1) Ensure that the design and construction of developments will not create detrimental impacts to the neighborhood or the environment;
- (2) Ensure a development will be in harmony with surrounding areas;
- (3) Ensure compliance with all the requirements set forth in this chapter.

B. Applicability. A site plan review shall be required prior to the issuance of a building permit for:

- (1) All special permits as required under this chapter;
- (2) All multifamily or apartment developments; and
- (3) All developments where the area of any new structure or extension of an existing structure is 500 square feet or more excluding single- and two-family homes that are not subject to special permit and related accessory structures. [Amended 5-3-1993 ATM by Art. 55]
- (4) Any municipal public park as defined in § 135-102 where the area of said lot is greater than 1,000 square feet. [Added 8-10-2011 by Ord. No. 11-032]

(5) Any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exemption under MGL c. 40A, § 3; provided, however, that site plan review shall not be applicable to any municipally owned or operated preschool, elementary school, middle school, or high school or accessory dwelling units (ADU).

Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

In reviewing the site plan submittal for a MGL c. 40A, § 3 use, the following issues shall be considered:

- (a) The bulk and height of any proposed structures and accessory structures, adequacy of open spaces, the building coverage on the site, yard sizes (setbacks) and lot areas;
- (b) The physical layout of the structures, driveways, parking areas, utilities and other infrastructure; and
- (c) The adequacy and arrangement of parking and loading areas in relation to the proposed use of the site.

Site plan review of a MGL c. 40A, § 3 use shall be administered by the Planning Board ("Board"). Subject to the limitations of MGL c. 40A, § 3, the Board shall impose any such conditions, limitations, and safeguards as it deems appropriate to protect the interests of, and consistent with, the planning objectives for the underlying zoning district.

ORDER #:# 2 5 - 0 7 0

Town of Braintree: Application for Rezoning – Worksheet

Petitioner

Name: Mayor Erin Joyce,
C/O Peter Matchak, Director of Planning
and Community Development

Address:
1 JFK Memorial Drive
Braintree, MA 02184

Phone: 781-794-8234

Email: pmatchak@braintreema.gov

Contact/Billing Information

Name:
Peter Matchak, Director of Planning and
Community Development

Address:
1 JFK Memorial Drive
Braintree, MA 02184

Phone: 781-794-8234

Email: pmatchak@braintreema.gov

***Petition Submitted By:**

* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning bylaws include City/Town Council, board of Appeals, Planning board, Property Owner (not a tenant or lessee), 10 registered voters, Regional Planning Agency, Municipal Charter/Enabling Legislation.

Date Received

2025 DEC 19 AM 10:16

Amend Section 135-711.B Site Plan Review; Applicability
of the Braintree Zoning Ordinance.

Must return completed form to Town Council office along with all other documents



**Mayor
Erin V. Joyce**

Peter Matchak, Director
1 JFK Memorial Drive
Braintree, Massachusetts 02184
pmatchak@braintreema.gov
Phone: 781-794-8234

PLANNING BOARD

Kimberly Kroha, Chair
Thomas M. Kent, Vice Chair
Darryl K. Mikami, Clerk
Jennifer Connolly, Member
Robert M. Kane, Member
Anthony Kinahan, Alternate Member

**To: Town Council, President Charles Ryan and the Honorable Town Council
Mayor Erin V. Joyce
Kara Nyman, Chief of Staff
Carolyn Murray, KP LAW**

From: Peter Matchak, Department of Planning and Community Development on behalf of Mayor Erin V. Joyce, Applicant

Date: December 18, 2025

RE: Proposed Zoning Ordinance text amendment RE: Section 135-711 Site Plan Review

Section 135-711: Site Plan Review (SPR) of multifamily, apartment, business and commercial developments.

Background:

The Planning Office working through the Mayor's Office looks to propose the follow section identified in red to Braintree zoning bylaw section 135-711: Site Plan Review. Proposed bylaw text will add one section to the "applicability" of the site plan review helping to guide proposed new land uses in Braintree claiming exemption through Mass General Law, Chapter 40A; section 3.

MGL 40A; section 3 exempt land uses include education and religion organizations and childcare facilities. Recently, section 3 has been expanded to include the development of clean energy facilities, and assessor dwelling units (ADU). Massachusetts courts have granted cities and towns the ability to imposed reasonable regulations. Therefore, the following language is being proposed to help guide, plan and develop proposed MGL chapter 40A; section 3 land uses into Braintree existing community fabric.

2025 DEC 19 AM 10:51

OFFICE OF THE CLERK

PROPOSED ZONING: (new language highlighted in red)

135-711 Site plan review (SPR) of multifamily, apartment, business and commercial developments.

A. Purpose. The purpose of a site plan review conducted under this section is to:

- (1) Ensure that the design and construction of developments will not create detrimental impacts to the neighborhood or the environment;
- (2) Ensure a development will be in harmony with surrounding areas;
- (3) Ensure compliance with all the requirements set forth in this chapter.

B. Applicability. A site plan review shall be required prior to the issuance of a building permit for:

- (1) All special permits as required under this chapter;
- (2) All multifamily or apartment developments; and
- (3) All developments where the area of any new structure or extension of an existing structure is 500 square feet or more excluding single- and two-family homes that are not subject to special permit and related accessory structures. [Amended 5-3-1993 ATM by Art. 55]
- (4) Any municipal public park as defined in § 135-102 where the area of said lot is greater than 1,000 square feet. [Added 8-10-2011 by Ord. No. 11-032]
- (5) Any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exemption under MGL c. 40A, § 3: provided, however, that site plan review shall not be applicable to any municipally owned or operated preschool, elementary school, middle school, or high school or accessory dwelling units (ADU).

Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

In reviewing the site plan submittal for a MGL c. 40A, § 3 use, the following issues shall be considered:

- (a) The bulk and height of any proposed structures and accessory structures, adequacy of open spaces, the building coverage on the site, yard sizes (setbacks) and lot areas;
- (b) The physical layout of the structures, driveways, parking areas, utilities and other infrastructure; and
- (c) The adequacy and arrangement of parking and loading areas in relation to the proposed use of the site.

Site plan review of a MGL c. 40A, § 3 use shall be administered by the Planning Board ("Board"). Subject to the limitations of MGL c. 40A, § 3, the Board shall impose any such conditions, limitations, and safeguards as it deems appropriate to protect the interests of, and consistent with, the planning objectives for the underlying zoning district.

**BRAINTREE
TOWN COUNCIL
RULES
2012**

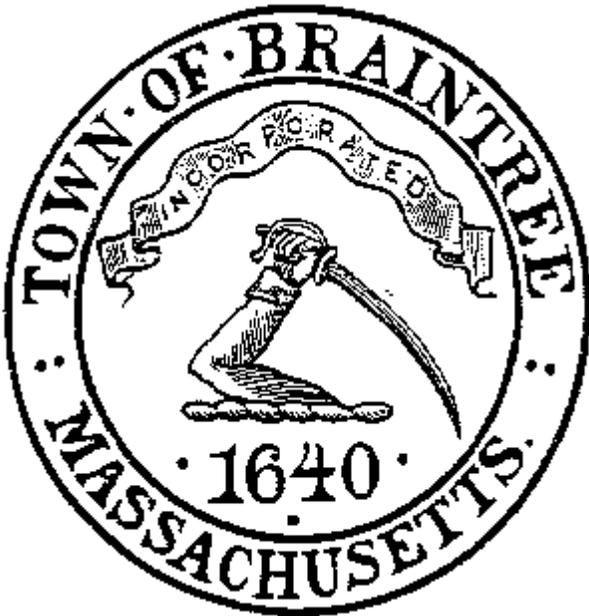


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Rule One: The President –Call of Meeting to Order

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

Rule Two: The President - Limitations

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

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

Rule Three: Appeals from Decision of the President

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

Rule Four: Substitute Chair

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

Rule Five: Viva Voce and Rising Votes

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

Rule Six: Seating Arrangements

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

Rule Seven: Admission to Council Floor

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

Rule Eight: Committee Appointments

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

Rule Nine: Clerk and Employees

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

Rule Ten: Addressing President or Chair

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

Rule Eleven: Debate Limitation

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

Rule Twelve: Speaking Decorum – Members

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

Rule Thirteen: Speaking Decorum - Public

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

Rule Fourteen: Point of Order

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

Rule Fifteen: Voting

Every member present when a question is put may vote either in the affirmative or in the negative or “abstain” or “present”. No member is required to vote on any matter and any member may leave the Council Chambers without explanation.

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

Rule Sixteen: Election of Officers

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

Rule Seventeen: Tie Vote

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

Rule Eighteen: Division of a Question

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

Rule Nineteen: Demand for Roll Call

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

Rule Twenty: Motions and Procedure During Debate

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

1. To adjourn
2. To lay on the table
3. To end debate/To call for vote
4. To postpone to a time certain
5. To refer
6. To amend
7. To postpone indefinitely
8. To reconsider

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

Rule Twenty-One: Motion to Reconsider

At any meeting at which a vote has been taken, it shall be in order for any Councilors who has voted with the prevailing side to move for immediate reconsideration. Additionally, any Councilor who has voted with the prevailing side may serve notice on the same day as the meeting, that a motion for reconsideration shall take place at the next regular meeting of the Council. A motion to reconsider requires a two-thirds vote.

Rule Twenty-Two: Motion to Lay on Table

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

Rule Twenty-Three: Adjournment and Recessing

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

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

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

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

Rule Twenty-Four: Written Proposals and Resolutions

All proposed ordinances, orders and resolutions shall be in writing and every motion shall be reduced to writing if the President or any member of the Council so directs; and no member shall be allowed to submit a written notice or resolution until he/she has read the same in his/her place or has provided the same in writing to every member of the council present.

Any proposal or proposition seeking Council endorsement of a particular course of action shall be presented in the form of a resolution. Every resolution shall be reduced to writing and shall be signed by the Councilor(s) presenting such resolution. A copy of the original resolution shall be provided to all the Councilors prior to any vote on said resolution.

Rule Twenty-Five: Personal Privilege

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

Rule Twenty-Six: Suspension of Rule

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

Rule Twenty-Seven: Council Meetings

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

Rule Twenty-Eight: Executive Session

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

Rule Twenty-Nine: Special Meetings – Notice

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

Rule Thirty: Public Hearings

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

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

Rule Thirty-One: Attendance at Public Hearings & Voting

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

Rule Thirty-Two: Order of Business

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

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

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

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

Rule Thirty-Three: Agenda Requests from Other Town Departments

All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. No measure shall be filed without all supporting documentation. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

Rule Thirty-Four: Agenda Requests from Council Members

All items for the agenda requested by Council Members shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced. If a request cannot be on the next agenda the Council President shall specify when it will be placed on the agenda and must be placed within 3 meetings unless agreement between the Councilor making the request and the Council President.

Rule Thirty-Five: Citizen Participation at Council Meetings

Individuals requesting time to address the Council under "Citizens Concerns/Council Response" shall make their request no later than 10:00 AM on the Wednesday preceding the Council meeting. Speakers shall mutually agree in advance with Council President and/or Clerk of the Council as to presentation length. All items including but not limited to letters, written communications, reports or other materials being submitted from individuals addressing the Council must be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting.

Rule Thirty-Six: Anonymous Communications

Unsigned communications shall not be introduced in the Council.

Rule Thirty-Seven: Distribution of Council Correspondence

Correspondence received by any Councilor that is intended for distribution to the Full Council shall be distributed to the Full Council within (5) five business days if received electronically and (10) ten business days if received in any other form. Council member will forward to the Clerk of the Council for distribution.

Rule Thirty-Eight: Standing Committees

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

WAYS AND MEANS to consist of four (4) to five (5) members

ORDINANCE & RULES to consist of four (4) to five (5) members

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

PUBLIC WORKS to consist of three (3) members

PUBLIC SAFETY to consist of three (3) members

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

PERSONNEL ISSUES to consist of three (3) members

COMMUNITY PLANNING to consist of three (3) members

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

The Ways and Means Committee

Section 2-10 of the Town Charter. Assessor's business

- i. Tax Classification
- ii. Over-Lay Budget
- iii. Payment-in-Lieu of Taxes program
- iv. Property Valuations (all Classes)
- v. Exemptions
- vi. Appellate Tax Board Representation (As needed)
- b. Capital Planning Budget
- c. Stabilization Fund (requires major emphasis after years of spending down our "rainy day fund").
- d. Free Cash Appropriations
- e. Reserve Fund Items
- f. Most Other Municipal Finance Items

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

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

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

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

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

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

The Community Planning Committee may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning and issues of sustainability and the environment and any other matters referred to it by the Council or Council President.

Rule Thirty-Nine: Attendance of Councilors at Public Meetings

Councilors may attend committee meetings or meetings of another board, committee or commission or like entity of the Town; however, when a quorum of councilors is in attendance they may not deliberate on matters within the Town Council's jurisdiction.

Rule Forty: Special Committees

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

Rule Forty-One: Committee Meetings

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

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

Rule Forty-Two: Chair-Quorum at Committee Meetings

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

Rule Forty-Three: Committee Reports

Every committee of the Council to which any subject may be referred, shall report thereon to the Council. Bi-annually all committees shall provide a report to the Full Council summarizing the results of the committee meeting(s).

Rule Forty-Four: Town Council Action on Committee Reports

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

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

Rule Forty-Five: Failure to Report by a Committee

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

Rule Forty-Six: Relieving a Committee from Further Consideration

Upon motion, the Council may, by **a majority vote** of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the calendar.

Rule Forty-Seven: Secretary to Committees

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

Rule Forty-Eight: Reference to Committees

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

Rule Forty-Nine: Town Solicitor

At the request of the Council President, the Town Solicitor shall be required, either in person or by deputy, to attend Council meetings. Any member of the Council may at any time call upon the Town Solicitor for an oral or written opinion to decide any question of law. The Town Solicitor may be requested to give an opinion on parliamentary rules. The Town Solicitor shall have a seat but no vote in the meetings of the governing board.

Rule Fifty: Town Auditor

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

Rule Fifty-One: Department Heads

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

Rule Fifty-Two: State or Federal Cooperation

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

Rule Fifty-Three: Permission to Address the Chair

Persons other than members of the Council, Town officials and news reporters, shall not be permitted upon the floor of the Council, or to address the Council, except upon introduction by a member of the Council with the consent of a majority of said Council. The Chair shall limit the time for the remarks of such person to five (5) minutes and such remarks shall be confined to the subject matter which is under consideration at that meeting.

Rule Fifty-Four: Councilor/Citizen Side-Bar

If anyone other than a Town official desires to speak to a member of the Council while the Council is in session, the member, if agreeable to the request, shall leave his/her seat and retire to the rear of the Council Chamber or elsewhere until the conversation is finished.

Rule Fifty-Five: The Council Chambers

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

Rule Fifty-Six: By-Laws, Etc., of Council

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

Rule Fifty-Seven: Notification of Committee Meetings

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

Rule Fifty-Eight: Publication

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

Rule Fifty-Nine: Amendment and Repeal

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

Rule Sixty: Parliamentary Procedure

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

Rule Sixty-One: Adoption of Rules

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

Rule Sixty-Two: Authorization to Sign Bills

The President of the Council is authorized to sign all bills, vouchers, payrolls, and similar documents pertaining to expenditures under the jurisdiction of the Town Council on behalf of the Town Council, and further, in the absence of unavailability of the President of the Council, the Vice President of the Council is hereby authorized to sign such documents, subject to the same restrictions. In a time sensitive matter Clerk of the Council may sign on behalf of the Council President subject to same restrictions.

Rule Sixty-Three: Clerk of the Council signing documents on behalf of Council

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

Rule Sixty-Four: Travel/Conference Reimbursement Policy for Braintree Town Councilors

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

Rule Sixty-Five: Council Expenditure Reports

A running list of all expenditures of funds for the year by the Council will be published to the town website regularly and the list shall be updated within 30 days of the approval of the expenditure.

Rule Sixty-Six: Councilors Use of Letterhead

Letterhead use should be for Council business that everyone is in agreement with. If a Councilor wants to create their own Letterhead with the town seal, to send out individual letters, the Clerk of the Council can assist with that request.