Braintree Town Council
Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

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

AGENDA
Monday, SEPTEMBER 28, 2020

Starting Time – 5:00 p.m.
REMOTE via ZOOM Webinar

Please click the link below to join the webinar:
https://us02web.zoom.us/j/81453597358
Or Telephone:
Dial: +1 646 558 8656
Webinar ID: 814 5359 7358
International numbers available: https://us02web.zoom.us/u/kdPhkif6Ye

Roll Call

Approval of Minutes
- July 22, 2020

Old Business
- 002 20 Council President: Town Council Rules or take up any action relative thereto

New Business
- None

Adjournment

Governor Charles Baker has declared a state of emergency in Massachusetts to support the state's response to COVID-19 (Coronavirus). According to the Town of Braintree's "Temporary Emergency Policy for Remote Participation Under the Open Meeting Law Pursuant to Massachusetts Executive Order of March 12, 2020," the Town Council will meet fully remotely for the health and safety of Councilors and the public during the Massachusetts State of Emergency. The Town Council will be using Zoom software to run meetings online for the immediate future. The Town continues to monitor the situation through the Health Department and specific questions should be directed to Jean McGinty, Public Health Nurse at 781-794-8094 or Marybeth McGrath, Director of Health, at 781-794-8095.

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Wednesday, July 22, 2020
MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Wednesday, July 22, 2020 beginning at 6:30pm.

Chairman Ringius was in the Chair.
Clerk of the Council, Susan Cimino conducted the roll call.
All votes were conducted by Roll Call Vote.

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

Also Present: Nicole Taub, Chief of Staff
John Goldrosen, Assistant Town Solicitor
Christine Stickney, Director of Planning & Community Development
Melissa Santucci-Rozzi, Assistant Director of Planning & Community Development
George Clements, property owner
Michael Modestino, lawyer
Jill Coyle, resident

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

Approval of Minutes

- April 22, 2020

A Motion was made by Councilor Sciascia to approve the minutes of April 22, 2020.

Motion: by Councilor Sciascia to Approve the Minutes of April 22, 2020
Second: by Councilor Mackin
Roll Call Vote: For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

Old Business

- **None**

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated there is no Old Business.

New Business

- **20 044 Mayor: Amendment to Town Zoning Map—General Business District (Liberty and Grove Streets) or take up any action relative thereto**

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated this item is before this sub-committee for review. The Public Hearing will be held on August 4, 2020 at 7:30pm at the Full Council Meeting. Tonight there will be a vote, be it in the affirmative or in the negative. Tonight we will review on what exactly it is being asked to be rezoned.

Melissa Santucci-Rozzi, Assistant Director of Planning & Community Development stated I am here tonight representing Mayor Kokoros. There have been recent efforts in conjunction with town staff and the applicant, Liberty Grove, LLC which is here this evening. We held an informational session on June 23, 2020. The Planning Board held its public hearing on July 14, 2020 and issued a favorable recommendation. Ms. Santucci shared her screen with the rezone map.

Councilor Flaherty asked a question about traffic with a CVS vs Residential Complex.
Melissa Santucci-Rozzi stated the day time hours traffic would be about the same. In the evening peak hours a CVS could produce more traffic. CVS desires to be on high volume streets. CVS pulls in those "pass by trips" meaning someone already in the network going home and stoppin in. Destination trips would be new residents in the area going to their home.
Councilor Flaherty asked for the amount of additional traffic.
Ms. Santucci stated we do not have a specific traffic report for this location.

Councilor Mackin stated this is my district. I have heard overwhelmingly from residents they do not want a 40B and they are in favor of a CVS.

Councilor Sciascia stated the traffic from this CVS could be half on Grove Street and half going onto Liberty Street.
Ms. Santucci stated we will get to the distribution and all of this during the Site Plan Review. You can't introduce any impacts and not mitigate it.

Councilor Sciascia stated general business zoned area is too small to hold any new business to be built on it and would need to have additional area rezoned even without the 40B discussion.

George Clements, applicant stated I am confident there will be 96 units there if it is not the CVS. It has been three years in this process. I am approved by the state to do a comprehensive project. I am respectful of the community. I have taken a pause. We need the process to play out. The first

intention was never a 40B. A lot of time, effort and thought have gone into space planning so we can rezone to find a business whether it be CVS or something else that can function in a healthy capacity. I think we have done that through this process. I ask tonight we do not get too boggled down about the details of traffic and we rely on the engineers to give us that at a later date.

Councilor Flaherty stated there are reasons to do this and reasons to not do this. The reasons to not do this is what message are we sending to every developer in the area. There are developers in the area who own land where the land is not zoned for what they want to do with it. This is a terrible strategy and message to developers that they can use 40B as a threat. There are strong reasons a 40B does not belong at that corner. I am not hearing there is a strong traffic reason to put CVS in there. Now I'm looking at the financial impact on the town of the two projects.

Councilor Mackin stated I did have that concern as the previous speaker. Mr. Clements made it clear the 96 units are coming. The Mayor's office, Ms. Santucci-Rozzi and Ms. Stickney worked really hard to give us this opportunity to avoid the 40B. This is where we are now and we need to go with what the people who live there and would have to deal with it every day feel. We need to deal with the situation at hand.

Christine Stickney, Director Planning & Community Development stated prior to the application for the 40B we were working with a Comprehensive Rezone. This was a parcel we were looking at for a rezone and its use. Keep in mind the aesthetics of this as a CVS is a one story and a residential complex would be 4 stories at a busy intersection. There are other things to look at when considering a rezone besides just traffic.

Mr. Clements stated I do not think we are setting a prescience. Historically this was developed as a commercial property. It always contained in excess of 2 acres of land. This property is also on a state highway which is at a 4 corner business district. To say the threat of a 40B is causing a rezone is problematic because the town recognizes that 4 corners as a business hub. We looked to purchase the old gas station and looked to enhance that area and we were met with resistance. We worked with the community and said ok let's look at a 55 plus option. To suggest I came in and dropped a 40B only to get a rezone is far from factual. We have given the community opportunity after opportunity. If this was in a residential neighborhood or further up Liberty Street then I would agree it is not in an appropriate place. We have seen some support for a 40B. We have spent three years working through this. Come August we are going in one direction or the other. That is a business decision. I am the land owner and I have been funding the taxes. This is the last opportunity for the community to have an input.

Councilor Sciascia stated Ms. Stickney made my point about it making sense to rezone this property even if this whole other discussion wasn't happening. This is not CVS vs 40B. This is CVS plus the preservation of a historic building and almost two acres of open space. The town has been building up CPA funds with almost no ability to spend that money on open space. This is a rare opportunity to purchase open space abutting residents.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated we are preserving open space. We are preserving a historical building. This parcel has had this controversial history. It was zoned oddly and the gas station was situated oddly. It would have to be rezoned anyway because there is no use for it. Do we know what the use will be for the historic house.

Ms. Stickney stated at this time the thought is use the unrestricted budget account and have those discussions once the land has been purchased on how to do some preservation on the house. We will talk to stakeholders in the area, historic commission, and conservation commission to discuss uses.

Ms. Santucci-Rozzi stated if this all goes through the Town Council on August 4th , it is then subject to Planning Board permitting and Site Plan Review. This shows location of building, entrances, landscaping, utilities, dumpster locations, walls, fences and everything that is part of the construction and site work. The Planning Board also at that point will get light studies, traffic reports, storm water reports and review that if this development is approved at this location there is no future negative impacts. The responsibility is to not make that intersection any worse. This site will be subject to permitting for the Conservation Commission. There may be permits necessary from MassDOT for curb cuts. Site Plan Review is very detailed and involved.
A rezone does not enable the construction of anything.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated I am appreciative that you are working with the town to move forward on this. Councilor Ringius stated I am in receipt of a letter from Attorney Matt Gaines and Attorney Michael Modestino. Will there be ongoing discussions with those who are not happy about this project.

Mr. Clements stated he met with this abutter on July 8, 2020. We are respectful of his concerns. We are always willing to work with abutters. We want to be good neighbors.

Councilor Flaherty asked what would be on that corner if not a CVS?
Mr. Clements stated we are starting to reassess. If CVS drops out we need to look at that. CVS is very much interested. We are committed to it.

Michael Modestino, attorney for the applicant stated there are many steps after this. The purchase of the historical house and made into affordable housing will get the town to safe harbor numbers. The one story CVS will look attractive. It will have one curb cut onto Grove Street and a drive through pharmacy window. The direct abutters have legitimate concerns. We are trying to address those concerns. I have a meeting scheduled with Attorney Gaines.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules asked if any person attending tonight would like to speak.

Jill Coyle, resident Parkside Avenue stated I hope you will support the rezone as it is in the best interest of the town and the abutters.

A Motion was made by Councilor Sciascia for a favorable recommendation to the full Council for Order 20 044.

MOTION:
That the Town Council vote, at the request of the Mayor of the Town of Braintree, and Liberty Grove LLC with consent by Eugene K. and Linda A. McIsaac, to amend the Zoning Map of the Town of Braintree, by rezoning from the Residence A and Residence B Districts to the General Business District, certain portions of the following lots: Assessors Parcel 1109, Lot 6 (identified as 357 Grove Street); Assessors Parcel 1109, Lot 6A (identified as 1006 Liberty Street); and Assessors Parcel 1109, Lot 6B (identified as 365 Grove Street). The portions of said Lots that are to be rezoned are shown on a plan entitled "Rezoning Plan At 357 & 365 Grove Street – 1006 Liberty Street in Braintree, Mass.", prepared by Hardy + Man Design Group, PC, dated June 22, 2020, which is on file with the Town Clerk. The acreage to be rezoned is approximately 1.23 acres, including approximately 0.72 acres of Assessors Parcel 1109, Lot 6, 0.02 acres of Assessors Parcel 1109, Lot 6A, and 0.49 acres of Assessors Parcel 1109, Lot 6B.

Motion: by Councilor Sciascia for favorable recommendation to the full Council Order 20 044
Second: by Councilor Mackin
Roll Call Vote: For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

It was unanimously voted by Roll Call to adjourn the meeting at 7:50 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 20 044 Mayor: Amendment to Town Zoning Map—General Business District (Liberty and Grove Streets) or take up any action relative thereto
- Minutes April 22, 2020

Clerk Cimino,

To keep my information somewhat stratified, I've numbered them...

1). Not to be repetitive from a separate email, my preference is to continue to include the section on publication and let the majority decide. It is something I feel passionate about, it has been discussed among members and I will be lobbying for the Charter as well. I'll do the same during my session at the 9/15 Council Meeting when we discuss these Rules again. If you need me to include the AG's paragraph again, just let me know.

2). Regarding Rule D (See Modified Council Rules), I did NOT send it to anyone other than you for any meetings. Therefore, I have no idea what happened to those words that were removed. You and I discussed this back when I originally brought this to your attention and I agreed you should be included so the words were not removed by me for the O&R proposal.

An additional note in support of Rule D is that rules 33, 34 & 56 could be incorporated in Rule D. The purpose for this Rule is simply to have all documentation for analysis at the time something is proposed, not 30-45 minutes before going into a Committee or Council meeting. Also, the wording in the last sentence of the first paragraph marked Rule D (a) is to prevent a proposal being considered during a lame duck Council session after an election regardless of whether Council Seats remain static.

3). The following seem to be in conflict or confusing, assuming by "Chair" this rule is targeting the Presidential Chair:

Rule Two, second paragraph: The President shall not serve as Chair of a committee, standing or special.
And
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.

If Rule Four is for committee chairs, we should modify the rule title clearly to "Substitute Committee Chair".

4). My proposal for a Rule D speaks to the requirement that the "Public" have all documentation in order to be prepared for a subject before the Council. Otherwise, how would a resident be able to notify in advance as required in the following from Rule 13:

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.

Lack of proper and timely documentation hampered our democratic abilities in the past and residents complained they were unaware of the detail in certain agenda topic discussions. We need to make a change per Rule D to shed light on submissions!

5). My view continues (from my previous submission to O&R) to be that Rule 35 and Rule 52 conflict. Also, if O&R has decided to move the finish line in order for residents to communicate at a Council meeting, how do residents know what an agenda item entails if the agenda detail hasn't been published?

6). Shouldn't the following paragraph from Rule 35 be moved to Rule 32?

The agenda will be prepared by the Clerk of the Council or his/her designee and the President. All matte rs 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.

7). Considering some committee's haven't met for a considerable amount of time, I propose the following:

Rule Forty-Two: Committee Reports

Every committee
of the Council to which any subject may be referred, shall report thereon to the Council. Annually or bi-annually, at the discretion of the Chair, all committee's shall provide a report to the Full Council summarizing the results of the committee's meeting(s).

The final sentence in the paragraph may also be added to a different committee reporting Rule.

8). Current (previous) Rule Forty-Four: Town Auditor should remain as it stands (stood). We are not in a dictatorship (see Rule 9) and while the President MAY be able to balance the workload of the Internal Auditor, the President should NOT be allowed to dictate whether a "condition of the Town" we want to have reviewed by the Internal Auditor is allowed to be rejected, regardless of the last sentence. Rule 44 should stand as presented here:

Rule Forty-Four: Town Auditor

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

9). Rule 50, if we include Rule D as described, this would be moot as all documentation will have been presented in order to be considered for Council meetings.

10). Rule 53, are we immature (See Rule 15 - "...any member may leave the Council Chambers without explanation")? Is 53 really needed? If a constituent wants to have a discussion, or if we have to attend to something important, do we "need" a rule to tell us how to conduct ourselves?

11). Could the O&R Chair please elaborate on Rule 57 and it’s intent?

12). Rule Sixty-Five - I object to the reduction of the current authorization from $2,500 to $1,000.

- Stephen -

Stephen O'Brien
Town Councilor

Clerk Cimino,

Please file along with sending to the Chair and members of the Ordinance & Rules committee in reference to Council Rules.

Chairman Ringius,

Thank you for reviewing the Council Rules in accordance with Rule Fifty Six: Adoption of Rules and making the Council aware of your time-line. Please accept this opinion as a result of reviewing the updated rules provided with the April 7, 2020 Town Council Meeting documents. These comments assume the Council Rules dated March 2020 in hand; I did not feel it necessary to enclose it in it's entirety:

1). Rule Four - I find the changes "continue to" and "in the presence…" to be confusing as to the President's ability to opine. Since I could find no previous or other reference to the Presidents ability to opine, this Rule seems to introduce that. My opinion is either reword the paragraph to ensure there is no confusion that the President may opine to the "current" "or "Substitute Chair". Or, perhaps, the President's ability to opine could be included as a new rule and I would ask for consideration to include the President sitting as ex-officio; I feel it meaningful but missing in our rules. Robert's Rules does allow this to be defined by us.

2). Rule Fifteen - It is greatly appreciated that "present" is now included in this Rule. However, the yeah's (aye) and nay's (proper Viva Voce voting) are missing. Later in the Rules document, Rule Nineteen introduces yeah and nay but excludes the "yes, no, etc." options listed in Rule Fifteen.

3). Rule Thirty-Three (and/or Rule Thirty-Four)— I've redrafted (attached) as I feel it essential documents are provided upon **introduction** of measures; something our previous Mayor habitually ignored even after several council members strongly requested behavior change.

But I actually would like consideration of language which I titled Rule 59 when I drafted this last calendar year. Rule 59 was never actually introduced because I was advised that the former Chief of Staff was *going to be more complaint*; but compliance was short-lived. See the attached document titled "Rule 59 - Council Business Pre-Filing".

4). Rule Fifty-Two - Doesn't Rule 52 conflict with Rule 35? One example is presentation length. I'm not certain Rule 52 is necessary.

5). Rule Fifty-Six - The communication distribution should be listed as two (2) "business days" (or other language as seen fit).

6). Rule Fifty-Nine - There was some discussion in the "halls of the chamber" about modifying the "newspaper" publication requirement since newspaper circulation has been greatly reduced. I found this on the AG's website for open meeting requirements;

"Local public bodies are required to post notices in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. This may be a bulletin board, an electronic display, or a binder. As an alternative method of notice, a municipality may adopt a website as the official notice posting method for all the public bodies within the municipality, and must notify the Attorney General's Office in writing of the website's address. Municipalities that have not adopted websites are noted in the spreadsheet as posting a "physical notice.""

We (like some of the other 351 cities and towns) could take advantage of this requirement and save the Council potentially $17k (See Council's FY2020 advertising budget). This is easily accomplished by having the Council Clerk notify the Executive Branch of our desire to change and, once authorized, a simple notice in writing to the AG is all the Town has to do.

Rule Sixty-Three - What do you mean by "upon review" at the end of the last sentence? Is it as-it-relates to the Clerk authorizing bills? It's confusing…

Rule Sixty-Five - I object to the reduction of the current authorization from $2,500 to $1,000. While I admit I do not always submit my bills and I MAY be a rare politician without a committee, I do submit bills. Since I don't have a committee, my expenses are out of my personal pocket and I don't understand the intent behind this reduction.

Rule 59 - Pre-filing of Town Council Business

(a) At any time between regular Town Council sessions, but no later than ten (10) days before the beginning of a regular session, measures including proposed ordinances, appropriation orders, loan authorizations, or any other measures in general, must be pre-filed with the Town Clerk and Clerk of the Council for introduction at the next Town Council session. However, no measure shall be pre-filed between final adjournment of the last regular session of a legislative term and promulgation of the returns of the Town Election for members of the Council for the next succeeding term. After promulgation of the election returns, any member-elect or the executive branch may then pre-file measures for introduction at the next regular session.

(b) No measure shall be pre-filed without the complete measure including all supporting documentation being set forth in full in the filing. Summarized measures will be rejected and sent back to the original author.

(c) The author of a pre-filed measure may amend the measure at any time prior to introduction to the Town Council by written request to the Town Clerk. In such case, the Town Clerk shall accept the amendment but will be required to once again begin the pre-filing time-line.

(d) The author of a pre-filed measure may withdraw it at any time prior to introduction to the Town Council by written request to the Town Clerk and Clerk of the Council. In such case, the measure shall be reclaimed from the Council and its withdrawal with be entered on the Town Council Agenda.

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. (Appointments are subject to Rule Three~~Two~~: Appeals from Decision of the President).

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 left at his/her usual dwelling place, at least forty-eight (48) hours before the time of such meeting.

Rule Thirty: 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 two-thirds ~~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.

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 Thursday ~~Wednesday~~ preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

Rule Thirty-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 Thursday ~~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" pertaining to the current agenda shall make their request no later than 10:00 AM on the Monday ~~Wednesday~~ preceding the Council meeting. Speakers shall mutually agree in advance with Council President and/or Clerk of the Council as to presentation length.

Individuals requesting time to address the Council under "Citizens Concerns/Council Response" pertaining to a~~A~~ll other items shall make their request no later than 10:00 AM on the Thursday preceding the Council meeting. If a general Citizen 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 Citizen making the request and the Council President. 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 Thursday ~~Wednesday~~ preceding the regular Council meeting.

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

Rule Thirty-Six: Anonymous Communications

Unsigned communications shall not be introduced in the Council.

Rule Thirty-Seven: 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) members

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

PUBLIC WORKS to consist of three (3) members

PUBLIC SAFETY to consist of three (3) members

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

EDUCATION/LIBRARY to consist of three (3) members

PERSONNEL ISSUES to consist of three (3) members

TRAFFIC & SAFETY to consist of three (3) members

COMMUNITY PLANNING to consist of three (3) members

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule Thirty-Eight: 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. Deliberation includes expressing an opinion on matters within the Town Council's jurisdiction, even if no other councilor responds.
~~The attendance of a Councilor at a committee meeting or at a meeting of another board, committee or commission or like entity of the Town shall be in his/her capacity as the representative of his/her constituency and shall not be counted or constituted as part of a quorum of the Council, unless the Council has called for and convened a meeting of the Council in accordance with the Town Charter, Rules of the Council or other provisions of applicable law.~~

Rule Thirty-Nine: 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: 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-One: 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-Two: Committee Reports

Every committee of the Council to which any subject may be referred, shall report thereon to the Council. Annually or bi-annually, at the discretion of the Chair, all committee's shall provide a report to the Full Council summarizing the results of the committee's meeting(s).

Rule Forty-Three: 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-Four: 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-Five: 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-Six: 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-Seven: Reference to Committees

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

Rule Forty-Eight: 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 Forty-Nine: 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. ~~This request shall be in writing and approved by the Council President. If rejected by the Council President it may be voted on at the next Town Council meeting and require 2/3rds vote of the Council.~~

Rule Fifty: 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-One: 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-Two: 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-Three: 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-Four: 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-Five: 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-Six: Communications from Mayor

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

Rule Fifty-Seven: Council Expression

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

Rule Fifty-Eight: Notification of Committee Meetings

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

Rule Fifty-Nine: 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 Sixty: 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-One: 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-Two: Adoption of Rules

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

Rule Sixty-Three: 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-Four: 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-Five: 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 ~~$1,000~~ 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 A: Title

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 B: Title (placement of this rule after TC rule #20?)

At any point during discussion of an agenda item but before a motion is made calling for a vote on the item a motion may be made to open a public comment period subject to approval by a majority vote of the council.

Rule C: Title

Correspondence received by any Councilor that is intended for distribution to the full council shall be distributed to the full Council within 48 hours if received electronically or 10 days if received in any other form.

Rule D - Pre-filing of Town Council Business

(a) At any time between regular Town Council sessions, but no later than ten (10) days before the beginning of a regular session, measures including proposed ordinances, appropriation orders, loan authorizations, or any other measures in general, must be pre-filed with the Town Clerk and Clerk of the Council for introduction at the next Town Council session. However, no measure shall be pre-filed between final adjournment of the last regular session of a legislative term and promulgation of the returns of the Town Election for members of the Council for the next succeeding term. After promulgation of the election returns, any member-elect or the executive branch may then pre-file measures for introduction at the next regular session.

(b) No measure shall be pre-filed without the complete measure including all supporting documentation being set forth in full in the filing. Summarized measures will be rejected and sent back to the original author.

(c) The author of a pre-filed measure may amend the measure at any time prior to introduction to the Town Council by written request to the Town Clerk and Clerk of the Council. In such case, the Town Clerk and Clerk of the Council shall accept the amendment but will be required to once again begin the pre-filing time-line.

(d) The author of a pre-filed measure may withdraw it at any time prior to introduction to the Town Council by written request to the Town Clerk and Clerk of the Council. In such case, the measure shall be reclaimed from the Council and its withdrawal with be entered on the Town Council Agenda.