

Shannon L. Hume
President
At Large

Charles B. Ryan
At Large

Julia C. Flaherty
District 1

Steven A. Sciascia
District 2



David M. Ringius, Jr.
Vice President
At Large

Donna L. Connors
District 3

Stephen C. O'Brien
District 4

Meredith Boericke
District 5

Lawrence C. Mackin, Jr.
District 6

OFFICE OF THE TOWN COUNCIL – AGENDA –

Tuesday, OCTOBER 6, 2020 • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30PM

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.

Please click the link to join the webinar: <https://us02web.zoom.us/j/89158568456>

Or Telephone:

Dial: +1 312 626 6799

Webinar ID: 891 5856 8456

International numbers available: <https://us02web.zoom.us/j/89158568456>

COUNCIL MEETING COMMUNICATIONS

- Agenda/Documents link to website: <https://braintreema.gov/AgendaCenter>
- Email: towncouncil@braintreema.gov
- Meeting Notice Posting link: <https://ma-braintree.civicplus.com/calendar.aspx?CID=43&showPastEvents=false>
- Facebook: [Braintree Town Council](#)
- "How Do I" sign up to receive meeting/town information: <https://braintreema.gov/786/Sign-up-for>
- To be added to the Town Council Agenda Distribution list please send an email request: scimino@braintreema.gov
- Zoom Webinar Questions: If you want to ask a question but cannot access webinar - call direct: 339-987-2726

ANNOUNCEMENTS

- 034 20 Council President: Vote Yes for Braintree Schools or take up any action relative thereto
- 041 20 Council President: Recognition Certificates or take up any action relative thereto

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 012 20 Council President: COVID-19 Update
- 036 20 Council President: Compressor Station Update or take up any action relative thereto
- 040 20 Council President: Petersen Pool Update or take up any action relative thereto

APPROVAL OF MINUTES

- August 4, 2020

OLD BUSINESS

- 20 059 Council President: Re-appointment of Outside Auditor or take up any action relative thereto
- 20 067 Mayor: Request to Approve the Grant of a Conservation Restriction to the Wildlands Trust or take up any action relative thereto
- 002 20 Council President: Town Council Rules or take up any action relative thereto

NEW BUSINESS

- None

Refer to the Committee on the Department of Public Works

- 20 068 Property Owner Petition: Request for Gas Installation to 86 Hancock Street or take up any action relative thereto
- 035 20 Councilor O'Brien: River Street Parking or take up any action relative thereto

Refer to the Committee of Ways & Means

- 037 20 Councilor Boericke: Update First Quarter FY 2021 Budget Actual vs. Projection or take up any action relative thereto
- 038 20 Councilor Boericke: Update Billboard Sale or take up any action relative thereto
- 039 20 Councilor Boericke: Update Status of Allen Street RFP or take up any action relative thereto
- 20 069 Mayor: Request for Appropriation – Smelt Brook Culvert & Fisheries Habitat Restoration or take up any action relative thereto

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting scheduled on: **Tuesday, October 20, 2020 @7:30pm**

ADJOURNMENT



Shannon L. Hume
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At Large

Julia Camille Flaherty
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OFFICE OF THE TOWN COUNCIL

Tuesday, August 4, 2020

(zoom webinar)

MINUTES

A meeting of the Town Council was held via Zoom Webinar, on Tuesday, August 4, 2020 beginning at 7:30p.m.

Council President Hume was in the chair.

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

The meeting began with a moment of silence for all men and women serving our country and is being dedicated to Veteran William "Officer Bill" Varraso who recently passed away.

Present: Shannon Hume, President

Charles Ryan

Julia Camille Flaherty

Steven A. Sciascia

Donna L. Connors

Stephen C. O'Brien

Meredith L. Boericke

Lawrence C. Mackin, Jr.

Not Present: David M. Ringius, Jr., Vice-President

Others: Charles C. Kokoros, Mayor

Nicole Taub, Chief of Staff/Town Solicitor

Marybeth McGrath, Director of the Department of Municipal Licenses & Inspections

James Arsenault, DPW Director

Melissa Santucci-Rozzi, Assistant Director Planning & Community Development

Christine Stickney, Director Planning & Community Development

Steven Leary, Assistant to the Mayor

George Clements, Developer

Michael Modestino, Attorney

Matt Gaines, Attorney

William Proulx, resident

Liz Page, resident

Carol Czech, resident

Vania Mauricio, resident

Dan Clifford, resident (former Council member)

Kerri Piccalo, parent

John Riordan, Principal of Morrison School

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ANNOUNCEMENTS

• 024 20 Council President: Community Conversations on Racial and Social Diversity, Equity and Inclusion

President Hume stated I announced last time we will be bringing in a consultant to do a workshop with Council as well as all town department heads and possibly school committee members. As you can all imagine this is a hot topic not only for Braintree but throughout this entire country. There are a few individuals we were looking at that came highly recommended. Dr. Hackett has reached out to many of his contacts and has been working on this. We have been working collaboratively with the School Superintendent and the Mayor’s office on all this as well as our first responders. It is becoming an issue because everyone is booked. These individuals who are local are now traveling throughout the country because there is such a high demand. We are going to get the best person and the most appropriate. We do not have anyone firmed up just yet. It is scheduling that is holding up and the high demand for the interest in that.

• 027 20 Council President: Election Workers Needed

President Hume stated Town Clerk Casey has expressed the need for a Poll Workers. You are required to be a registered voter. Time is 6am to approximately 10pm. Election workers are paid \$12.75 per hour and training is available. If you are interested please contact the Town Clerk’s office 781-794-8240 or townclerk@braintreema.gov

APPROVAL OF MINUTES

- June 16, 2020

Motion made by Councilor Ryan to Approve Minutes of June 16, 2020

Motion: by Councilor Ryan to Approve Minutes of June 16, 2020

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

• 012 20 Council President: COVID-19 Update

Marybeth McGrath, Director of the Department of Municipal Licenses & Inspections stated the Town has had very little to no cases lately. The total of 930 cases with 57% being in assisted living facilities and 42% being in the general population. It is being noted large gatherings are contributing to these rise in numbers throughout the state. As we move towards the fall we need to consider it is also flu season. We continue to review the re-opening requirements. We receive a lot of complaints from residents at different sectors that are re-opening. We take them on a case by case basis and go out and investigate.

There is a link to all things COVID on the Town website.

We also encourage the residents to take steps to help prevent exposure to any respiratory viruses, including seasonal influenza and Coronavirus by:

- Washing your hands often with soap and warm water for at least 20 seconds.
- Avoid touching your eyes and face.
- Cover coughs and sneezes with a tissue or the inside of your elbow.
- Clean things that are frequently touched (like doorknobs and countertops) with household cleaning sprays or wipes.
- Stay at home when feeling sick.

For more information on COVID-19, visit the MDPH website at www.mass.gov/2019coronavirus and the CDC website at <https://www.cdc.gov/coronavirus/index.html>

For questions, please feel free to contact the Town of Braintree Health Department:

Jean McGinty, Public Health Nurse at 781-794-8094 or Marybeth McGrath, Director of Health at 781-794-8095.

OLD BUSINESS

Mayor Kokoros stated in regards to the Liberty and Grove Street areas I would like to thank the Committee on Ordinance & Rules committee and the Committee of Ways & Means for both committees unanimous vote to support this. The goal was to come up with a plan in regards to the 40(B) that was before us. We came up with a different use for this land and not have it completely developed and over-developed based on 40(B) guidelines. This will allow more open space that we control. With the hard work the Mayor's staff and committee(s) have done will give a great final solution of rezone and purchase of land. I do ask for your vote in support of these items.

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

Council President Hume asked is there a motion to Open the Public Hearing for Order 20 044?

Councilor Ringius made a Motion to OPEN the Public Hearing on Order 20 044

Motion: by Councilor Ryan to OPEN the Public Hearing on Order 20 044

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

Council President Hume asked if any member of the Council or General Public want to speak on Order 20 044?

Matt Gaines, Attorney for owners of 371 Grove Street stated comments including here you are voting to change the abutters from Residential to Business. I ask how this is in the best interest of the Town.

Carol Czech, Stafford Avenue stated she her support for the rezone and purchase of land and feels it is the best option for the neighborhood in general.

William Proulx, 371 Grove Street stated they met with Council members and Mayor's staff. They asked for examples where rezone occurred from Residential to Business and we did not see any good examples. The land purchase will be \$1.41 million for 1.8 acres of land. Mr. Proulx stated during all of these meetings no one has mentioned 371 Grove Street so that is distressing to us.

Councilor Mackin stated I am in support of this proposal. This property is in my district. This was a big issue during the election. The original 40(B) had many residents in this area opposed to it. This is an excellent location for a business to be there with businesses on the two other sides of the street. It has been run down and abandoned for a long time. I did speak with the Proulx's and hope as we move forward things can be done to help them possibly with more of a buffer. I will be in support of this proposal.

President Hume referred to Councilor Sciascia, Vice-Chair of the Committee on Ordinance & Rules for a recommendation.

Councilor Sciascia stated the committee met and the Ordinance & Rules Committee delivered a unanimous favorable recommendation for this. There was a good bit of discussion around this. We have received insurances that once something is sighted for this land there will be a meeting with residents and abutters.

Councilor Sciascia stated I continue to support this. This lot is unique. It is partially zoned residential and partially zoned general business. The general business portion is greatly undersized compared to a typical store footprint is today. There was general agreement that we would have to look to rezone this lot no matter what if we want anything to be put on that lot.

Councilor Flaherty stated there are a lot of moving pieces to this plan. Either we rezone for a potential CVS or we face the prospect of a 96 unit 40(B) residential complex. To decide how to vote on this every Councilor has to weigh the benefits and drawbacks of either project. We have to look at traffic impact, taxes, historic home in the mix from the 1690's, and wetlands. We ask does Braintree need another CVS or do we need more housing. Braintree has been ignoring the need for housing for some time. We need housing but do we need this housing.

Councilor Boericke read into the record a letter from a constituent. This constituent opposes the rezone of Liberty and Grove Street.

Councilor Boericke stated I had residents living in the area stating they prefer a CVS or business development to the 4-story apartment building that they felt would be too tall and too imposing for that corner. I did hear traffic is the prime concern. I will be voting in favor of this, this evening and hope we can work to bring more affordable housing to Braintree.

Councilor O'Brien stated this rezone is not just for a CVS. This could end up being something else even a Cumberland Farms which I have had people saying they should have gone for that.

Councilor Sciascia stated it is true the Council can only rezone to general business but cannot say a particular business must go in that location.

Liz Page, 137 Storrs Avenue stated I do think all the efforts have showed a great deal of creativity and a lot of caring that the Braintree residents do not want to see their town overdeveloped. This project is very good.

Dan Clifford, Saint Claire Street stated this property has been discussed for years. When the announcement of 96 units going there was opposition from the residents and all the school, water and infrastructure uses the town has. It was basically settled a CVS would be more aesthetically pleasing than 96 units. Given the amount of years this has gone on I hope the Council will respect this. A CVS is much more appealing and it is what the residents want.

Vania Mauricio, Skyline apartments. I have a question on what these are zoned for - Is affordable units only in Residential C.

Melissa Santucci stated the Ridge apartments on upper West Street are zoned Residential A and have affordable housing units.

Councilor O'Brien stated people are not 100% against a 40(B) on this location.

Michael Modestino, Attorney of Liberty Grove, LLC. I say this rezone request benefits the entire town. This is great for open space and preserve a historical building. This is not spot zoning.

Councilor Ryan stated I heard loud and clear we do not want high density development in neighborhoods. We want it in the right location in Braintree. I will be supporting this.

Melissa Santucci stated this has been being looked at since 2014. This is being done to create something that will be appropriate in size, scale and massing for our bylaws. The site review process will have discussions on buffering and landscaping etc. I am one of the biggest proponents of housing and yes we need housing and diversity but not at this corner. I am hoping we find other opportunities within the community

President Hume stated this has been going on for years with this particular site with many projects brought before us. I do think this is the best one. I do think the developer has been working with the residents. The Proulx's are the residents most affected by this and I had asked the developer to come meet with them. I hope the talks with the Proulx's will continue to address their needs. This is truly a collaborative effort.

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 20 044?

Councilor Ryan made a Motion to CLOSE the Public Hearing on Order 20 044

Motion: by Councilor Ryan to CLOSE the Public Hearing on Order 20 044

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

The Motion for Order 20 044 was read by Councilor Ryan and seconded by Councilor Connors and Vote by Roll Call:

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. Mclsaac, 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 Ryan to approve Order 20 044

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

- **20 045 Mayor: Request for Appropriation - CPA funds for the land purchase at Liberty and Grove or take up any action relative thereto (PUBLIC HEARING)**

Council President Hume asked is there a motion to Open the Public Hearing for Order 20 045?

Councilor Ringius made a Motion to OPEN the Public Hearing on Order 20 045

Motion: by Councilor Ryan to OPEN the Public Hearing on Order 20 045

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke stated the Ways & Means Committee met last week on this matter and sends this to the full Council with a unanimous favorable recommendation. The funding for this will come from the towns Community Preservation Act fund.

Councilor O'Brien stated his paperwork shows a \$1.3 million dollar offer. The documentation I have shows a \$1.4 plus purchase price.

Melissa Santucci states the total purchase price which includes the land, dwelling and other soft items is \$1.41 million. The offer from Mr. Clements notes lead in the house needing to be removed.

Melissa Santucci stated Liberty Grove LLC will get \$1.360 million.

Councilor O'Brien stated he does not see anywhere in his documentation that the house has gone by the Historic Commission. How do we know it is historic and has the Historic Commission made that determination?

Melissa Santucci stated they have not made that determination. We are using unrestricted funds from CPA. Sometimes age is considered enough for historic.

Councilor O'Brien asked about a 21E. If there was leaching I would want the clean up to be on the previous owner and not a burden to the town.

Melissa Santucci stated a 21E is not on for the 1006 Liberty Street. It was for the Sunoco location but when you do investigative environmental work you keep testing until you don't find anything anymore. What we did review there was not presence of things beyond the monitored area. What we have seen is not concerning.

Councilor O'Brien stated there is talk about affordable housing. There is only one unit. Is that the only unit that could go on the rolls?

Melissa Santucci stated our intentions to this purchase are related to that structure.

Mr. Proulx stated there was a mention that there are no additional funds for the upkeep of the property. I want public to understand there is no plan for a walking park etc. To make an open space you need access to it. I can't imagine there is any room for a path there to get back to any open space. It is just a public buffer in our mind.

Nicole Taub stated no additional monies in the budget was to maintain certain properties but there were also conversations about engaging with the public on what use there may be for these lands and possible further development and possible additional monies available from CPA funds.

Melissa Santucci stated there is an additional 150 feet of frontage via Liberty Street for access for the public for multiple uses in the future.

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 20 045?

Councilor Ryan made a Motion to CLOSE the Public Hearing on Order 20 045

Motion: by Councilor Ryan to CLOSE the Public Hearing on Order 20 045

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

The Motion for Order 20 045 was read by Councilor Ryan and seconded by Councilor Connors and Vote by Roll Call:

Motion:

That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the sum of **\$1,415,000** be appropriated from the CPA Unreserved Fund in order to acquire a parcel of land located off Liberty and Grove Streets containing approximately 1.8 acres and consisting of portions of Assessors Map Parcels 1109-0-6, 1109-0-6A, and 1109-0-6B, said parcel being identified as "CPC Area" on a plan entitled "Liberty/Grove Development and Preservation Plan at 357 & 365 Grove Street / 1006 Liberty Street in Braintree, Mass.", prepared by Hardy + Man Design Group, PC, dated June 22, 2020. The purposes of the acquisition include the acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing; and/or the rehabilitation or restoration of open space and community housing that is so acquired or created. The appropriation includes \$1,360,000 for the parcel purchase price, and \$55,000 for associated costs. Said sums are to be expended under the direction of the Mayor, with the assistance of the Director of Planning and Community Development. Further, that the Mayor be authorized to accept a deed for said parcel and to take any other action necessary to accomplish the acquisition of said parcel, and that the Mayor also be authorized to grant such permanent restrictions on said parcel (or a portion thereof) as may be necessary to meet the requirements of Chapter 184 of the General Laws, Sections 31 and 32, as required by Chapter 44B of the General Laws, Section 12.

Motion: by Councilor Ryan to approve Order 20 045

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

Councilor O'Brien stated to a previous speaker this is not money from the general fund or from the schools. This is money set aside specifically for this purpose of historic housing saving, open space which we can always use more and housing also a problem in this town that we need to remedy. I think the Mayor will be working on that. I say yes.

• **20 050 Mayor: Request for Appropriation –Archie T. Morrison Elementary School-Outdoor Classroom or take up any action relative thereto (PUBLIC HEARING)**

Council President Hume asked is there a motion to Open the Public Hearing for Order 20 050?

Councilor Ringius made a Motion to OPEN the Public Hearing on Order 20 050

Motion: by Councilor Ryan to OPEN the Public Hearing on Order 20 050

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke stated the Ways & Means Committee met last week on this matter and sends this to the full Council with a unanimous favorable recommendation. This funding is being appropriated from our CPA funds. This is going to be an outdoor classroom for the use for all of our residents, young and old, to be able to enjoy the space.

President Hume stated also in attendance is John Riordon, Morrison School Principal and Kerri Piccolo, parent and advocate for this outdoor classroom whom both stated their excitement about this project.

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 20 050?

Councilor Ryan made a Motion to CLOSE the Public Hearing on Order 20 050

Motion: by Councilor Ryan to CLOSE the Public Hearing on Order 20 050

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

The Motion was read by Councilor Ryan and seconded by Councilor Connors and Vote by Roll Call:

Motion:

That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the appropriation of \$100,000.00 from the CPA Unreserved Fund for the capital improvement of recreational/open space area for the creation of an outdoor classroom on the grounds of the Archie T. Morrison Elementary School located at 260 Liberty Street (Assessors Map 3030 Plot 1) conditional on the funds expended under the Community Preservation Committee and the Director of Planning and Community Development and (2) with School Department approval.

Motion: by Councilor Ryan to approve Order 20 050

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

- **20 054 Mayor: Transportation Infrastructure Enhancement Trust Fund or take up any action relative thereto (PUBLIC HEARING)**

Council President Hume asked is there a motion to Open the Public Hearing for Order 20 054?

Councilor Ringius made a Motion to OPEN the Public Hearing on Order 20 054

Motion: by Councilor Ryan to OPEN the Public Hearing on Order 20 054

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke stated the Ways & Means Committee met last week on this matter and sends this to the full Council with a unanimous favorable recommendation. This is an opportunity to get money back from the state and our understanding is it will be used to complete some of the traffic calming initiatives that begun last year.

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 20 054?

Councilor Ryan made a Motion to CLOSE the Public Hearing on Order 20 054

Motion: by Councilor Ryan to CLOSE the Public Hearing on Order 20 054

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

The Motion was read by Councilor Ryan and seconded by Councilor Connors and Vote by Roll Call:

Motion:

That the sum of \$50,219.90 received from the Commonwealth of Massachusetts Transportation Infrastructure Enhancement Trust Fund be appropriated to Department of Public Works to be spent in accordance with St. 2016, c. 187, s. 8(c)(i).

Motion: by Councilor Ryan to approve Order 20 054

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

• **20 049 Mayor: Acceptance of Donations or take up any action relative thereto**

This is not a Public Hearing but if anyone wishes to speak they can reach out and we will try to get their questions answered.

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke stated the Ways & Means Committee met last week on this matter and sends this to the full Council with a unanimous favorable recommendation. Thank you to former Mayor Joseph C. Sullivan and the Anonymous donor for their generosity to benefit the town.

President Hume stated thank you to former Mayor Sullivan and the Anonymous donor for these gifts. The High School each year has a Scholarship Night and more and more it is necessary and thank you for all who contribute to this.

The Motion was read by Councilor Ryan and seconded by Councilor Connors and Vote by Roll Call:

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

DONOR	GIFT	PURPOSE
Joseph C. Sullivan	\$40,000.00	Braintree Blue Scholarship
Joseph C. Sullivan	\$2,000.00	Veterans Donation Fund
Anonymous	\$50,000.00	Abraham Lincoln Park- Walking Path

Motion: by Councilor Ryan to approve Order 20 049

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

Councilor Ryan stated it is good to see former Mayor Sullivan is still making an impact on the Town. We thank him for these donations.

• **20 051 National Grid Petition: Argyle Road or take up any action relative thereto.**

Council President Hume referred to Councilor Ryan, Chairman of the Committee on the Department of Public Works for a recommendation. Councilor Ryan stated the committee met earlier this evening and send a unanimous favorable recommendation to the full Council. This street is not under moratorium. The Braintree DPW is doing the water lines over in these roads and want National Grid to replace the gas lines as soon as possible. Councilor Flaherty asked all the impacted residents be informed on what is going on. We asked DPW Director to do that as well.

Motion read by Councilor Ryan:

MOTION: To install and maintain approximately 735 feet of 2 inch gas main at three separate locations between Audubon Ave and Gordon Rd. Total main installation 735 FT with staff recommendations:

BELD: There are no underground electric utility conflicts or special requirements within the proposed scope of work.

DPW: This section of Argyle Road is not under the moratorium. The street has not been resurfaced in several years. Argyle Road is scheduled to have a new water main installed and we would recommend that the petition for this section be granted as soon as possible so that both the water main and gas main projects can be coordinated and completed in a timely manner. The petition should be granted under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the new water main trenches and that the trench pavement not be left low for any length of time. We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and Police Department.”

Motion: by Councilor Ryan to approve Order 20 051

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

• **20 052 National Grid Petition: River, Railroad, Hooker Streets or take up any action relative thereto.**

Council President Hume referred to Councilor Ryan, Chairman of the Committee on the Department of Public Works for a recommendation. Councilor Ryan stated the committee met earlier this evening and sends a unanimous favorable recommendation to the full Council. This street is not under moratorium. The Braintree DPW is doing the water lines over and replacing them in these streets and want National Grid to replace the gas lines as soon as possible. Councilor Flaherty asked all the impacted residents be informed on what is going on. We asked DPW Director to do that as well. See note from BELD on this item for BELD to be on-site at the time of work.

Motion read by Councilor Ryan:

MOTION: To install and maintain approximately 885 feet of 2 inch gas main in River St., Railroad St. and Hooker St. from Washington St. to the end of the main. Total main installation 885 FT with staff recommendations:

BELD: Please note, BELD has a 115,000-volt oil filled transmission line located on River Street to Washington Street. BELD Engineering should be notified in advance of any excavation to be performed near this line. BELD will provide onsite support and safety personnel at no cost to the project. Please see attached drawing of the locations of services.

DPW: These sections of River St., Railroad St. and Hooker St. are not under the moratorium. The streets have not been resurfaced in several years. All three streets are scheduled to have new water mains installed and we would recommend that the petition for these streets be granted as soon as possible so that both the water main and gas main projects can be coordinated and completed in a timely manner. The petition should be granted under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the new water main trenches and that the trench pavement not be left low for any length of time. We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and Police Department.”

Motion: by Councilor Ryan to approve Order 20 052

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ryan, Sciascia),
Against (0), Absent (1 - Ringius), Abstain (0)

NEW BUSINESS

- None

President Hume asked is there a motion for the following to be referred to Committee(s):

Refer to the Committee of Ways & Means

- 20 055 Mayor: FY20 Year End—Line Item Transfers or take up any action relative thereto

Motion made by Councilor Ryan to refer to the Committee of Ways & Means Town Council Order 20 055 Mayor: FY20 Year End—Line Item Transfers or take up any action relative thereto or take up any action relative thereto

Motion: by Councilor Ryan to Refer to the Committee of Ways & Means Town Council Order 20 055

Second: by Councilor Connors

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ryan, Sciascia), Against (0), Absent (1 - Ringius), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting scheduled on: [**Wednesday, September 2, 2020 @7:30pm**](#)

ADJOURNMENT

It was unanimously voted by roll call vote to adjourn the meeting at 9:11p.m.

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

Meeting Documents

- Minutes of June 16, 2020
- 20 044 Mayor: Amendment to Town Zoning Map—General Business District (Liberty and Grove Streets) or take up any action relative thereto (PUBLIC HEARING)
- 20 045 Mayor: Request for Appropriation - CPA funds for the land purchase at Liberty and Grove or take up any action relative thereto (PUBLIC HEARING)
- 20 049 Mayor: Acceptance of Donations or take up any action relative thereto
- 20 050 Mayor: Request for Appropriation –Archie T. Morrison Elementary School-Outdoor Classroom or take up any action relative thereto (PUBLIC HEARING)
- 20 051 National Grid Petition: Argyle Road or take up any action relative thereto.
- 20 052 National Grid Petition: River, Railroad, Hooker Streets or take up any action relative thereto.
- 20 054 Mayor: Transportation Infrastructure Enhancement Trust Fund or take up any action relative thereto (PUBLIC HEARING)
- 20 055 Mayor: FY20 Year End—Line Item Transfers or take up any action relative thereto

- 036 20 Council President: Compressor Station Update
 - Speakers will include FRRACS and EBCA members.
 - To receive emergency alerts regarding the Compressor Station please sign up for our Braintree Alerts system at <https://braintreema.gov/791/Braintree-Alerts>

Town of Braintree
Town Auditor – Petersen Pool Trust Report

History/Facts:

A former tugboat captain (August Petersen) bequeathed approximately \$65,000 to the Town of Braintree (Town) back in 1963 for the purposes of constructing a swimming pool and necessary incidental buildings and equipment on Watson Park with the swimming pool to be named “The Petersen Memorial Pool.” These funds were accepted by the Town on March 23, 1964 to accomplish the purposes intended by the donor.

For various reasons (i.e., land condition, construction of other fields and courts, etc.) a determination was made on August 16, 2000 by the Board of Parks and Playgrounds Commission that the Petersen Memorial Pool could not be located at Watson Park. This decision was later supported by the established Petersen Pool Siting Committee who also reached the same conclusion on March 15, 2002. The issue now became that Captain Petersen’s will had no alternative location for the pool, which meant the court would have to weigh in on a possible solution. On November 26, 2002, the Town received the decision from the Norfolk Probate and Family Court granting the amendment to the Petersen Trust document eliminating the location restriction. Years later the Town went back to the Norfolk Probate and Family Court to allow the trust fund to fund the operational and maintenance expenses associated with the Petersen Memorial Pool, which was granted by the court on December 12, 2006.

In addition to Captain Petersen’s will, the Special Act (Act) passed on November 3, 2011 allowed the Town to lease land for the construction of a new recreational facility to consist of a pool and skating rink. This allowed the Town the authority to enter into a public/private partnership and lease the land (for a period of 50 years with an extension option).

To this point this fund remained untouched, allowing the fund to grow to over \$2,100,000 by the start of fiscal year 2013 (see [Appendix A](#)). This fund paid for the Petersen Splash Pad in Watson Park that opened in 2013, which cost approximately \$393,000. Although Captain Petersen’s will did not mention the use of funds for a splash pad, the Town, once again, went in front of the Norfolk Probate and Family Court who granted permission on January 10, 2012 to allow these costs to be expended from the trust fund. Permission was also granted that the construction of the Petersen Memorial Pool be overseen by the Mayor of the Town of Braintree and funds from the Petersen Trust be used for the construction, operation and maintenance of the Peterson Memorial Pool to be expended by the Mayor, in conjunction with the Director of Municipal Finance.

In 2014, the Town published a request for proposals (RFP) as called for in the Act and the recreation facility and pool project. Only one vendor submitted a proposal to the RFP, and thus the contract was awarded to 5 Capital Management of 521 Mount Hope Street (5 CM) through David Boucher, Paul Brooks and other partners in the business. On April 15, 2015, the Town and 5 CM signed an agreement titled “Lease and Development Agreement Components” (Components Agreement). Signatories for 5 CM included, again, David Boucher and Paul Brooks. The Components Agreement set out the preliminary terms of the lease, including the Town’s financial contribution towards the design and construction of the Petersen Pool and related facilities and the corresponding milestones.

This agreement called for the design, engineering and plans of operations for the recreational facility, which would include a swimming pool and skating rink. The swimming pool would operate year round and be at least the size of a Junior Olympic pool. The skating rink would consist of at least one ice surface 200 feet long and 85 feet wide. The payment details in this agreement called for the Town to pay 5 CM a total of \$1,500,000 in the following amounts at the following milestones:

1. \$250,000 at the signing of the agreement to develop preliminary plans for the design and engineering of the recreational facility.
2. \$250,000 upon the completion of the design and engineering plans required for permitting and form approved by the Town. Plans needed to be completed within 90 days of the signing of the contract. Failure would be a breach and may be able to recover the initial payment.
3. \$500,000 at the signing of the lease agreement.
4. \$500,000 at the issuance of building and planning permits sufficient to commence construction.

At some point after the Components Agreement was signed, 5 CM essentially became BSC Partners, LLC (BSC). The parties remained the same, as did their business address. All subsequent filings and agreements reference BSC Partners and David Boucher and/or Paul Brooks. To date the Town has paid a combination of 5 CM and BSC a total of \$1,000,000 as part of this agreement from the period of March 2015 through February 2018. It should be noted that the Ground Lease signed by BSC on February 28, 2018 contained the following schedule of performance and anticipated start dates:

1. Install erosion and sediment controls – Anticipated Start Date: August 2018
2. Remove existing pavement and structures in designated areas – Anticipated Start Date: August 2018
3. Rough grade site – Anticipated Start Date: September 2018
4. Install storm water management system and site utilities – Anticipated Start Date: September 2018
5. Install building foundation – Anticipated Start Date: October 2018
6. Place binder coat pavement and bring drainage system on line with inlet protection installed for all newly installed appurtenances – Anticipated Start Date: Mid-October 2018
7. Install mitigation plantings along northern border, if seasonally appropriate – Anticipated Start Date: April 2019
8. Fine grade site and loam and seed all disturbed areas – Anticipated Start Date: Mid-August 2019
9. Install remaining landscaping – Anticipated Start Date: Mid-August 2019
10. Place top coat payment – Anticipated Start Date: Mid-August 2019
11. Project close out – Anticipated Start Date: End of August 2019
12. Certificate of occupancy – Anticipated Start Date: September 2019

None of these anticipated start dates were actually hit, as again, financing could not be secured and during the March/April of 2019 time frame the Town tried to terminate the BSC agreement. Eventually, E Street LLC was brought in to take over the assignment and relieve BSC of their duties. E Street signed the agreement in August of 2019 and will forgo the additional \$500K estimated to be paid by the Town (per #4 on page 2 of this report). Even with E Street now taking over the job 5 CM/BSC are not off the hook in terms of possible breach of contract until the following are satisfied:

1. Assignment is executed
2. BSC satisfies all financial obligations
3. E Street obtains financing
4. E Street obtains building permits
5. Project construction obtains weather type status

In addition, PMA Consultants (PMA) has been hired by the Town to be the Owner's Project Manager (OPM) for this project on January 31, 2019 with all services to be performed by May 1, 2019. An amendment to this agreement with PMA subsequently occurred extending all services to be performed by December 31, 2020.

As it currently stands trees have been cleared along with the top layer and excavation has begun in order to lay drainage and install underground utilities before the pouring of foundation will start; however, there is no set time frame for the completion of the project, especially given the current global pandemic.

Appendix A

Town of Braintree

Financial History of August Petersen GL Funds (Since FY13)

Fund	Type	Activity Description	Dates	FY20	FY19	FY18	FY17	FY16	FY15	FY14	FY13
			Start of Year (SOY)	853,007	855,571	1,149,021	1,308,989	1,547,320	1,780,112	1,758,011	2,124,357
81	Revenue	Interest revenue	6/23/2013	-	-	-	-	-	-	-	26,653
81	Revenue	Revenue	6/30/2013	-	-	-	-	-	-	-	300
81	Expense	Splash Pad	6/30/2013	-	-	-	-	-	-	-	(393,300)
81	Revenue	Interest revenue	Monthly	-	-	-	-	-	-	22,101	-
81	Expense	Five Capital Management	3/25/2015	-	-	-	-	-	(250,000)	-	-
81	Revenue	Interest revenue	Monthly	-	-	-	-	-	17,208	-	-
81	Expense	Five Capital Management	9/2/2015	-	-	-	-	(125,000)	-	-	-
81	Expense	Five Capital Management	12/2/2015	-	-	-	-	(125,000)	-	-	-
81	Revenue	Interest revenue	Monthly	-	-	-	-	10,573	-	-	-
81	Revenue	Revenue	8/7/2015	-	-	-	-	1,096	-	-	-
81	Expense	Five Capital Management	10/12/2016	-	-	-	(65,000)	-	-	-	-
81	Expense	Five Capital Management	6/13/2017	-	-	-	(103,063)	-	-	-	-
81	Revenue	Interest revenue	Monthly	-	-	-	8,095	-	-	-	-
81	Expense	Five Capital Management	12/28/2017	-	-	(29,601)	-	-	-	-	-
81	Expense	BSC Partners LLC	2/28/2018	-	-	(302,337)	-	-	-	-	-
81	Revenue	Interest revenue	Monthly	-	-	38,487	-	-	-	-	-
81	Revenue	Interest revenue	Monthly	-	14,011	-	-	-	-	-	-
24	Expense	PMA consultants	5/8/2019	-	(9,180)	-	-	-	-	-	-
24	Expense	PMA consultants	5/22/2019	-	(1,785)	-	-	-	-	-	-
24	Expense	PMA consultants	6/27/2019	-	(5,610)	-	-	-	-	-	-
24	Expense	PMA consultants	7/31/2019	(5,160)	-	-	-	-	-	-	-
24	Expense	PMA consultants	8/28/2019	(4,745)	-	-	-	-	-	-	-
81	Expense	Studio Troika	8/28/2019	(15,000)	-	-	-	-	-	-	-
24	Expense	PMA consultants	9/25/2019	(6,975)	-	-	-	-	-	-	-
24	Expense	PMA consultants	10/30/2019	(8,975)	-	-	-	-	-	-	-
24	Expense	PMA consultants	1/2/2020	(5,350)	-	-	-	-	-	-	-
24	Expense	PMA consultants	1/2/2020	(10,535)	-	-	-	-	-	-	-
81	Expense	Studio Troika	1/2/2020	(50,000)	-	-	-	-	-	-	-
24	Expense	PMA consultants	1/29/2020	(4,840)	-	-	-	-	-	-	-
24	Expense	PMA consultants	3/4/2020	(11,016)	-	-	-	-	-	-	-
24	Expense	PMA consultants	6/10/2020	(15,517)	-	-	-	-	-	-	-
24	Expense	PMA consultants	6/25/2020	(11,788)	-	-	-	-	-	-	-
81	Revenue	Interest revenue	Monthly	7,988	-	-	-	-	-	-	-
			End of Year (EOY)	711,094	853,007	855,571	1,149,021	1,308,989	1,547,320	1,780,112	1,758,011

Town of Braintree

August Petersen GL Fund Expenditures (Since FY13)

<u>Vendor</u>	<u>Amount</u>	<u>Service provided</u>
BSC/5 Capital.....	(1,000,000)	Lease/development agreement
PMA consultants.....	(74,171)	OPM services
Studio Troika.....	(65,000)	Architectural drawings
Total	<u><u>(1,139,171)</u></u>	

<u>Description</u>	<u>Amount</u>
Splash Pad.....	<u>(393,300)</u>
Total Expenses	<u><u>(1,532,471)</u></u>



CONTRACT REVIEW AND PRICE
PROPOSAL FOR
INDEPENDENT AUDITING SERVICES



TOWN OF BRAINTREE, MASSACHUSETTS
FOR THE FISCAL YEARS ENDING
JUNE 30, 2021 THROUGH 2023

CONTRACT REVIEW AND PRICE PROPOSAL
FOR
INDEPENDENT AUDITING SERVICES
TOWN OF BRAINTREE
FISCAL YEARS 2021 THROUGH 2023

SUBMITTED BY:

POWERS & SULLIVAN, LLC
CERTIFIED PUBLIC ACCOUNTANTS

100 QUANNAPOWITT PARKWAY, SUITE 101
WAKEFIELD, MASSACHUSETTS 01880

CONTACT PERSON: MICHAEL K. NELLIGAN, CPA
TELEPHONE: 781-914-1700
FAX: 781-914-1701
WEBSITE: POWERSANDSULLIVAN.COM
DATE: AUGUST 25, 2020



100 Quannapowitt Parkway
Suite 101
Wakefield, MA 01880
T. 781-914-1700
F. 781-914-1701
www.powersandsullivan.com

CONTRACT REVIEW AND PRICE PROPOSAL

August 25, 2020

Town of Braintree Audit Selection Committee
1 John F. Kennedy Memorial Drive
Braintree, Massachusetts 02184

To the Audit Selection Committee:

We appreciate the opportunity to submit this review and proposal to render independent financial audit services to the Town of Braintree for the fiscal years ending June 30, 2021 through 2023.

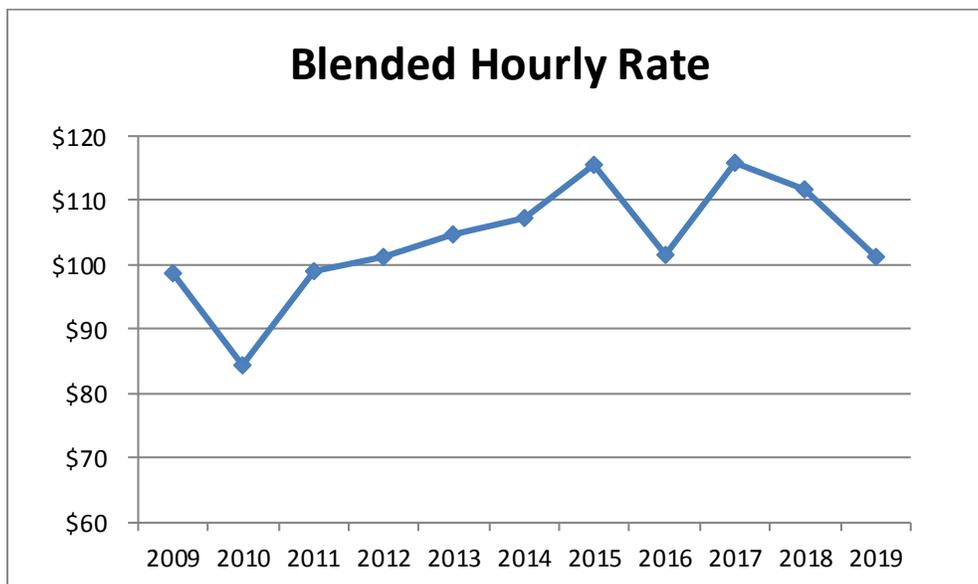
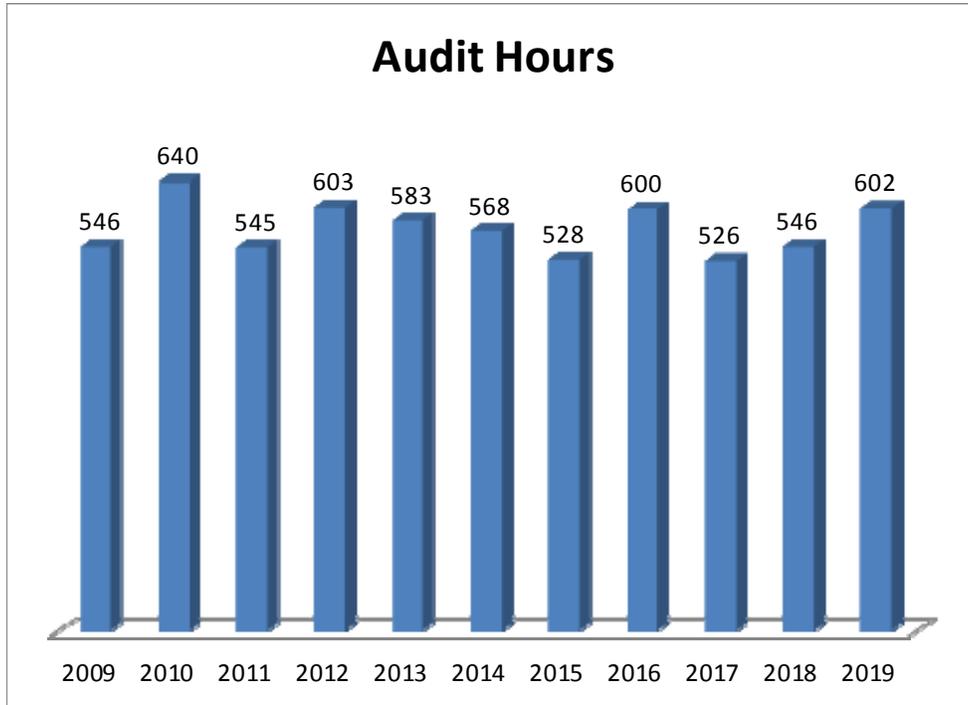
As we are all experiencing the COVID 19 pandemic, we recognize that the end of fiscal year 2020 and fiscal year 2021 will provide some unprecedented challenges to local governments. We are working with our clients to keep them abreast of ongoing developments related to financial reporting considerations, new funding opportunities and best practices to plan and account for these new challenges. To keep our staff and our clients as safe as possible, while keeping our audits on track, we have been embracing remote auditing for those clients working from home, or if our clients are not yet ready to have us on-site. While we are looking forward to the time when we can fully resume on-site audit work, we have been fortunate to have the resources and infrastructure in place to continue to assist all of our clients and provide all services on schedule. We make a positive commitment that if you select us to continue as your audit firm, your financial statements, compliance reports and letter of comments and recommendations will be furnished to the Town within the dates established by you.

We recognize, in today's environment particularly, the importance of controlling our costs in order that our fees are kept at a reasonable level to the Town and competitive with other firms. As a means of controlling our costs, we plan the engagement carefully, using as a basis our study and evaluation of the Town's existing system of internal control. We then budget hours for each section of the engagement. As the examination progresses, we will constantly monitor our time input against the original budget. In utilizing this system of engagement management, we believe we can give the Town solid assurance that deadlines will be met and costs minimized.

Powers & Sullivan, LLC has been serving as the Town's independent audit firm for many years. In the last RFP the Town's "Specifications for Independent Financial Audit Services" solicited proposals for the annual audit of the Town's Comprehensive Annual Report (CAFR) for the years 2012 to 2014. We agreed to the 3 year term and we also proposed to assist the Town with the preparation of its first CAFR. As you know the Town has received the GFOA's Certificate of Achievement for Excellence in Financial Reporting for each year since.

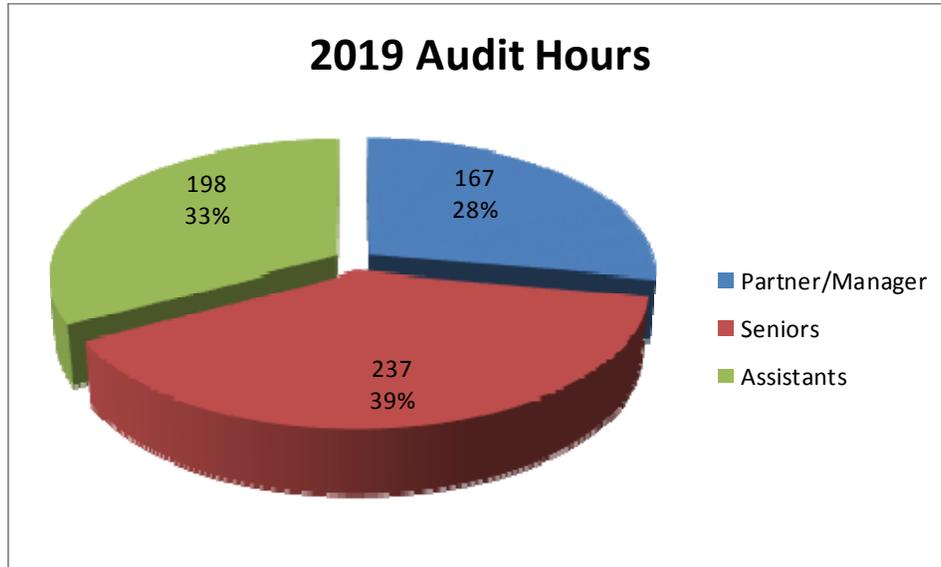
Our total all-inclusive fees for the past 4 contract periods, along with our Annual Audit Hours and Blended Hourly Rates are depicted in the following tables:

<u>Audit Entity</u>	<u>2009 to 2011</u>	<u>2012 to 2014</u>	<u>2015 to 2017</u>	<u>2018 to 2020</u>
Town	\$ 49,900	\$ 50,000	\$ 50,000	\$ 50,000
School EOYR	4,000	4,000	4,000	4,000
CAFR Fee	N/A	7,000	7,000	7,000
	<u>\$ 53,900</u>	<u>\$ 61,000</u>	<u>\$ 61,000</u>	<u>\$ 61,000</u>



We have been averaging 572 hours per year and our blended hourly rate realized has been between \$85 and \$116 per hour; approximately \$110 over the last 3 years.

The next chart shows how those hours were broken down by the Team assigned to the Braintree audit for fiscal year 2019:



We consider the Town of Braintree to be an important client and we've tried to manage this relationship as such. We know that Braintree is engaged in this process and we appreciate working with the Town at all levels. To that end we are proposing to hold our fees firm for another 3 year term if you so desire. The following would be our proposed fee schedule for the fiscal years ending June 30, 2021 to 2023:

<u>Audit Entity</u>	<u>Fee</u>
Town.....	\$ 50,000
School EOYR.....	4,000
CAFR Fee.....	7,000
<u>Total.....</u>	<u>\$ 61,000</u>

These fees include out-of-pocket costs (such as report reproduction for 30 CAFRs, typing, postage, travel, copies, telephone, etc.) except for the filing fee to the GFOA for the CAFR award and any third party costs related to confirmations requested (usually bank confirmation fees).

Our proposed fee includes a full range of services which other firms may not have included such as attendance at meetings by partners after the audit is completed, general consulting on municipal finance issues and other services. If the Town needs further clarification, we would be happy to explain our fee structure in detail.

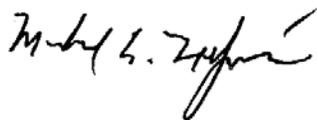
Should the Town desire professional services outside the scope of this audit shown below are our standard hourly billing rates.

Partner	\$195
Manager	\$150
Seniors	\$125
Assistant	\$85

We submit this proposal with the anticipation that our qualifications will allow us to continue as your auditor. Should you need clarification on any of the information in this proposal, we would be pleased to meet with you to discuss any item. This proposal will remain in effect for 90 days without restriction and we certify that the undersigned are entitled to represent the firm, empowered to submit the proposal, and authorized to sign a contract with the Town of Braintree.

Thank you for the opportunity to continue working with the Town of Braintree. We can assure you that our team will do everything in its power to provide the Town with the highest level of service, energy, commitment, and experience. **We want to keep the Town as a valued client.**

Very truly yours,



Michael K. Nelligan, CPA

**THE FOLLOWING PAGES INCLUDE ADDITIONAL
INFORMATION ABOUT OUR FIRM, OUR CURRENT CLIENTS,
AND UPCOMING GASB PRONOUNCEMENTS**

OUR PRACTICE

For 30 consecutive years, Powers & Sullivan, LLC has specialized in providing audit and consulting services to Massachusetts governments. We currently service a combined client base of over 100 cities, towns, school districts, counties, authorities, retirement systems and state agencies. Because we have chosen to specialize in the governmental sector, we understand their operations at a very detailed level and, accordingly, have developed the expertise required to properly service a municipal entity. Such experience has directly translated into an efficient audit engagement, accurate reports and a clear, concise management letter that makes practical recommendations for enhancing your operations and internal control structure. At Powers & Sullivan, LLC we believe the role of an auditor goes beyond just an examination of the accounts. We expect our clients to rely on us for guidance related to reporting, municipal finance, systems automation and internal controls, to name a few. This expanded level of service comes at no additional cost and is included as part of our quoted audit fee.

INDEPENDENCE

In light of the recent developments in the accounting and auditing profession, the increased focus on independence is an important issue that any potential client must evaluate. As part of our quality control procedures, subject to peer review, the completion of a “Client Acceptance” form is mandatory. We have completed this form as it relates to you before we prepared this quote.

This form is designed to determine independence as defined by auditing standards generally accepted in the United States of America and Government Auditing Standards, 2018 Revision, issued by the Comptroller General of the United States.

We have evaluated any potential personal, external and organizational impairment as it relates to serving as your auditor and based on the results of our evaluation, we can serve as your independent auditor.

Based on the results of our evaluation, we can serve the Town as your independent auditor.

LICENSE TO PRACTICE

We are licensed to practice in the Commonwealth of Massachusetts. Our partners and managers (except for our technology manager) are Certified Public Accountants also licensed by the Commonwealth. We are members in good standing of the Massachusetts Board of Public Accountancy, American Institute of Certified Public Accountants, the Massachusetts Society of Certified Public Accountants and the Government Finance Officers Association.

We have been in business for over 30 years and hereby confirm we are financially stable.

FIRM QUALIFICATIONS AND EXPERIENCE

We specialize in providing audit and consulting services to governmental clients and all professionals are part of our audit team. We have practiced in Massachusetts as Powers & Sullivan, LLC since 1989. Our partners have over 150 years of combined audit experience of which a significant portion has been devoted to public sector auditing and consulting. Each of our 25+ full-time professionals completes over 10 different municipal audits each year and our continuing education program is designed to keep them current on new governmental pronouncements. We meet all requirements related to peer review and continuing education of the AICPA and the Commonwealth of Massachusetts.

Our firm's objective is to maintain a leadership position in the Massachusetts municipal market. We accomplish this by providing personal service to our current client base with experienced partners and managers. Our management team is active in helping guide and educate the municipal community in the ever changing governmental accounting landscape. Our clients appreciate this level of commitment and we believe they derive significant added value from our service.

This depth of experience allows us to complete audit engagements in a cost efficient manner that is less disruptive to our clients' day-to-day operations. Our goal is to service our clients in a manner that will develop a continuing relationship.

Commitment to Service

Powers & Sullivan, LLC prides itself in being able to service our clients for both their independent audit and management consulting needs.

We continue to provide educational seminars for our clients as new issues emerge. We own audiovisual equipment including a state of the art LCD projector, portable sound system with hands-free wireless microphones, a large portable projection screen and all supporting equipment. Over the past several years we have conducted seminars dealing with matters such as GASB 54, GASB 63, GASB 65, GASB 67, GASB 68, GASB 74, GASB 75 and Fraud Risk Assessment and are continually present as speakers at Accountant's, Treasurer's and Administrator's conferences held throughout the Commonwealth.

The reason we mention this is to emphasize that our commitment to you does not end with the audit. We want to be an important source of new information to you and to your fellow local governments in Massachusetts.

Selected services include, but are not limited to, the following:

- Preparation of "Comprehensive Annual Financial Reports"
- Development of internal control procedures
- Adoption of Enterprise Funds and related accounting and reporting changes
- Implementation of automated systems to account for fixed assets and infrastructure
- Forensic accounting and audits
- Student activity audits
- Departmental procedural reviews

Commitment to Massachusetts

As previously mentioned, we are a Massachusetts based firm committed to servicing governmental clients located in Massachusetts. Consistent with that strategy, we are equally committed to supporting the Massachusetts economy at both the state and local level. Such a commitment is evident by the following conditions and policies:

- Our office is located in Wakefield, Massachusetts.
- 100% of wages paid to our staff is subject to Massachusetts income, unemployment and universal health insurance taxes.
- All computer equipment, office furniture, supplies, utilities, etc. are purchased from Massachusetts' vendors. Accordingly, the costs associated with these purchases are influenced by the overall economic conditions prevalent in the Commonwealth, including prevailing wage rates and the assessment of sales tax on in-state purchases. Exceptions to this policy occur only when sole source products are not available locally.
- We focus our recruiting efforts to students attending Massachusetts Colleges and Universities. We have developed strong relationships with both state and private colleges to provide students with full time employment, cooperative education opportunities and career counseling.
- We established the Powers & Sullivan, LLC Educational Foundation at UMass Lowell for the benefit of the accounting department and its students. To date the fund has provided scholarships to many accounting students and totals \$100,000.
- We have supported the Massachusetts Society of Certified Public Accountant's educational foundation by funding a platinum level Powers & Sullivan, LLC Scholarship annually.

Commitment to Excellence

Powers & Sullivan, LLC is committed to maintaining its professional excellence in providing quality services to our clients. Accordingly, we are a member of the American Institute of Certified Public Accountants. Membership requires that we pass a peer review of our quality control standards.

Our last Peer Review was conducted by the CPA firm of D.E. Rodrigues & Company, Inc. In this and all our previous peer reviews we received unqualified opinions. This means that the system of quality control for our accounting and auditing practice has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and conformed to professional standards. Since we are mainly a governmental practice, our peer reviews have always included specific reviews of our governmental single audits. A copy of our peer review report is included in Appendix B to this proposal.

We have developed and implemented a **Quality Control System** that is prescribed by the AICPA. This includes a Quality Control Manual that is distributed to all employees, which documents our internal systems and processes. The following sections are contained in our 35 page document:

1. Leadership Responsibilities for Quality
 - a. Promote a culture of quality
 - b. Dedicate sufficient resources to maintain quality
 - c. Establish a formal code of conduct
 - d. Establish a positive work environment
2. Relevant Ethical Requirements
 - a. Establish the fundamental principles of professional ethics
 - i. Responsibilities
 - ii. Public Interest
 - iii. Integrity
 - iv. Objectivity and Independence
 - v. Due care
 - vi. Scope and nature of Services
3. Client Acceptance and Continuance
 - a. Annual evaluation of all engagements that considers the client's integrity, the engagement risks, our ability to complete the engagement, and whether we can comply with legal and ethical requirements.
4. Human Resources System
 - a. Recruitment and hiring
 - b. Determine capabilities and competencies
 - c. Assignment of engagement teams
 - d. Professional development
 - e. Performance evaluation, compensation and advancement
5. Engagement Performance
 - a. Engagement performance and documentation
 - b. Engagement quality control review
 - c. Consultation and differences of opinion
6. Monitoring of the Quality Control System
 - a. An annual internal inspection program to monitor compliance with the system is completed

We have had several field reviews recently of our audits as part of the State Auditor's Single Audit Compliance procedures that resulted in no findings or deficiencies. Our federal audit work product is subject to external review by federal granting agencies. This occurs on a regular basis and we have never received any negative comment about the quality of our work.

We have had numerous field reviews recently of our audits of several Massachusetts Retirement Systems by the Public Employee Retirement Administration Commission (PERAC) in which our audits have been approved and that resulted in no findings or deficiencies.

There has never been any disciplinary action or legal proceedings taken against our firm or any member of our firm by regulatory bodies or professional organizations.

Our membership also requires our staff to receive a minimum of 20 hours of continuing professional education (CPE) per year and 80 hours within each two-year period. *Governmental Auditing Standards*, issued by the Comptroller General of the United States, requires staff members who perform governmental audits to complete a minimum of 24 hours of their CPE requirement in subjects directly related to government and to government auditing. We affirm that each staff member assigned to this engagement will have met these requirements.

Powers & Sullivan has partnered with the Massachusetts Society of Certified Public Accountants (MSCPA) to support and strengthen the CPA profession in Massachusetts by joining the MSCPA's Firm Sponsored Membership Program. All of our staff are MSCPA members and have access to information on issues and trends, a network of talent and resources, as well as a gateway to education, publications, savings and productivity. Being part of the firm-sponsored membership program sets our firm apart from non-member CPA firms.

TEAM QUALIFICATIONS AND EXPERIENCE

We are a regional firm that is built on serving Massachusetts municipalities for the past 30 years. Our management team is comprised of seven partners and one manager who spend over 98% of their time auditing Massachusetts municipalities. Two partners have over 30 years of experience, three partners have over 25 years of experience and two have over 10 years of experience. This deep bench strength sets us apart from our competitors and you can be comfortable knowing that your needs will be serviced throughout the year.

Our firm is comprised of 27 team members. We have been fortunate to retain the majority of our team for several years and we have had the same key management team for over 20 years. We recently expanded our audit team by hiring several local college graduates. We also run an intensive internship program for accounting majors to promote the understanding of municipal finance as a profession and to develop young professionals into tomorrow's municipal auditors.

In our response to the Town's Request for Quotes we have elected to provide the Town with elements that other towns deemed necessary that a qualified candidate have. The following section of the proposal is structured to demonstrate the criteria we believe you will judge us by and would be relevant to the Town in selecting your next audit firm.

1. Firm Municipal Audit/Finance Experience – *To be considered highly advantageous, the Proposer would have five (5) or more years' experience in conducting financial audits for municipalities.* For the last 5 fiscal years, our firm completed on average 65 Massachusetts municipal audits, 50 Single Audits, and performed over 50 End-of-Year Financial Report (EOYR) engagements conducted in accordance with the Massachusetts Department of Elementary and Secondary Education's compliance supplement each year.
2. Auditor Level Experience – *To be considered highly advantageous, the Proposer's firm would assign a Principal proposer to the project who has participated in at least ten (10) financial audits for municipalities.* Powers & Sullivan, LLC has 11 CPA's with experience ranging from 3 – 35 years. Three CPA's have over 30 years of experience, three CPA's have over 20 years of experience, 2 CPA's have over 10 years of experience, and 3 other CPA's have 3-10 years of experience. Several others have passed the exam and are pending certification once they complete 150 credit hours of education.
3. Size of Municipalities Audited – *To be considered highly advantageous, the Proposer has completed at least ten (10) similar financial audits for municipalities in the last three (3) to five (5) years.* We have audited approximately 40 Massachusetts municipalities with revenues greater than \$100 million in each of the past 5 years.

4. Approach to the Audit – *To be considered highly advantageous, the Proposer has a well-defined and developed Plan of Services in response to this Request for Proposals and demonstrates a clear understandable implementation strategy.* We have focused our business on serving Massachusetts municipalities and are committed to doing so in the future. We have developed an audit approach that allows us to conduct very efficient high-quality audits. Details on our audit approach are discussed below and again later in the “Audit Scope and Approach” section of this proposal.
5. References – *To be considered highly advantageous a Proposer must provide five (5) references who will give the Proposer and overall rating of “highly advantageous”.* We have provided several references and can provide additional references if needed to complete your evaluation.
6. Interview – *To be considered highly advantageous a Proposer must receive an overall rating of “highly advantageous” from the interview panel based upon materials provided, clarity of presentation and public presentation skills.* We believe that our overall proposal package is clear, concise, and “to the point”. Our partners have many years of public presentation experience and we trust that you will find our overall presentation to be of higher quality.
7. Ability to Provide Advice and Guidance Within the Proposed Audit Fee – *To be considered highly advantageous, the Proposer must provide information in the proposal demonstrating that they will be available throughout the year to answer questions and provide consulting services as necessary.* We consider client communication to be very important. Not only do we have a strict policy of never screening calls at our office, we will provide you with our cell phone numbers and if we are unable to answer your call as it comes in, we will return your phone calls within 24 hours.
8. Audit Firm Experience in Conducting Federal Audits– *In order to be considered highly advantageous, the proposer must demonstrate that they have at least three years of experience completing Federal Audits.* Our firm has been conducting Single Audits since 1989. In fiscal 2019, our firm completed over fifty single audits as noted in the “Our Client” section of this proposal.
9. Number of Municipalities Audited who produced an award winning CAFR – *To be considered highly advantageous the Proposer’s firm would have audited more than 10 municipalities who produced award winning CAFR’s for each of the past 5 years.* For FY2019, we assisted 24 communities with preparing and submitting their CAFR’s to the Government Finance Officers Association (GFOA) for the CAFR award program. Each submission prior to 2018 has successfully received this award. For the past 5 years we averaged 22 CAFR’s audits per year.
10. Staffing – *To be considered highly advantageous, a proposer shows a commitment to putting their best and most experienced staff and resources into this project.* Our normal staffing of this type of engagement has a management team consisting of an on-site partner, and engagement partner, and a concurring partner. This plan has two partners performing major roles in the engagement. The Partners professional experience and anticipated staffing is described in detail later in this proposal.

11. Quality of Written Response to Request for Proposals, Including Responsiveness and Clarity and Approach to the Project – *To be considered highly advantageous the proposer must submit a proposal that is concise, informative and highly detailed. The proposal must reflect that the firm is able to perform in a manner acceptable to the Town and the reviewer must be completely convinced about the proposer’s ability to provide the contracted services as required by the Town. Our proposal has been formatted to meet the requirements we believe will provide the Town additional information that we feel will allow you to make your best evaluation of our ability to meet the Town’s needs.*
12. Availability to Complete Contracted Services per the Proposed Schedule – *In order to be considered highly advantageous, the Proposer must be able to complete the services within the agreed-upon timeline. We have completed numerous audits of local governments. We do not miss deadlines. This is because we have developed an internal control system that properly trains our team members on how to audit governmental entities. Our proposal highlights our plan to accomplish the tasks in a manner that will meet your timelines.*
13. Professional Quality Control Program – *In order to be considered highly advantageous, the proposer must have a quality control program that will ensure that the Town’s audit is conducted in accordance with the highest professional standards. We utilize the PPC suite of products from Thomson Reuters as audit tools to ensure compliance with the most recent auditing standards and risk assessment standards. In addition, we have developed company-wide training and an internal audit review process to ensure the highest quality audits. The success of this system is demonstrated in our Peer Review results as well as in our success in assisting clients in receiving awards for excellence in financial reporting on their CAFR’s.*
14. Independence and Ethical Behavior – *In order to be considered highly advantageous, the proposer would need to confirm that the firm or any member of the firm has not been disciplined by any regulatory body; and that the firm and the principals are members in good standing with the American Institute of Certified Public Accountants (AICPA) and the Massachusetts Board of Public Accountancy. No member of our firm has been disciplined by any regulatory body and the firm and all principals are members in good standing with both the AICPA and the Massachusetts Board of Public Accountancy.*

We have tried to briefly address your evaluation criteria and believe we have demonstrated for you our ability to provide quality service to the Town. We do encourage you to contact other clients to verify the consistency of our service to the Massachusetts Municipal Community.

Key Team Members

What follows next are the resumes of our management team. We hope that you will see that their experience demonstrates a complete understanding of the process, in real life, of how financial statements are audited and prepared, which we believe is integral to successfully completing the engagement.

James E. Powers, CPA, Governmental Engagement Partner, is the partner-in-charge of the governmental audit practice which comprises over 98% of the firm’s revenue. He has over 35 years of municipal audit experience which began as an accountant with the City of Boston’s Auditor’s Office in 1978. He was employed by Touché Ross for several years until early 1987 as an audit manager with client responsibilities that included the Commonwealth of Massachusetts and local municipalities. In April of 1987 he founded the certified public accounting firm of Powers & Company that serviced several Massachusetts municipalities.

Mr. Powers' experience in providing services to local governments for the past 35+ years has given him the knowledge that you will find to be an invaluable resource. He can identify problem areas and assist in developing and implementing practical solutions to these problems. He is knowledgeable in UMAS and GAAP

methods of accounting and is familiar with the software programs used by Massachusetts cities, towns, districts and agencies.

Mr. Powers has been committed to improving the auditing, accounting and financial reporting of Massachusetts cities and towns. Over the years, Mr. Powers has volunteered his time to conduct over 200 seminars for the Massachusetts Financial Community on a variety of accounting and auditing subjects. He was the primary author of the Massachusetts Department of Revenue's publication *A Practical Guide for Implementation of GASB Statement 34 for Massachusetts Local Governments – July 1, 2001*. The DOR produced and distributed approximately 2,000 copies of this publication.

He recently served on the Board of Directors of the Massachusetts Society of Certified Public Accountants; he was the past chairperson for the Massachusetts Society of Certified Public Accountants Governmental Accounting and Auditing Committee; he is a member of the American Institute of Certified Public Accountants (AICPA); and is a member of the Government Finance Officers Association (GFOA). Mr. Powers is a member of the GFOA's Special Review Committee, a nationwide pool of CAFR reviewers. In this capacity, he is responsible for determining if CAFR's submitted to the GFOA are either awarded or denied the Certificate of Achievement for Excellence in Financial Reporting.

Reneé Davis, CPA, MBA, Governmental Engagement Partner, Ms. Davis has over 25 years of municipal audit experience with Powers & Sullivan and was admitted as a partner in 2008. Ms. Davis has spent 100% of her accounting and auditing career involved with Massachusetts municipalities, schools, districts and other governmental entities. She obtained her license to practice as a certified public accountant and her MBA degree while at Powers & Sullivan.

Ms. Davis' experience in providing service to local governments has given her the knowledge that is a valuable resource to her clients. She can identify problem areas and assist in developing and implementing practical solutions to these problems. She is knowledgeable in Statutory, UMAS and GAAP methods of accounting and is familiar with the software programs used by Massachusetts cities, towns, districts and agencies.

As stated earlier, the firm has been auditing over 20 CAFR's each of the last several years. Ms. Davis has developed an expertise on the preparation and review of these financial reports. As part of our quality control procedures a complete review of the CAFR must be done before the report is issued. Ms. Davis is responsible to review our more complicated CAFR's.

She is responsible for maintaining the firm's continuing education program. As such she is responsible to develop the firm-wide and individual plans for our staff. She develops, with Michael Nelligan, our internal governmental training sessions. She also is a very active speaker at governmental seminars for the Massachusetts Society of Certified Public Accountants along with the Massachusetts Financial Community. Ms. Davis was the key person from our firm to assist in the development of the Massachusetts School Building Authority's (MSBA) audit guidelines.

She is a member of the Massachusetts Society of Certified Public Accountants, the American Institute of Certified Public Accountants, the Massachusetts Government Finance Officers Association and the Association of Governmental Accountants. Reneé served a two-year term as the chairperson for the Massachusetts Society of Certified Public Accountant's Governmental Auditors Auditing Committee. Reneé served on the Board of Directors for the Massachusetts Society of Certified Public Accountants.

Craig Peacock, CPA, MST, Governmental Engagement Partner, Mr. Peacock has been with the firm for over 25 years and has performed over 150 comprehensive single audit and consulting engagements for Massachusetts' governments. He obtained his license to practice as a certified public accountant and his MST while at Powers & Sullivan. He was promoted to manager in 2001 and admitted as a partner in July 2010. His primary responsibility is to provide services to our governmental clients and his secondary responsibility is to work with Mr. Sullivan to manage our tax and commercial practices.

Mr. Peacock's experience in providing service to local governments has given him the knowledge that is a valuable resource to his clients. He prides himself in being very attentive to his client's needs and has demonstrated the ability to assist them throughout the year. His engagements are planned well in advance of the field work and his clients are well informed as to the expectations of both parties. He is knowledgeable in UMAS and GAAP methods of accounting and is familiar with the software programs used by Massachusetts cities, towns, districts and agencies.

As stated earlier, the firm has been auditing over 20 CAFR's each of the last several years. Mr. Peacock has been responsible for the submission of many government's CAFR's to the GFOA for their award program. He is also a member of our quality control team that is responsible for reviewing CAFR's before they are submitted to the GFOA.

He is responsible for conducting many of the firm's internal governmental training sessions. Craig provides guidance to our staff on all tax related matters along with providing the initial technical advice on new governmental standards. Some of his larger clients include Brookline, Lowell, Somerville, Plymouth, Abington and Belmont.

He is a member of the Massachusetts Society of Certified Public Accountants (MSCPA), the American Institute of Certified Public Accountants, the Massachusetts Government Finance Officers Association and the Association of Governmental Accountants.

Michael Nelligan, CPA, Governmental Engagement Partner, Mr. Nelligan has over 35 years of audit, accounting and management experience which began in 1981. Mike began his career as an auditor with Grant Thornton in Boston, Massachusetts in 1981. During his 7 years with Grant Thornton, he rose to the level of Audit Manager with a client base of governments, public utilities, public universities, manufacturing, retail, hospitals, wholesale distributors and various non-profit organizations. These entities ranged from start-ups to large publicly traded companies. In 1988, Mike accepted the position of CFO with an east coast wholesale distribution firm where he managed all aspects of the company's operations. After the sale of the company in 2002, Michael joined Powers & Sullivan and currently audits many cities and towns, municipal utilities and nonprofit organizations.

Mr. Nelligan's experience in providing audit services and working for commercial entities has given him the unique perspective of being responsible for being both the auditor and auditee. The practical experience of running a business, performing audits and working with municipalities provides you with a significant knowledge base that can provide practical solutions to problems. He is knowledgeable in UMAS and GAAP methods of accounting and is familiar with the software programs used by Massachusetts cities, towns, districts and agencies.

Michael is responsible for maintaining the firm's continuing education program. As such he is responsible to develop the firm-wide and individual plans for our staff. He develops, with Reneé Davis, our internal governmental training sessions. He also is a very active speaker at governmental seminars for the Massachusetts Society of Certified Public Accountants along with the Massachusetts Financial Community.

Michael works directly with Frank Serreti and Todd Jurczyk to manage all the engagements conducted in accordance with the Massachusetts Department of Elementary and Secondary Education's (ESE) Compliance Supplement applicable to Massachusetts School Districts to the End-of-Year Financial Report. The firm completes over fifty of these engagements each year. Some of his larger clients include Springfield, Mansfield, Braintree, and Marshfield.

He is a member of the American Institute of Certified Public Accountants, the Massachusetts Society of Certified Public Accounts, the Association of Government Accountants and the Massachusetts Government Finance Officers Association.

Frank Serreti, CPA, Governmental Engagement Partner, Mr. Serreti has been with the firm for over 25 years and has performed over 150 comprehensive single audit and consulting engagements for Massachusetts' governments. He obtained his license to practice as a certified public accountant while at Powers & Sullivan. He was promoted to manager in 2001 and admitted as a partner in July 2012.

Mr. Serreti's experience in providing service to local governments has given him the knowledge that is a valuable resource to his clients. He prides himself in being very attentive to his client's needs and has demonstrated the ability to assist them throughout the year. His engagements are planned well in advance of the field work and his clients are well informed as to the expectations of both parties. He is knowledgeable in UMAS and GAAP methods of accounting and is familiar with the software programs used by Massachusetts cities, towns, districts and agencies.

As stated earlier, the firm has been auditing over 20 CAFR's each of the last several years. Mr. Serreti has been responsible for the submission of several CAFR's to the GFOA for their award program. He is also a member of our quality control team that is responsible for reviewing CAFR's before they are submitted to the GFOA.

He is responsible for conducting many of the firm's internal governmental training sessions. Frank works directly with Michael Nelligan and Todd Jurczyk to manage all the engagements conducted in accordance with the Massachusetts Department of Elementary and Secondary Education's (ESE) Compliance Supplement applicable to Massachusetts School Districts to the End-of-Year Financial Report. The firm completes over fifty of these engagements each year. Some of his larger clients include Andover, Everett, North Andover, Wakefield, and Woburn.

He is a member of the Massachusetts Society of Certified Public Accountants (MSCPA), the American Institute of Certified Public Accountants, the Massachusetts Government Finance Officers Association and the Association of Governmental Accountants. Frank has recently served as the chairman of the MSCPA Government Accounting and Auditing Committee.

Todd Jurczyk, CPA, Governmental Engagement Partner, Mr. Jurczyk has over 20 years of governmental auditing and accounting experience. He started his governmental experience with the Fiscal Management Office of Massachusetts Department of Transportation (formerly the Massachusetts Highway Department "MHD") in 1997. While at MHD he was a member of the Commonwealth's GASB 34 implementation team; responsible for capital asset accounting; responsible for the accounting of major construction projects; responsible for compliance with federal grants; responsible for auditing the compliance of contracts with procurement laws; and was the liaison between MHD, the Comptroller's Office and the external auditors. He passed all parts of the certified public accountants' exam while at MHD. The experience at MHD has made Todd very knowledgeable in compliance auditing and specifically proficient at conducting Single Audits. He joined Powers & Sullivan in 2003, became a licensed CPA in 2006 and was promoted to our management team in July 2007 as a supervisor and was admitted as a partner in July 2018.

Todd spends 100% of his time working on our governmental clients. Todd is substantially responsible for several large-scale single audit engagements including Revere, Springfield and Quincy. Other clients of his include, North Attleborough Electric Light, Saugus, Rowley, Somerset, the Somerset Health Plan Group and Oak Bluffs.

Todd works directly with Mr. Serreti to manage all the engagements conducted in accordance with the Massachusetts Department of Elementary and Secondary Education's Compliance Supplement applicable to Massachusetts School Districts End-of-Year Financial Report. The firm completes over fifty of these engagements each year.

Todd is also a member of our quality control team responsible for reviewing CAFR's prior to submittal to the GFOA award program. He is responsible for the audit of three clients that prepare CAFR's. He is part of our team that establishes our auditing procedures and is our training instructor for auditing requirements under Uniform Guidance and the Single Audit Act. He is a member of the Massachusetts Society of Certified Public Accountants and the American Institute of Certified Public Accountants.

Romina Mameli, Audit Technology Partner, Ms. Mameli has over 19 years of governmental auditing and accounting experience with Powers & Sullivan. In addition to her auditing responsibilities, Romina manages virtually all aspects of our audit technology. This includes keeping our systems technically up-to-date with all of the most recent financial reporting and auditing requirements. This includes communicating with vendors who provide these services to make sure that we are continually current with our procedures. She also ensures that our personnel are adequately trained in utilizing the technology and that we have state-of-the-art servers and laptop computers available to access the information.

Romina is a member of our quality control team responsible for reviewing CAFR's prior to submittal to the GFOA award program. She is also part of our team that establishes our auditing procedures and an in-house instructor for general government auditing requirements. Some of her largest clients include Barnstable, Braintree, Peabody, Dedham, Arlington, Duxbury, and Scituate.

Rebecca Gamsby, CPA, Governmental Manager, Ms. Gamsby has over 10 years of municipal audit experience. Ms. Gamsby began her career as a municipal auditor with a CPA firm based out of New Hampshire where she obtained her license to practice as a certified public accountant. Prior to joining Powers & Sullivan in 2018, her auditing career focused on Massachusetts, New Hampshire, and Vermont municipalities.

Rebecca has spent 100% of her time at Powers & Sullivan working on our Massachusetts governmental clients. She prides herself on being very attentive to her client's needs and has demonstrated the ability to assist them throughout the year. She is knowledgeable in UMAS and GAAP methods of accounting and is familiar with the software programs used by Massachusetts cities and towns. Some of her larger clients include Braintree, Dedham, Lowell, Salem and Springfield.

Rebecca is a member of our quality control team responsible for reviewing CAFR's prior to submittal to the GFOA award program. She is also part of our team that establishes our auditing procedures and an in-house instructor for general government auditing requirements. She is a member of the Massachusetts Society of Certified Public Accountants.

Other Staffing Matters

For the other staff assigned to the engagement we will assign an experienced senior who has worked at Powers & Sullivan, LLC for 3+ years and has completed over 30 municipal audit engagements. Assistants will be assigned as needed. All our staff are college graduates and are working towards the goal of becoming Certified Public Accountants. All our staff are full time employees of Powers & Sullivan, LLC and are dedicated to conducting municipal audits. We do not use consultants or subcontractors in the conduct of our audits.

In order to keep all team members up-to-date on governmental auditing the firm conducts a mandatory multiple day training session in June each year that relates only to governmental auditing. They are also required to attend governmental seminars sponsored by professional organizations. We have a mentoring program where all members are teamed up with a manager to assist in their professional and personal development. Finally, periodic formal review sessions are conducted throughout the year that evaluate their performance and set goals for the next period.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

During fiscal year 2019 we submitted the following 24 CAFR's to the GFOA:

Town of Andover	Town of Arlington	Town of Barnstable
City of Beverly	Town of Braintree	Town of Burlington
Town of Cohasset	Town of Duxbury	City of Everett
Town of Harwich	Town of Manchester-By-the-Sea	Town of Mansfield
Town of Marblehead	Town of Marshfield	Town of North Andover
City of Revere	City of Salem	Town of Scituate
City of Somerville	City of Springfield	Town of Sudbury
Town of Wellesley	Town of Westwood	

Lower Pioneer Valley Educational Collaborative

SELECTED REFERENCES

Listed below are client references for you to contact. Additionally, we have provided an extensive listing of our municipal clients by rank total client revenues. For the clients listed in the accompanying chart for which we have not provided reference information, please feel free to contact them directly or contact us and we will provide that information.

City of Melrose

We have audited the City of Melrose since FY1994 and have recently extended our contract. The budget for the City is approximately \$78 million. We have provided various consulting services and completed the Compliance engagements for the DESE End of Year Financial Report. Mr. Sullivan serves as the engagement partner.

References: Mr. Patrick Dello Russo, CFO/City Auditor 781-979-4107

City of Quincy

We have audited the City and Quincy College since FY2008. In addition to the audit, we have provided various consulting services and completed the Compliance engagements for the End of Year Financial Report. Mr. Powers serves as the concurring engagement partner and Mr. Jurczyk serves as the lead partner.

Reference: Mr. Eric Mason, Director of Municipal Finance 617-376-1264

Town of Somerset

We have audited the Town since FY2004. During the time period we were able to provide technical guidance to the Town as it underwent significant changes to the structure of its financial management team. Mr. Powers serves as the concurring engagement partner and Mr. Jurczyk serves as the lead partner.

Reference: Mr. Joseph Bolton, Finance Director/Town Accountant 508-646-2820

Town of Wellesley

We were selected by the Audit Committee, through a competitive bidding process, to conduct the audit of the Town, Retirement System and Electric Department since FY2004. We assisted the Town in completing its first CAFR in FY2004. The Town has been awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting for each fiscal year since 2004. We also completed the Compliance engagements for the DESE End of Year Financial Report. The Town has maintained their AAA bond rating for several years. Mr. Powers and Ms. Davis have served as the engagement management team.

References: Ms. Sheryl Strother, Finance Director 781-431-1019 x2214

Town of Westwood

We have audited the Town and assisted the Town in completing their CAFR's since FY2002. The Town has been awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting for each fiscal year since. In addition to the audit, we have provided various consulting services and completed the Compliance engagements for the DESE End of Year Financial Report. Mr. Powers and Ms. Davis serve as the engagement management team.

Reference: Ms. Pamela Dukeman, Finance Director 781-320-1010

City of Springfield

We have audited the City of Springfield and its Retirement System since FY2005. In FY2005, Springfield was experiencing difficult financial times and special legislation was enacted that required the transfer of management of the City to a State Control Board. We were contacted by the Control Board who requested that we accept their offer to be the independent auditors. The City's financial matters returned to local control in June 2009. The City's revenues approximate \$837 million and the federal grant expenditures are approximately \$119 million. We also completed the Compliance engagements for the End of Year Financial Report. Mr. Powers and Mr. Nelligan serve as the engagement management team.

Reference: Mr. Patrick Burns, Comptroller 413-787-6153
Mr. Timothy J. Plante, CAFO 413-886-5288

The schedules that follow are intended to provide a snapshot of our client base and the scope of services provided to them.

Cities & Towns over \$100 Million in Revenue

	Audit Services	DESE Engagement	Years of Service	Total Revenues	Total Single Audit	CAFR
1 Springfield	X	X	5-10	\$ 837,000,000	\$ 119,000,000	X
2 Lowell	X	X	over 10	\$ 410,000,000	\$ 39,000,000	
3 Quincy	X	X	5-10	\$ 392,000,000	\$ 18,000,000	
4 Lawrence	X	X	5-10	\$ 335,000,000	\$ 35,000,000	
5 Brookline	X	X	over 10	\$ 286,000,000	\$ 6,000,000	
6 Somerville	X	X	over 10	\$ 267,000,000	\$ 13,000,000	X
7 Plymouth	X	X	5-10	\$ 250,000,000	\$ 8,000,000	
8 Peabody	X	X	over 10	\$ 242,000,000	\$ 8,000,000	
9 Braintree	X	X	5-10	\$ 231,000,000	\$ 3,000,000	X
10 Wellesley	X	X	5-10	\$ 226,000,000	\$ 2,000,000	X
11 Everett	X	X	1-5	\$ 223,000,000	\$ 10,000,000	X
12 Revere	X	X	1-5	\$ 214,000,000	\$ 13,000,000	X
13 Salem	X	X	5-10	\$ 210,000,000	\$ 13,000,000	X
14 Andover	X	X	over 10	\$ 198,000,000	\$ 3,000,000	X
15 Barnstable	X	X	over 10	\$ 193,000,000	\$ 9,000,000	X
16 Billerica	X	X	over 10	\$ 186,000,000	\$ 3,000,000	
17 Arlington	X	X	over 10	\$ 179,000,000	\$ 6,000,000	X
18 Beverly	X	X	over 10	\$ 165,000,000	\$ 8,000,000	X
19 Woburn	X	X	over 10	\$ 156,000,000	\$ 3,000,000	
20 Burlington	X	X	over 10	\$ 156,000,000	\$ 2,000,000	X
21 Belmont	X	X	5 - 10	\$ 152,000,000	\$ 2,000,000	
22 Chelmsford	X	X	over 10	\$ 149,000,000	\$ 2,000,000	
23 Mansfield	X	X	1-5	\$ 145,000,000	\$ 2,000,000	X
24 Tewksbury	X	X	over 10	\$ 141,000,000	\$ 2,000,000	
25 Milton	X	X	over 10	\$ 126,000,000	\$ 2,000,000	
26 North Andover	X	X	1-5	\$ 124,000,000	\$ 2,000,000	X
27 Marshfield	X	X	1-5	\$ 120,000,000	\$ 3,000,000	X
28 Dedham	X	X	1-5	\$ 120,000,000	\$ 2,000,000	X
29 Sudbury	X	X	1-5	\$ 111,000,000	\$ 1,000,000	X
30 Marblehead	X	X	over 10	\$ 109,000,000	\$ 1,000,000	X
31 Melrose	X	X	over 10	\$ 108,000,000	\$ 3,000,000	
32 Agawam	X	X	over 10	\$ 107,000,000	\$ 3,000,000	
33 Duxbury	X	X	over 10	\$ 107,000,000	\$ 1,000,000	X
34 Westwood	X	X	over 10	\$ 105,000,000	\$ 2,000,000	X
35 Saugus	X	X	1-5	\$ 103,000,000	\$ 2,000,000	
36 Ipswich	X	X	1-5	\$ 101,000,000	\$ 1,000,000	
37 Weston	X	X	1-5	\$ 101,000,000	\$ 1,000,000	

Cities & Towns under \$100 Million in Revenue

	Audit Services	ESE Engagement	Years of Service	Total Revenues	Total Single Audit	CAFR
38 Greenfield	X	X	1-5	\$ 90,000,000	\$ 3,000,000	
39 Wareham	X	X	5-10	\$ 85,000,000	\$ 4,000,000	
40 Scituate	X	X	1-5	\$ 84,000,000	\$ 1,000,000	X
41 Yarmouth	X		1-5	\$ 82,000,000	\$ 1,000,000	
42 Wakefield	X	X	over 10	\$ 75,000,000	\$ 2,000,000	
43 Harwich	X	X	1-5	\$ 70,000,000	\$ -	X
44 Somerset	X	X	5-10	\$ 66,000,000	\$ 1,000,000	
45 Medfield	X	X	1-5	\$ 62,000,000	\$ 1,000,000	
46 Winthrop	X	X	1-5	\$ 62,000,000	\$ 2,000,000	
47 Abington	X	X	over 10	\$ 54,000,000	\$ 1,000,000	
48 Cohasset	X	X	1-5	\$ 51,000,000	\$ 1,000,000	X
49 Carver	X	X	1-5	\$ 41,000,000	\$ 2,000,000	
50 Georgetown	X	X	over 10	\$ 39,000,000	\$ 1,000,000	
51 Orleans	X	X	1-5	\$ 38,000,000	\$ -	
52 Lunenburg	X	X	1-5	\$ 37,000,000	\$ 1,000,000	
53 Rockport	X	X	over 10	\$ 34,000,000	\$ -	
54 Monson	X	X	over 10	\$ 32,000,000	\$ 2,000,000	
55 Oak Bluffs	X		over 10	\$ 29,000,000	\$ 1,000,000	
56 Manchester-By-The-Sea	X		1-5	\$ 29,000,000	\$ -	X
57 Orange	X	X	5-10	\$ 25,000,000	\$ 3,000,000	
58 Rehoboth	X		5-10	24,000,000	\$ -	
59 Rowley	X		over 10	\$ 23,000,000	\$ -	
60 Boxborough	X	X	5-10	\$ 22,000,000	\$ -	
61 Groveland	X	X	over 10	\$ 21,000,000	\$ -	
62 Lancaster	X	X	1-5	\$ 21,000,000	\$ -	
63 Wellfleet	X		1-5	\$ 20,000,000	\$ -	
64 Wenham	X	X	5-10	\$ 16,000,000	\$ -	
65 Barre	X		1-5	\$ 13,000,000	\$ -	
66 Chilmark	X		over 10	\$ 10,000,000	\$ -	

Schools	Audit Services	ESE Engagement	Years of Service	Total Revenues	Total Single Audit	CAFR
1 Acton Boxborough Regional School District	X	X	1-5	\$ 103,000,000	\$ 2,000,000	
2 Blue Hills Regional Technical School	X	X	5-10	\$ 23,000,000	\$ 2,000,000	
3 Berlin-Boylston Regional School District	X	X	1-5	\$ 15,600,000	\$ -	
4 Cambridge Community Charter School	X	X	5-10	\$ 7,000,000	\$ -	
5 Diman Regional Vocational Technical High School	X	X	1-5	\$ 27,000,000	\$ 1,800,000	
6 Dudley-Charlton Regional School District	X	X	1-5	\$ 64,000,000	\$ 2,000,000	
7 Francis Parker Charter School	X	N/A	5-10	\$ 5,000,000	\$ -	
8 Hamilton-Wenham Regional School District	X	X	5-10	\$ 35,000,000	\$ 700,000	
9 Lincoln-Sudbury Regional School District	X	X	5-10	\$ 34,000,000	\$ 500,000	
10 Lower Pioneer Valley Educational Collaborative	X	N/A	5-10	\$ 24,000,000	\$ -	X
11 Manchester Essex Regional School District	X	X	5-10	\$ 28,000,000	\$ 1,000,000	
12 Martha's Vineyard Charter School	X	X	5-10	\$ 4,000,000	\$ -	
13 Nashoba Valley Technical High School	X	X	5-10	\$ 54,000,000	\$ 2,000,000	
14 North Middlesex Regional School District	X	X	1-5	\$ 56,000,000	\$ 2,000,000	
15 Northeast Metropolitan Regional School District	X	X	1-5	\$ 28,000,000	\$ 1,000,000	
16 Pentucket Regional School District	X	X	1-5	\$ 46,000,000	\$ 1,000,000	
17 Pioneer Valley Performing Arts Charter Public School	X	N/A	1-5	\$ 7,000,000	\$ -	
18 Quabbin Regional School District	X	X	5-10	\$ 39,000,000	\$ 1,000,000	
19 Quincy College	X	N/A	5-10	\$ 22,000,000	\$ -	
20 Salem Community Charter School	X	X	1-5	\$ 1,000,000	\$ -	
21 South Shore Educational Collaborative	X	N/A	1-5	\$ 19,000,000	\$ -	
22 Southwick-Tolland-Granville Regional School District	X	X	1-5	\$ 29,000,000	\$ 1,000,000	
23 Tantasqua Regional School District	X	X	5-10	\$ 32,000,000	\$ 2,000,000	
24 Whittier Regional Vocational Technical High School	X	X	1-5	\$ 26,000,000	\$ 1,000,000	

Retirement Systems

	Audit	GASB	Years of	Total
	Services	67/68	Service	Assets
		Services		
1 Middlesex County Regional Retirement	X	X	over 10	\$ 1,378,000,000
2 Barnstable County Retirement	X	X	1-5	\$ 1,103,000,000
3 Plymouth County Retirement Association	X	X	1-5	\$ 1,018,000,000
4 Essex County Regional Retirement	X	X	5-10	\$ 467,000,000
5 Hampden County Regional Retirement	X	X	5-10	\$ 370,000,000
6 Dukes County Retirement System	X	X	5-10	\$ 162,000,000
7 Franklin County Retirement System	X	X	1-5	\$ 146,000,000
8 Lowell	X	X	over 10	\$ 320,000,000
9 Springfield	X	X	5-10	\$ 320,000,000
10 Brookline	X	X	5-10	\$ 320,000,000
11 Framingham	X	X	1-5	\$ 300,000,000
12 Somerville	X	X	over 10	\$ 280,000,000
13 Lawrence	X	X	1-5	\$ 230,000,000
14 Haverhill	X	X	1-5	\$ 227,000,000
15 Braintree	X	X	5-10	\$ 204,000,000
16 Wellesley	X	X	5-10	\$ 192,000,000
17 Plymouth	X	X	5-10	\$ 178,000,000
18 Salem	X	X	5-10	\$ 178,000,000
19 Arlington	X	X	over 10	\$ 158,000,000
20 Peabody	X	X	over 10	\$ 157,000,000
21 Revere	X	X	5-10	\$ 157,000,000
22 Everett	X	X	5-10	\$ 157,000,000
23 Dedham	X	X	5-10	\$ 145,000,000
24 Andover	X	X	over 10	\$ 144,000,000
25 Woburn	X	X	over 10	\$ 143,000,000
26 Milton	X	X	over 10	\$ 131,000,000
27 Beverly	X	X	over 10	\$ 129,000,000
28 Wakefield	X	X	over 10	\$ 124,000,000
29 Belmont	X	X	over 10	\$ 115,000,000
30 Marblehead	X	X	over 10	\$ 102,000,000
31 Saugus	X	X	5-10	\$ 106,000,000
32 Melrose	X	X	over 10	\$ 86,000,000
33 Greenfield	X	X	1-5	\$ 80,000,000
34 Winthrop	X	X	1-5	\$ 71,000,000
35 Greater Lawrence Sanitary District	X	X	5-10	\$ 20,000,000
36 Blue Hills	X	X	5-10	\$ 13,000,000

ADDITIONAL INFORMATION

Audit Technology Advances

Similar to our clients, the audit process is constantly evolving and we are changing our processes with the technology advances. We began the audit automation process back in 2000 with the purchase of hardware and software to automate our audits and the preparation of governmental financial statements to be in compliance with GASB Statement 34. Part of our business model is to constantly evaluate our audit process and take advantage of these new audit techniques. We have found that this is mutually beneficial to ourselves and our clients as we become more efficient and our clients receive a more effective and meaningful audit.

We use state-of-the-art software from **Wolters Kluwer, CCH Access Portal**, to protect our client's data through the use of a **Client Portal**. All data is transferred using a **Secure File Transfer Protocol (SFTP)** that transmits encrypted files between us.

We use the Checkpoint software from Thompson Reuters for our audit software. Their **Smart Practice Aids for Audits of State and Local Governments** along with the **Smart Practice Aids for Single Audits** provides us with the flexibility to complete all of the risk assessments that are tailored to each client. The software provides a standardized approach to a governmental audit but allows for auditor judgment to create an audit program that is the right fit for each client. This area is one example where technology and our experience and knowledge of Massachusetts' governmental finance provides for a seamless integration in the audit planning and assessment process.

We use **CCH ProSystem fx Suite** for our audit engagement software. We have been completing paperless audits since 2000 and continue to realize the benefits of making the change long before many of our competitors. This software allows us to manage the entire engagement in real-time and allows for our audit team to access the working papers at anytime from anywhere we have internet access securely. There is a true seamless integration between the audit working papers, trial balance software and report preparation. We can complete a multitude of analytical audit tests and reports directly from the trial balance software which automatically includes these tests in audit working papers.

New GASB Pronouncements

As part of our basic service, we will discuss any new standards well in advance of its implementation date and assist in your preparation. The next significant GASB's are described below.

GASB Statement No. 84, Fiduciary Activities – This statement provides guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported. It is required to be implemented in fiscal 2020.

GASB Statement No. 87, Leases – This statement will require changes to the manner in which leases are accounted. Assets acquired under a capital lease will now be recognized as an asset type separate from the traditional capital asset account type. Leases previously reported as operating leases may be required to be accounted for as a capital lease. It is required to be implemented in fiscal 2021.

GASB Statement No. 89, Accounting for Interest Cost Incurred before the End of a Construction Period – This statement establishes accounting requirements for interest costs incurred before the end of a construction period. It is required to be implemented in fiscal 2021.

GASB Statement No. 90, Majority Equity Interests – an amendment of GASB Statements No. 14 and No. 61 – This statement addresses the financial statement reporting requirements pertaining to a governmental entity’s majority equity investments in a legally separate organization. The state also addresses the relevance of financial statement information for certain component units. It is required to be implemented in fiscal 2020.

It will be important for management to gain a good understanding of how these statements will impact the financial statements for the purposes of explaining the changes to users. **Please be aware that the effective dates mentioned above have been extended at least one year by the GASB due to the COVID-19 healthcare crisis.**



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

#20-067

Charles C. Kokoros
Mayor

781-794-8100

To: Shannon L. Hume, President of the Council
Susan Cimino, Clerk of the Council
James Casey, Town Clerk

From: Charles C. Kokoros, Mayor

OK

CC: Nicole I. Taub, Chief of Staff and Director of Operations
Christine Stickney, Director, Planning and Community Development
Kelly Phelan, Conservation Planner, Planning and Community Development

Date: September 11, 2020

Re: 20 ---- Mayor: Cedar Swamp Property--Request for Approval of Grant of Conservation
Restriction to Wildlands Trust, Inc.

President Hume, Clerk Cimino, Clerk Casey,

The purpose of this memorandum is to request that the Town Council approve the grant of a Conservation Restriction ("CR") to the Wildlands Trust, Inc. ("Wildlands Trust") for the Town-owned property known as the "Cedar Swamp" ("Property"), identified as Assessors Parcel 1086-0-29, which is located south of Plain Street. The Property, which was acquired with Community Preservation Act ("CPA") funds, is approximately 3 acres in size. The CR, in its current form, has been reviewed and approved by the Division of Conservation Services ("DCS") in the Executive Office of Environmental Affairs, which has the statutory authority to approve CRs.

The grant of the CR to the Wildlands Trust will satisfy a CPA requirement.

Background for the Proposed Grant of the CR to the Wildlands Trust

In March 2008, the Town, acting by and through the Conservation Commission, acquired the Property from private owners for a purchase price of \$6,152.55. The purchase was authorized by Article 4D of the Special Town Meeting of November 13, 2007. Article 4D appropriated funds from the Community

Preservation Open Space Reserve fund for this purpose and stated that the Property was to be acquired for use as conservation land.

The CPA, at M.G.L. Chapter 44B, Section 12, requires that a municipality grant a permanent restriction on a parcel acquired with the use of CPA funds, to ensure that the parcel continues to be used for the stated purposes of the purchase. Consequently, in addition to authorizing the purchase itself, Article 4D authorized the Board of Selectmen to convey a permanent conservation restriction on the Property, so as to meet the CPA requirements.

Subsequently, it was determined that the Wildlands Trust would be an appropriate entity to be granted the CR and to have authority to enforce it. A CR was drafted by the Wildlands Trust and reviewed by DCS and the Town Law Department. The review process disclosed that the Property boundaries were not shown on any recorded plan or defined by the Town's deed. It was decided, therefore, that a survey plan should be completed to define the boundaries between the Property and abutting private parcels. The Law Department researched titles for the adjacent parcels as a basis for the preparation of a survey plan by a professional retained by the Community Preservation Committee. With that task completed, DCS has approved the CR

Pursuant to the procedural requirements in M.G.L. Chapter 184, Sections 31-33 for the imposition of conservation restrictions, the CR is to be approved and signed by the Town Council and the Mayor, as well as by the Conservation Commission. The CR will then be executed by the Wildlands Trust. The final step will be to return the executed CR to DCS, which will arrange for the CR to be signed by the Secretary of Energy and Environmental Affairs, whose approval is required for a CR to take effect. After the CR has been executed by all parties, it will be recorded at the Norfolk County Registry of Deeds.

A copy of the CR is attached for your review.

Proposed Town Council Motion to Approve the Grant of the CR to the Wildlands Trust

MOTION: That the Town Council, pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws of the Commonwealth; Section 12 of Chapter 44B of the General Laws; and the authorization of the Town through Article 4D of the Special Town Meeting of November 13, 2007, vote to approve and grant a Conservation Restriction to Wildlands Trust, Inc. and its successors and permitted assigns, on a parcel of land consisting of approximately 3 acres, located off Plain Street, which is identified as Assessors Parcel 1086-0-29. The parcel was acquired by the Town with monies appropriated under the provisions of the Community Preservation Act, Chapter 44B of the General Laws, pursuant to which the Town is required to grant a permanent restriction on the acquired parcel, enforceable by an appropriate nonprofit organization. The Conservation Restriction shall take effect when it is accepted by Wildlands Trust, Inc., approved by the Massachusetts Secretary of Energy and Environmental Affairs, and recorded with the Norfolk County Registry of Deeds.

Grantor: Town of Braintree
Grantee: Wildlands Trust, Inc.
Address of Premises: off Plain Street, Braintree, Massachusetts
Grantor's Title Reference: Deed recorded with Norfolk County Registry of Deeds in Book 25699, Page 581

**TOWN OF BRAINTREE
CONSERVATION RESTRICTION
UNDER THE COMMUNITY PRESERVATION ACT

CEDAR SWAMP CONSERVATION RESTRICTION
BRAINTREE CR #7**

The TOWN OF BRAINTREE, a municipal corporation with an address of 1 JFK Memorial Drive, Braintree, Massachusetts 02184, acting by and through its duly authorized Town Council and Conservation Commission by authority of M.G.L. Chapter 40, Section 8C, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, for consideration of One Dollar (\$1.00), paid, grants, with Quitclaim Covenants, to WILDLANDS TRUST INC., a Massachusetts non-profit corporation eligible under Section 32 of said Massachusetts General Laws, with an address at 675 Long Pond Road, Plymouth, Massachusetts 02360, and to its successors and permitted assigns ("Grantee") in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on a parcel of land located off Plain Street in the Town of Braintree, Massachusetts, consisting of approximately 3 acres, said parcel being described in Exhibit "A" hereto attached (the Premises). The Premises is identified as Lot No. 29 on the Town of Braintree Assessors Plan No. 1086, and is shown on a plan entitled "Sketch Plan, Lot 29 Plain Street, Assessors Map 1086 Lot 29, Braintree, Massachusetts," dated November 7, 2019, prepared by Brian J. Murphy, Farland Corp. ("Sketch Plan"). A copy of said Sketch Plan is attached hereto as Exhibit "B". The Grantee is a tax-exempt nonprofit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code, whose primary purpose is the preservation, protection or enhancement of land in its natural, scenic, historical, agricultural, forested, and/or open space condition.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values (“conservation values”).

The Town of Braintree, at a duly called Special Town Meeting held on November 13, 2007, while acting on Article 4D of the Warrant, voted to authorize the Board of Selectmen to acquire the Premises for preservation, open space, conservation and passive recreation purposes, and to utilize Massachusetts General Laws Chapter 44B Community Preservation Act funds for the purposes of said Article and to grant a Conservation Restriction on the Premises. An attested copy of said Town Meeting Vote is attached hereto as Exhibit “C”. Pursuant to the Vote under Article 4D of the November 13, 2007 Special Town Meeting, and in accordance with Section 12 of the Community Preservation Act, the Grantor is hereby granting a Conservation Restriction on the Premises to the Grantee.

The Premises, comprised of approximately 3 acres, contains unusual, unique or outstanding qualities, the protection of which in their natural or open condition will be of benefit to the public. The conservation values protected by the terms of this Conservation Restriction include the following:

- A. Protection of Drinking and Ground Water Supplies. The Premises are within an area identified by the Commonwealth of Massachusetts Mass GIS as a “Medium Yield” Aquifer Area. Aquifers are vital natural resources that provide drinking water.
- B. Expansion of Open Space Assemblage/Landscape Connectivity. The Premises are part of a 90-acre assemblage of open space owned and managed by the Grantor. This complex is one of the largest such tracts of contiguous open space owned by the Grantor, and comprises one of the largest intact wetland ecosystems remaining in Braintree.
- C. Preservation and enhancement of public recreational opportunities. The Premises will be publicly accessible for passive, non-motorized recreational activities, to include hiking and nature study.
- D. Congruence with Public Policy Goals: The protection of the Premises is consistent with several of the open space needs, goals and objectives contained in the 2018 Town of Braintree Open Space and Recreation Plan, including pg. 61, *B. Summary of Community Needs: remaining undeveloped land should be protected*”, and pg. 67, *Section 8, Goal 1: “Protect Remaining Undeveloped Open Space”, A. “Provide more open space in East Braintree.*

The Premises is in East Braintree.

- E. Climate Change Mitigation. New England's forests and woodlands provide a storehouse of carbon that helps mitigate global climate change. The Premises is primarily wooded, and is part of a large assemblage of open space that absorbs carbon dioxide from the atmosphere, thereby helping to mitigate climate change.
- F. Prevention of development or use of the Premises for any Purposes except as elsewhere herein allowed.

The specific conservation values of the Premises are documented in an inventory of relevant features of the Premises, acknowledged by the signatures of Grantor and Grantee, and to be filed at the offices of Grantee, said inventory consisting of reports, maps, photographs, and other documentation (hereinafter referred to as "Baseline Report"), which the parties agree provide an accurate representation of the Premises at the time of this conveyance and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Conservation Restriction. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES:

A. Prohibited Acts and Uses:

Subject to the exceptions set forth in Section II.B, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;

- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for more than *de minimis* commercial recreation, business, residential or industrial use;
- (9) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction:

- (1) Public Access Amenities. With prior approval of the Grantee, which approval shall not be unreasonably withheld, structures and improvements incidental to conservation and passive outdoor recreation purposes may be constructed and maintained, provided they are located away from sensitive natural resources described herein in Section I, "Purposes", above, including but not limited to structures and improvements such as an information kiosk; benches; trails, including handicapped accessible trails pursuant to Section II(B)(7); bridges and boardwalks; and water and utility lines thereto, providing they are underground and solely for use on the Premises.
- (2) Vegetation Management. In accordance with generally accepted forest management practices, selective minimal removing of brush, mowing, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas as documented in the Baseline Report, woods roads, fence lines and trails and meadows.
- (3) Non-native or Nuisance Species. The removal of non-native or invasive species,

the inter-planting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.

- (4) Ecological Restoration Activities/Wildlife Habitat Improvement. The right to perform acts to preserve, conserve, restore, study, and promote the natural habitat of wildlife, fish, plants, and other native species, including but not limited to the restoration of wetland systems and riparian corridors and the selective planting of native trees, shrubs and plant species. Ecological restoration efforts shall be conducted in accordance with an Ecological Restoration Plan, a copy of which shall be provided to Grantee.
- (5) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
- (6) Motorized Vehicle Usage. Use of motorized vehicles as necessary solely for the purposes of property maintenance, restoration, monitoring and enforcement activities pursuant to the Conservation Restriction, or as necessary by police, fire prevention personnel or government agencies in carrying out their lawful duties.
- (7) Trails. The marking, clearing and maintenance of existing trails, including wetland crossings, boardwalks and pedestrian bridges, and, with prior approval of Grantee, the construction or relocation of new trails. Existing trails and new trails shall not exceed eight (8) in width. With the approval of the Grantee, the modification of trails, crossings, boardwalks, and pedestrian bridges, which may include the widening of trails beyond the maximum width specified in this Section II(B)(7), the surfacing of trails with impervious materials, and the installation of other features that would otherwise be prohibited by this Conservation Restriction, as necessary to improve accessibility for the mobility impaired.
- (8) Fences. The placing of sight-pervious fences that do not interfere with the passage of wildlife and that are reasonably required by Grantor for permissible uses of the Premises and that do not interfere with the conservation purposes of this Conservation Restriction.
- (9) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, the Reserved Rights, and the protected conservation values.
- (10) Outdoor Passive Recreational Activities. Fishing, boating, hiking, horseback riding, cross-country skiing, hunting, fishing and trapping in accordance with Massachusetts state laws and regulations, and other non-motorized outdoor recreational activities that do not materially alter the landscape, do not degrade

environmental quality, and do not involve more than minimal use for commercial recreational activities.

- (11) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph B shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph B, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.
- (13) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
- (12) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph B shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction.

Failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not materially impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE:

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

It is the intention of the Grantor and Grantee (collectively, the "Parties") that the general public may enter upon the Premises for passive, outdoor recreational and educational uses and activities which are consistent with the purposes of this Conservation Restriction and the protection of the conservation values. Therefore, the Grantor hereby grants access to the Premises to general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Section II(B)(10) provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of this Conservation Restriction. It is also the intention of the Parties that any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for purposes described in Chapter 21, Section 17C of the Massachusetts General Laws, and that the Parties hereto benefit from exculpation from liability to the extent provided in such section.

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT:

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth therein.

B. Proceeds. Grantor and Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant. If any occurrence gives rise to an extinguishment or

other release of this Conservation Restriction under applicable law, the Grantor and Grantee shall be reimbursed from the proceeds, once recovered, for their respective share of reasonable legal expenses, if any, associated with the recovery of said proceeds. The remaining balance of the proceeds shall be deposited into the Grantor's Community Preservation Fund for the purchase of interests in open space in accordance with the Community Preservation Act. In the event the Town of Braintree votes to remove itself from the provisions of the Community Preservation Act, or in the event that any non-Community Preservation Act funds are yielded by extinguishment, then such funds shall be applied to the acquisition of additional interests in open space. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and the Grantee in accordance with Paragraph V(B) above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the purposes of this grant.

VI. ASSIGNABILITY

A. Running of the Burden: The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments: The Grantee and the Grantor are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoint the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit: The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out, that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to

receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest, and to notify the Grantee not less than twenty (20) days prior to the execution of any such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after its ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall within forty-five (45) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON-MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of the Grantee under any

applicable laws, including Section 170 (h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs, and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Norfolk County Registry of Deeds and/or Norfolk County Registry Land Court District.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and/or the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Norfolk County Registry of Deeds, or if registered land, it has been registered with the Norfolk County Registry Land Court District.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Town of Braintree Conservation Commission
1 JFK Memorial Drive
Braintree, MA 02184

To Grantee: Wildlands Trust, Inc.
675 Long Pond Road
Plymouth, MA 02360

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

- A. Controlling Law: The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

- B. Liberal Construction: Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability: If any provisions of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement: This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS:

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Homestead

Homestead provisions are not applicable to this Conservation Restriction because the Premises is municipally owned land.

C. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Attached hereto and incorporated herein by reference are the following:

Signature Pages:

Grantor: The Town Council of the Town of Braintree
The Mayor of the Town of Braintree
The Conservation Commission of the Town of Braintree
Grantee: Wildlands Trust, Inc.

Approval of the Secretary of Energy and Environmental Affairs

Exhibits:

Exhibit A: Legal Description of the Premises

Exhibit B: Copy of Sketch Plan of Land

Exhibit C: Braintree Town Meeting Vote from November 13, 2007 Special Town Meeting to authorize Town to grant the Conservation Restriction

**APPROVAL AND GRANT OF CONSERVATION RESTRICTION
TOWN OF BRAINTREE TOWN COUNCIL**

We, the undersigned, being a majority of the Town Council of the Town of Braintree, hereby certify that at a public meeting duly held on _____, 2020, the Town Council voted to approve and grant the foregoing Conservation Restriction from the Town of Braintree to Wildlands Trust Inc., in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

Town of Braintree
By its Town Council

Shannon L. Hume, President

David M. Ringius Jr., Vice President

Charles B. Ryan, Councilor at Large

Julia Flaherty, District 1

Steven Sciascia, District 2

Donna Connors, District 3

Stephen C. O'Brien, District 4

Meredith Boericke, District 5

Lawrence Macklin, Jr., District 6

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory personal knowledge to the person whose name is signed above, and acknowledged the foregoing instrument to be signed by him/her voluntarily for its stated purpose, on behalf of said Town Council of the Town of Braintree.

Notary Public
My Commission expires:

**CONSENT AND GRANT OF CONSERVATION RESTRICTION OF THE
BRAINTREE CONSERVATION COMMISSION**

We, the undersigned, being a majority of the Conservation Commission of the Town of Braintree, hereby certify that at a public meeting duly held on _____, 2020, the Conservation Commission voted to assent to and grant the foregoing Conservation Restriction from the Town of Braintree to Wildlands Trust, Inc., pursuant, to M.G.L Chapter 184, Section 32.

Town of Braintree
By its Conservation Commission

Heather Charles Lis, Chair

Chris Hayward

Donald Murphy, Vice Chair

Kim Kroha

Joyce Albrecht

Peter Williams

Diane Francis

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory personal knowledge to the person whose name is signed above, and acknowledged the foregoing instrument to be signed by him/her voluntarily for its stated purpose, on behalf of said Conservation Commission of the Town of Braintree.

Notary Public
My Commission expires:

**APPROVAL OF CONSERVATION RESTRICTION
MAYOR OF TOWN OF BRAINTREE**

I, Mayor Charles C. Kokoros, the undersigned, being the Mayor of the Town of Braintree, Norfolk County, Massachusetts, hereby approve the foregoing Conservation Restriction from the Town of Braintree to Wildlands Trust, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Grantor:

TOWN OF BRAINTREE

By its Mayor

Charles C. Kokoros, Mayor

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Charles C. Kokoros, Mayor of the Town of Braintree as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Braintree.

Notary Public
My Commission expires:

ACCEPTANCE OF GRANT

The above Conservation Restriction from the Town of Braintree is accepted this _____ day of _____, 2020.

GRANTEE: WILDLANDS TRUST, INC.

Karen H. Grey, President, As Duly
Authorized Representative of
Wildlands Trust, Inc.,

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Karen H. Grey as President of Wildlands Trust, Inc., proved to me through satisfactory personal knowledge to be the person whose name is signed above, and acknowledged the foregoing instrument to be signed by her voluntarily for its stated purpose, on behalf of Wildlands Trust, Inc.

Notary Public:
My Commission expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Town of Braintree to Wildlands Trust Inc., has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2020

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

Exhibit A

Legal Description of the Premises

The Premises consists of a certain parcel of land in Braintree, containing 3.0 acres, more or less, of Cedar Swamp (a Town-owned conservation area), situated off Plain Street in Braintree, being designated and shown as Lot No. 29 on the Town of Braintree Assessors Plan No. 1086, shown on a sketch plan prepared by Farland Corp., dated November 7th, 2019 (attached hereto as Exhibit "B"), and bounded as follows:

Northerly by land now or formerly of the following: James Burke, Edna Fuller, Roy M. Earley, et ux., Dorothy M.B. Pitman, Stephen E. Thayer, James E. Bowley and Wyman S. Eldridge (said land being designated at Lots Nos. 18, 17, 16, 15, 14, 13, and 12 on said Assessors Plan No. 1086);

East by land formerly of Braintree South Parish, and now of Town of Braintree (said land being designated as Lot No. 30 on said Assessors Plan No. 1086);

South by land formerly of Roger Lakin, and now of Town of Braintree (said land being designated as Lot No. 31 on said Assessors Plan No. 1086); and

West by land now or formerly of Robert Horte (said land being designated as Lot No. 28 on said Assessors Plan No. 1086).

For Grantor's title, see Release Deed from Marilyn DeCoste, Barbara A. O'Neil, and Joanne R. Rooks to the Town of Braintree, acting by and through its Conservation Commission, recorded with the Norfolk County Registry of Deeds at Book 25699, Page 581.

See also the following recorded plans that show various parcels adjacent or near to the northerly boundary of the Premises, as an aid in locating said boundary:

Plan recorded at Plan Book D1215, Plan No. 198 (1911), which shows: as Lot 5 on said Plan, the parcel now identified as Lot No. 18 on Assessors Plan No. 1086; as Lot 4 on said Plan, the parcel now identified as Lot No. 19 on Assessors Plan No. 1086; and as Lots 1, 2, and 3 on said Plan, portions of the parcel now identified as Lot No. 23 on Assessors Plan No. 1086.

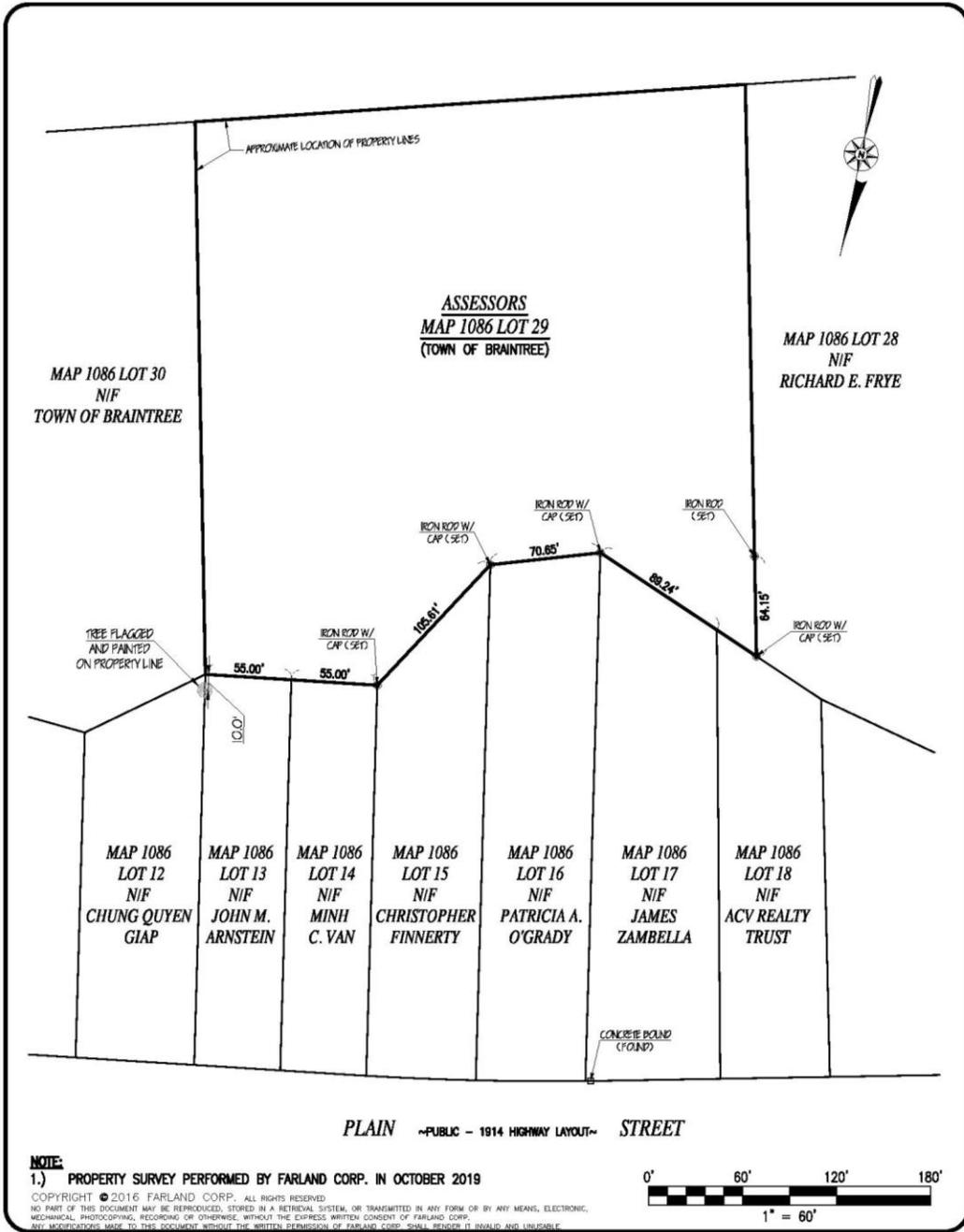
Plans Nos. 751 and 752 of 1926, which show land taken for the relocation of Plain Street.

Plan No. 1027 of 1928, recorded at Book 1816, Page 122, which shows the parcels now identified as Lot No. 13 on Assessors Plan No. 1086 (Parcel A on said Plan) and Lot No. 14 on Assessors Plan No. 1086 (Parcel B on said Plan).

Land Court Plan No. 32452A (Sheets 1 and 2) (1966), which shows (as Lot 3 on said Plan) the parcel now identified as Lot No. 23 on Assessors Plan No. 1086.

Plan No. 35 of 1992, filed in Plan Book 403, which shows the parcel now identified as Lot No. 12 on Assessors Plan No. 1086.

EXHIBIT B – SKETCH PLAN



<p>SKETCH PLAN</p> <p>LOT 29 PLAIN STREET</p> <p>ASSESSORS MAP 1086 LOT 29</p> <p>BRAINTREE, MASSACHUSETTS</p>		
	<p>www.FarlandCorp.com</p> <p>401 COUNTY STREET NEW BEDFORD, MA 02740 P.508.717.3479</p> <p>OFFICES IN:</p> <ul style="list-style-type: none"> • TAUNTON • MARLBOROUGH • WARWICK, RI 	
<p>PREPARED FOR: TOWN OF BRAINTREE 1 JFK MEMORIAL DRIVE BRAINTREE, MA 02184</p>		<p>SCALE: 1"=60'</p> <p>NOVEMBER 7, 2019</p> <p>JOB NO: 19-591</p>

EXHIBIT C

Attested copy of Article 4D of the November 13, 2007 Braintree Special Town Meeting

A True Copy Attest

Jan M. Casey
Town Clerk

*Meeting held
11/13/2007
1-9-2020*

ARTICLE 4B STM – Community Preservation Committee - Affordable Housing

Upon motion duly made by Ms. O’Sullivan (6), it was
SO VOTED (8:45PM): That in accordance with the provisions of Chapter 44B of the General Laws and the recommendation of the Community Preservation Committee, the sum of \$50,000 be appropriated from available funds in the Community Preservation Fund, Affordable Housing Reserve, for the purpose of funding the exercise of the Town’s Right of First Refusal in the event of mortgage foreclosure of deed restricted affordable housing units. Said funds to be administered and expended by the Board of Selectmen with the approval of the Community Preservation Committee. Any funds realized from the resale of such affordable housing units shall be deposited with the Town Treasurer in the Community Preservation Fund.

ARTICLE 4C STM – Community Preservation Committee - Affordable Housing Foreclosure Fund

Upon motion duly made by Ms. O’Sullivan (6), it was
SO VOTED (8:45PM): That in accordance with the provisions of Chapter 44B of the General Laws and the recommendation of the Community Preservation Committee, the sum of \$30,000 previously appropriated under Article 21 of the 2004 Annual Town Meeting, which stated: “To be used to purchase existing housing units which satisfy the requirements of M.G.L. Chapter 40B, which are being foreclosed in order to return them to the market as affordable housing units, such fund to be under the custody of the Braintree Housing Authority” be amended to state that the funds are to be used for the purpose of funding the exercise of the Town’s Right of First Refusal in the event of mortgage foreclosure of deed restricted affordable housing units. Said funds to be administered and expended by the Board of Selectmen with the approval of the Community Preservation Committee. Any funds realized from the resale of such affordable housing units shall be deposited with the Town Treasurer in the Community Preservation Fund.

ARTICLE 4D STM – Community Preservation Committee - Cedar Swamp Land

Upon motion duly made by Ms. O’Sullivan (6), it was
SO VOTED (8:46PM): That in accordance with the provisions of Chapter 44B of the General Laws and the recommendation of the Community Preservation Committee, the sum of \$6,200 be appropriated from the Community Preservation Committee, Open Space Reserve for the purpose of effecting the acquisition of approximately 3 acres of land shown as Plot 29 on Assessor’s Plan 1086 for use as conservation land. Said sum to be expended under the direction of the Braintree Conservation Commission and further, that the Board of Selectmen be authorized to convey a permanent conservation restriction for this parcel meeting the requirements of General Laws Chapter 184, Sections 31-32, as required by General Laws Chapter 44B, Section 12.

ARTICLE 4E STM – Community Preservation Committee - Norfolk County Hospital Land

Upon motion duly made by Ms. O’Sullivan (6), it was
SO VOTED (8:50PM): That in accordance with the provisions of Chapter 44B of the General Laws and the recommendation of the Community Preservation Committee, the

O&R DISCUSSION POINTS to review for October 6, 2020 at 6pm

Rule 4 leave as is

Rule 30 add to title word “Public” Hearings

Rule 30 back to majority instead of 2/3rds

Rule 33/34 - Was originally Wednesday. Council President asked it be Thursday...

33/34 could be updated to include some of Councilor O’Brien’s “D” proposal...

There is already a line stating late items require 2/3rds vote...

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** 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.

Was originally Wednesday...

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** 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.

Councilor Boericke proposal 35 (WAITING ON additional legal Opinion on 35 and “B”)

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 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 all 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** 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.

35 – Suggested the above last paragraph move to end of rule 32? But Not if back Rule 35 goes back to the original amended version see below...

Revised originally to by O&R in March/April

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.

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 37 approved W&M to be 4 or 5 members

O&R felt this was not necessary – Year end Committee report for many committees did not seem necessary...especially if minutes included more than required. TABLED for more discussion...

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).**

O&R original included final two sentences/Councilor opposed it and wants it removed...O&R member stated we crafted these for “hypothetical” Council in the future...

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.~~**

Councilor felt this was not necessary – don’t need to be told how to “handle” self

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.

O&R was questioning this...

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.

Councilor did not like the “families” included...O&R stated possibly a happy announcement?

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.

Councilor wanted \$2,500 - O&R agreed on \$1,000

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 \$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.

Rename to **Rule 66: Council Expenditures**
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?) title was discussed as Public Comments

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.

Rename to **Rule 37: Distribution of Council Correspondence**
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. **Council member will forward to the Clerk of the Council for distribution.**

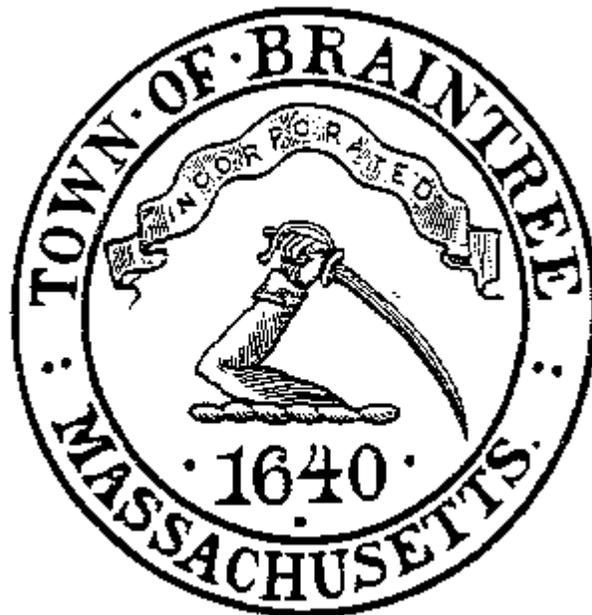
Councilor suggests - Rule D is that rules 33, 34 & 56 should be incorporated into one

Discussion was to remove highlighted **YELLOW**
possibly just add to **Rules 33/34** which seem to state similar information - too much in one rule.. O&R liked separating requirements for Mayor/Depts and council members who were submitting information for agenda. Paragraph (b) was also not favorable... O&R TABLED to further discussion

Rule D - Pre-filing of Town Council Business

- (a) At any time between regular Town Council sessions, but no later than ~~ten (10)~~ **five (5)** 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 will 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 aAll 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~~
Braintree Town Council Rules 2012 (Adopted June 5, 2012 revised March 2020)

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 will be entered on the Town Council Agenda.



**TOWN OF BRAintree
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

Charles C. Kokoros, Mayor

John P. Thompson, PE
Asst. DPW Director – Town Engineer
jthompson@braintreema.gov

Date: September 21, 2020
To: Susan M. Cimino, Clerk of the Council
From: John Thompson
CC: Jim Arsenault, Ben Hulke
RE: Street Opening Petition, 86 Hancock Street

The DPW has reviewed the subject petition for the installation of a gas service line to the business at 86 Hancock Street. The gas main is located on the opposite side of Hancock Street in this instance, in the southbound travel lane.

Hancock Street is under the moratorium enacted by the Town in 2015 having been overlaid in 2019. For transverse trenches in a road resurfaced as Hancock Street was the moratorium is 5 years. Road openings may be made after 2024 without waiving the ordinance. Since the street is under the moratorium, I recommend that the petition not be granted. However, if the Council finds extenuating circumstances and there is no viable option to meet the business' needs without excavating the newly re-paved street, I would recommend that the petition for this road opening only be granted if the following conditions can be met:

A temporary patch shall be placed immediately after the work. The street excavation should be saw-cut, backfilled and compacted in 8-inch lifts, paved to match existing asphalt depth (with a minimum depth of four inches) in two inch lifts to match the existing street grade.

After maintaining the temporary patch through one winter, a permanent patch shall be placed the following May. The permanent patch should be milled curb to curb as to provide at least five feet of overlap on both sides from the temporary patch, but for a length no less than fifteen feet, and machine laid with 2-inches of asphalt top course. Tack coat should be applied to milled surfaces and joints prior to paving. Finished joints should be treated with infrared or with a rubberized asphalt sealer, at the Highway Superintendent's discretion.

Similarly, the new concrete sidewalk may be patched temporarily with asphalt, but must be replaced in-kind the following May. Entire flags of concrete must be replaced if disturbed.

All thermoplastic pavement markings should be replaced in-kind following the permanent patching, and surety in the amount of \$5000 should be put in place to guarantee the satisfactory completion of the repairs. We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any contractor is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and Police Department.”

September 17, 2020

Ms. Susan M. Cimino
Clerk of the Council
Town of Braintree
One JFK Memorial Drive
Braintree, MA 02184



RE: 86 Hancock Street – Natural Gas Installation.

Dear Ms. Cimino,

I am the sole owner of Integrated Electrical Systems Inc. and we have been in business for 22 years. I grew up in West Quincy, and while I currently live in Kingston, MA I have always kept close ties to the Quincy-Braintree area. My son and Son-In law currently work for the business with the intention of taking over the reins when I retire. We are investing for the long term and have no intention of moving.

I am writing to you today to request assistance from the Braintree Town Council with our effort to have National Grid bring Natural Gas piping to our recently purchased building at 86 Hancock Street in Braintree, MA.

We recently closed on the property May 15th, 2020. Our intention is to move our current offices and warehouse from 258 Willard Street in Quincy to 86 Hancock Street in Braintree.

The building currently has a forced hot air furnace fueled by oil and an electric hot water heater. I feel that it would be much more energy efficient and cost effective to heat the building and the domestic hot water with Natural Gas. There is also an issue with the existing location of the fuel fill pipe, Oil tank and Furnace which will conflict with the proposed layout of the facility.

We are currently on track to vacate the building by October 1st, 2020, with the intention to obtain permitting and proceed with a build-out of the 2nd floor space for our new office with some small modifications of the warehouse.

We started the application process on July 10th with National Grid and were under the impression that everything was on track for the underground pipe installation to be completed by the end of October. This scenario will work well with our intended occupancy of the new office space by the end of the year. It was not until September 11th, 2020 that we were made aware of the 8 year moratorium on digging up Hancock Street. This obviously throws a wrench into our plans. I immediately reached out to Councilor Hume on the same day and she got back to me within 24 hours.

I have included a copy of our plot plan with the proposed Gas line location and also some pictures of the building and the existing Oil fill line, tank and furnace for you information.

I sincerely appreciate how quickly all parties have responded to my requests and look forward to being able to resolve this issue.

Please let me know if you need anything else from me.

Thank you.

Christopher J. Sidoti

Christopher J Sidoti
President



MORTGAGE INSPECTION PLAN

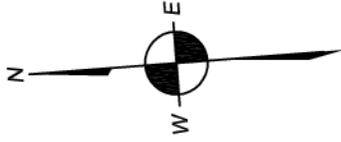
20-03868

LOCATION: 86 HANCOCK STREET
 CITY, STATE: BRAINTREE, MA
 APPLICANT:
 CERTIFIED TO:
 DATE: 04-02-2020



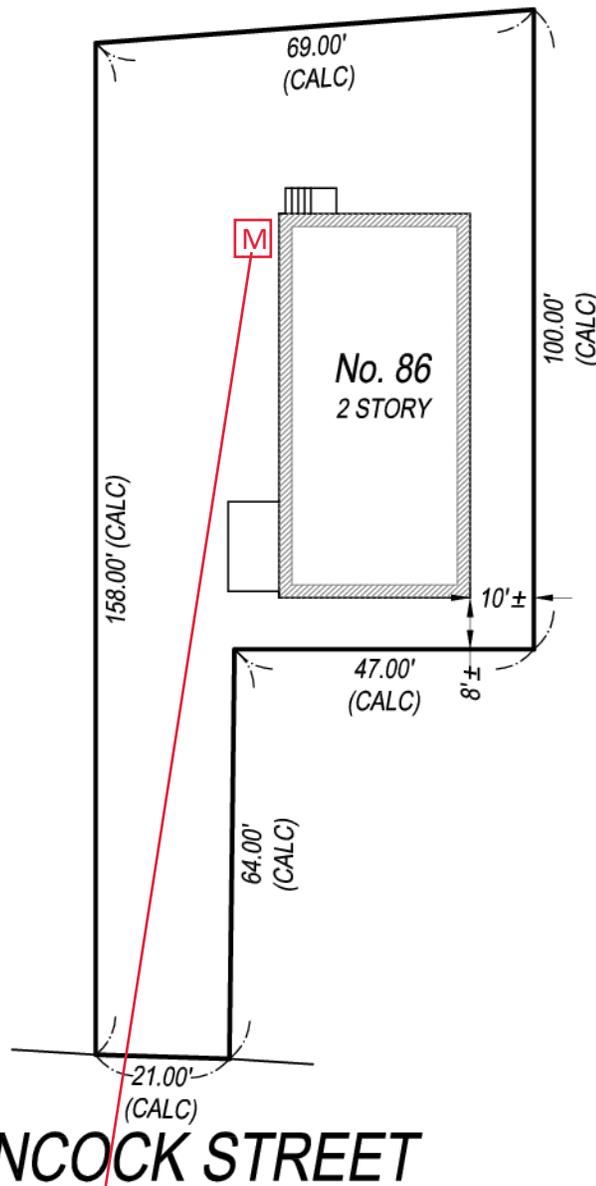
BOSTON
SURVEY, INC.

P.O. BOX 290220
 CHARLESTOWN, MA 02129
 T (617) 242-1313; F (617) 242-1616
 WWW.BOSTONSURVEYINC.COM



LOT CONFIGURATION BASED ON
 ASSESSORS MAP. INSTRUMENT
 SURVEY IS RECOMMENDED.

NO DIMENSIONS ON DEED.
 ALL DIMENSIONS SCALED FROM
 ASSESSORS MAP.



Proposed Gas Line and Meter

SCALE: 1" = 30'

FLOOD DETERMINATION

According to Federal Emergency Management Agency maps, the major improvements on this property fall in an area designated as **ZONE: X**

COMMUNITY PANEL No. 25021C0209E
EFFECTIVE DATE: 7/17/2012

REFERENCES

DEED REF: 9478/469
PLAN REF:

NOTE: To show an accurate scale this plan must be printed on legal sized paper (8.5" x 14")

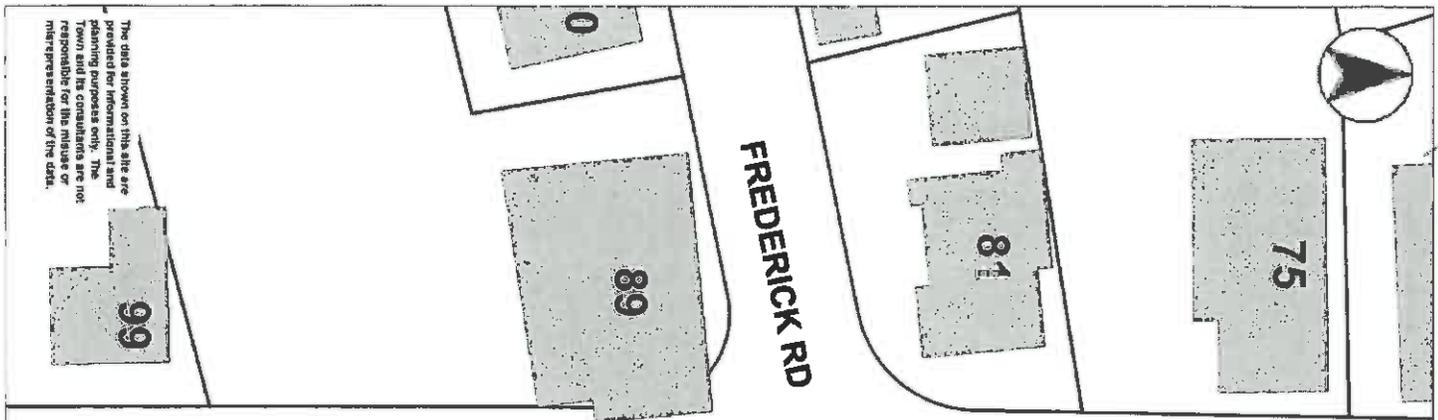


George C. Collins, PLS

The permanent structures are approximately located on the ground as shown. They either conformed to the setback requirements of the local zoning ordinances in effect at the time of construction, or are exempt from violation enforcement action under M.G.L. Title VII, Chapter 40A, Section 7, and that are no encroachments of major improvements across property lines except as shown and noted hereon.

This is not a boundary or title insurance survey. This plan should not be used for construction, recording purposes or verification of property lines.

33



HANCOCK ST

HANCOCK ST



MYRTLE AVENUE

Dan Lauria

Bonnie Lot A

William Flynn

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for its misuse or misrepresentation of the data.

0 71 142 ft

Printed on 02/13/2020 at 12:48 PM

- Places
 - Police Station
 - Fire Station
 - Library
 - Town Hall
 - School Building
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway Routes
- Abutting Towns Labels
- Streets
- Major Streams
- Waterbodies

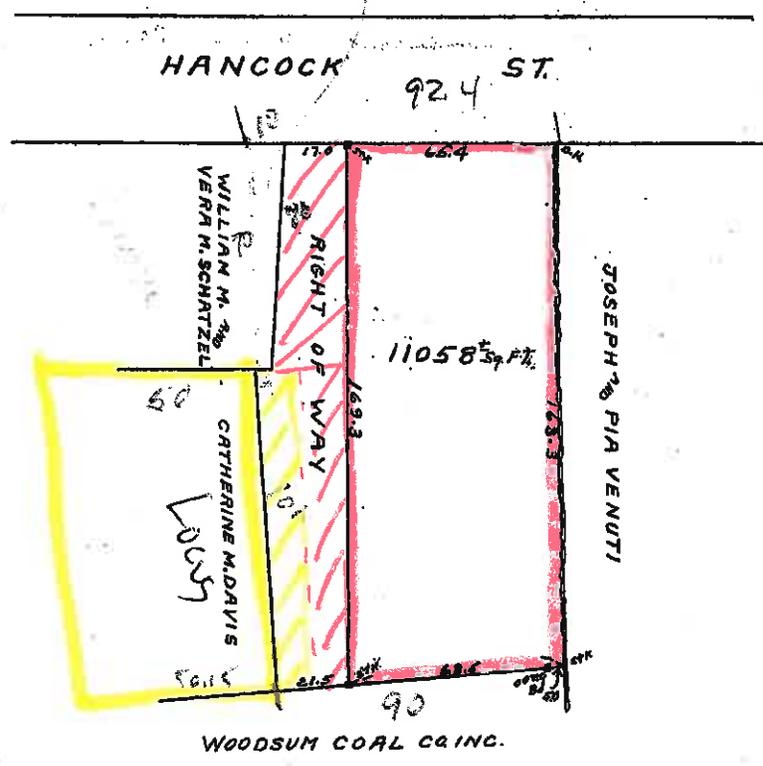
32

NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY



2634-496



PLAN OF LAND
IN
BRAINTREE MASS.

MAY 27, 1948 SCALE 1 INCH = 40 FT.
J. WARREN CUFF SURVEYOR

Norfolk Registry of Deeds
DEDHAM, MASS.
Received May 28, 1948 with Deed
William Davis to
Walter H. Rhindress

Filed as No. 442-1948 Bk. 2757 Pg. 294.

Attest: *L. Thomas Shine*

Register.

90-4483

pl. 2757-294



Charles C. Kokoros
Mayor

Office of the Board of Assessors

One JFK Memorial Drive

Braintree, Massachusetts 02184

Telephone: (781) 794-8050 • Fax: (781) 794-8068

Robert Brinkmann
Deputy Assessor

Board of Assessors

Robert Cusack

Chair

Susan O'Brien

Vice Chair

Robert Connolly

DATE: September 17, 2020
APPLICANT: Chris Sidoti
OWNER: Sidoti Properties LLC
ADDRESS: 86 Hancock Street
MAP & LOT: 1007 0 4B

This is to certify that at the time of submission of this form to the Board of Assessors, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown and described are as written and are the parties according to the records of the Assessors.

Office of the Board of Assessors

ES

Robert M Cusack
Chairman

Subject Parcel ID:

Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
1006 0 60	64 64R HANCOCK ST	64 HANCOCK STREET LLC		64R HANCOCK STREET	BRAINTREE	MA	02184
1006 0 65	35 CRESCENT AV	HALL JEFFREY R TR	HALL PATRICIA A TR	35 CRESCENT AVE	BRAINTREE	MA	02184
1007 0 1	68 HANCOCK ST	FITZGERALD JOHN	JT REALTY TRUST	68 HANCOCK ST	BRAINTREE	MA	02184
1007 0 1A	70 HANCOCK ST	LEE PHILIP W TRUSTEE	PHILIP W LEE TRUST	70 HANCOCK ST	BRAINTREE	MA	02184
1007 0 2	72 HANCOCK ST	TROY DESIREE TR	72 HANCOCK ST REALTY T	72 HANCOCK ST	BRAINTREE	MA	02184
1007 0 2A	78 HANCOCK ST	SULLIVAN JAMES TR	78 HANCOCK TRUST	PO BOX 850918	BRAINTREE	MA	02185
1007 0 3	39 CRESCENT AV	DAILEY ANDREW M		8 GREAT ACRES DR	HANOVER	MA	02339
1007 0 3A	41 43 CRESCENT AV	HALL GLENN B		54 ALIDA RD	BRAINTREE	MA	02184
1007 0 4	82 HANCOCK ST	ERICKSON BONNIE L		82 HANCOCK STREET	BRAINTREE	MA	02184
1007 0 4A	38 CRESCENT AV	FLYNN WILLIAM J		114 ADDISON ST	BRAINTREE	MA	02184
1007 0 4B	86 HANCOCK ST	SIDOTI PROPERTIES LLC	FLYNN ELIZABETH A TRS	34 MEETING HOUSE RD	BRAINTREE	MA	02184
1007 0 4C	8 MYRTLE AV	FLYNN WILLIAM		114 ADDISON ST	KINGSTON	MA	02364
1007 0 5	88 HANCOCK ST	LAURIA DANIEL A/ROSEMARIE M T	LAURIA FINANCIAL TRUST	569 WASHINGTON STREET	BRAINTREE	MA	02184
1007 0 6	90 HANCOCK ST	WANG SHIWANG	WANG MEIRONG TIC	90 HANCOCK STREET	BRAINTREE	MA	02184
1007 0 7	110 HANCOCK ST	110 HANCOCK ST LLC	C/O TIMBERLINE ENTERPRI	4 POND ROAD	GLOUCESTER	MA	01930
1009 0 10	10 FREDERICK RD	CHEN WAN YUE	LIU JIA TAI TBYE	10 FREDERICK ROAD	BRAINTREE	MA	02184
1009 0 11	89 HANCOCK ST	CUSACK ROBERT M TRS	89 HANCOCK ST REALTY T	89 HANCOCK ST	BRAINTREE	MA	02184
1009 0 12	81 HANCOCK ST	AIELLO CHRISTOPHER		14 UNION PLACE	BRAINTREE	MA	02184
1009 0 13	11 FREDERICK RD	AIELLO CHRISTOPHER		14 UNION PLACE	BRAINTREE	MA	02184
1009 0 16	15 FREDERICK RD	EGO HEATHER EMILY TR	15 FREDERICK ROAD REAL	15 FREDERICK RD	BRAINTREE	MA	02184
1009 0 17	15 FREDERICK RD	EGO HEATHER EMILY		15 FREDERICK RD	BRAINTREE	MA	02184
1009 0 19	19 FREDERICK RD	MURRAY JOHN D	MURRAY GLORIA J	19 FREDERICK ROAD	BRAINTREE	MA	02184
1009 0 31	8 THAYER PL	YANG HONG QI	CHEN QIN YUN	8 THAYER PL	Braintree	MA	02184
1009 0 46	31 HALL AV	GITLIN ALEXANDER TR	GITLIN NELLY	68 EVERGREEN AVE	BRAINTREE	MA	02184
1009 0 47	37 HALL AV	MCLEAN MICHAEL M		37 HALL AVE	BRAINTREE	MA	02184
1009 0 48	32 34 HALL AV	CAPLAN MICHAEL	CAPLAN ALBA TBYE	12 THAYER PL	BRAINTREE	MA	02184
1009 0 60	65 HANCOCK ST	65 HANCOCK LLC		21 GROVE CIRCLE	BRAINTREE	MA	02184
1009 0 61	71 HANCOCK ST	GRACE PROPERTIES LLC		56 POWDER HILL DR	BRAINTREE	MA	02184
1009 0 62	75 HANCOCK ST	AIELLO ROGER E TRS	ROGER E AIELLO REVOCAB	24 FABIANO DRIVE	BRAINTREE	MA	02184
1009 0 64	99 HANCOCK ST	B&F HANCOCK STREET LLC		PO BOX 850028	BRAINTREE	MA	02185
1009 0 68	107 HANCOCK ST	PATTAVINA VINCENT/O FRANCES	HANCOCK STREET REALTY	327 SUMMER ST	STOUGHTON	MA	02072
1009 0 8	16 FREDERICK RD	IORDANOV LIUBOMIRE G	IORDANOV TATIANA S TBY	16 FREDERICK ROAD	BRAINTREE	MA	02184
1031 0 5	HANCOCK AV	HOLLINGSWORTH POND LLC	c/o MESSINA ENTERPRISE	400 FRANKLIN STREET	BRAINTREE	MA	02184

Parcel Count: 33

End of Report



150 Potter Road
Braintree, MA 02184
www.beld.com
781.348.BELD
781.348.1003 fax

Date: 9/23/20

Ms. Susan Cimino
One JFK Memorial Drive
Braintree, Ma 02184

Dear Ms. Cimino,

RE: 86 Hancock Street/NGRID

BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

Sincerely,

Darron MacDonald
Field Engineer
Office: 781.348-1072
Cell: 339-235-6450

From: [O'Brien, Stephen C.](#)
To: [Cimino, Susan M.](#)
Subject: Fwd: DPW Committee Referral
Date: Tuesday, September 15, 2020 9:27:01 PM

Since 034 020 took so much time on the agenda, I decided not to bring this for a vote. So although I recognized my late referral entry and my ability to bring it to the floor, please add it to the very next agenda.

Thank you

Begin forwarded message:

From: "O'Brien, Stephen C." <scobrien@braintreema.gov>
Subject: DPW Committee Referral
Date: September 11, 2020 at 10:38:18 AM EDT
To: Clerk Of Council <scimino@braintreema.gov>

Clerk Cimino,

Since the following affects the entire East Middle School population, it extends beyond my district. This has been previously presented by me via See & Fix, but the residents want action. Therefore I would like the following sent for a hearing at a future DPW meeting and I will represent my constituent residents from River Street.

DPW Committee Referral:

Residents located on the odd side of River Street closest to East Middle have historically never been restricted from using on-street parking until approximately one or two years ago. However, there now exist new "No Parking" restrictions between the hours of 7:00 a.m. to 3:30 p.m. and the residents on both sides of River Street want to be heard as this is causing parking problems. Councilor O'Brien will introduce this to the DPW Committee and local residents request an opportunity to be heard at the hearing. Attached, please find a picture of one of the signs for your perusal:



- Stephen -

Stephen O'Brien
Town Councilor
Representing District 4
Braintree Town Council
781-817-3287



#20-069

Office of the Mayor

One JFK Memorial Drive
Braintree, Massachusetts 02184

Charles C. Kokoros
Mayor

781-794-8100

To: Shannon L. Hume, President of the Council
Susan Cimino, Clerk of the Council
James Casey, Town Clerk

From: Charles C. Kokoros, Mayor *OCK*

CC: Nicole I. Taub, Chief of Staff and Director of Operations
Christine Stickney, Director, Planning and Community Development
Kelly Phelan, Conservation Planner, Planning and Community Development

Date: September 29, 2020

Re: Smelt Brook Culvert & Fisheries Habitat Restoration (Phase I)

RECEIVED TOWN CLERK
BRAINTREE, MA
2020 OCT - 1 AM 11:02

President Hume, Clerk Cimino, Clerk Casey,

At the September 21, 2020 meeting of the Community Preservation Committee, the Committee voted unanimously to recommend the appropriation of Community Preservation Act funds for the Smelt Brook Culvert & Fisheries Habitat Restoration (Phase I).

The project, located in the Landing (beneath Commercial Street), included work to the existing culvert with over one hundred (100) linear feet of culvert replacement, relocation of existing utilities and a new culvert bottom installed with a specialized spawning bottom to mimic the natural stone lined channel bottom. Additionally, beyond the Commercial Street layout, approximately one hundred and fifty (150) feet of culvert was daylighted as part of the project.

A second phase is forthcoming that will create a small passive pocket park around the daylighting with interpretive signage explaining the fishery habitat and life cycles.

A copy of the application provided to the Community Preservation Committee is attached for your review.

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

MOTION: That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the appropriation of \$250,000.00 from the CPA Open Space Fund for the Smelt Brook Culvert & Fisheries Habitat Restoration Project (Phase I) in the Landing, located beneath Commercial Street running west to east (at #6 across to #5) at the corporate line with the Town of Weymouth, conditional on the funds expended under the direction of the Community Preservation Committee and the Director of Planning and Community Development.

**BRAINTREE COMMUNITY PRESERVATION COMMITTEE
APPLICATION FORM**

Project Name SMELT BROOK CULVERT & FISHERIES HABITAT RESTORATION
PHASE I

Project Location BENEATH COMMERCIAL STREET (BRAINTREE-WEYMOUTH)

Assessors' Plan and Plot (See attached site plan)

Recorded at _____ Book _____ Page _____

Category (check all that apply):

Open Space Number of acres in parcel _____

Recreation Number of acres in parcel _____

Historic Preservation

Affordable Housing Number of proposed housing units _____

CPA Funding requested: \$ 250,000.00

Percentage of Project Funded by CPA: 40%

Percentage of Project Funded by Other Funds: 60% MASS WORKS GRANT (T.O.W)

Fiscal Year Request:

2020 \$ \$250,000.00 2021 \$ _____

2022 \$ _____

Expected annual operational/maintenance cost to the town after completion of project:
\$ _____ (Include narrative explaining)

Project Sponsor/Organization MAYOR CHARLES C. KOKOROS

Contact Nicole Taub, Chief of Staff

Address 1 JFK Memorial Drive - Town Hall

Day-time Phone # 781-794-8153

E-Mail NTaub@braintree.ma.gov

Applicant's Signature Charles C. Kokoros

Property Owner's Signature Charles C. Kokoros

RECEIVED TOWN CLERK
BRAINTREE, MA
2020 OCT - 1 AM 11:02

Project Description and Statement of Need:

Mayor Charles C. Kokoros is seeking Community Preservation Act (CPA) funding in the amount of **\$250,000.00** for the Smelt Brook daylighting and culvert replacement project within and beneath the Braintree-Weymouth Landing commercial area located in both Towns. In 2007, with the reactivation of the Greenbush Commuter rail service, the Landing had become an area of potential investment for transit orient development. The efforts to stimulate development in the area also required the Town's to protect and enhance the ecological environment as well as the economic environment of the Landing. In 2010, a Public Works Economic Development (PWED) was granted to both Town's (2 million) for improvement of the overall streetscape in the Landing area as a public economic enhancement to stimulate private development. In 2017, both Town's discussed the project that included the replacement of the failing culvert to increase flood resistance, maintain storm water drainage as well as the restoration of the fish habitat as part of the larger effort in the daylighting and Park in the Landing. The Town of Weymouth pursued and obtained a Mass Works grant for \$1.6 million and an additional \$640,000.00 towards the culvert replacement and daylighting.

The Smelt Brook culvert was in need of attention, over 100 years old, the brook had been piped in the early 1900's and given its age was in jeopardy of failure and it was also impeding the natural spawning habitat of the smelt fish reproduction in their natural ecosystem further up into the Pond Meadow Park. The project involved the replacement of approx. 100' linear feet of culvert and pre-existing block walls beneath Commercial Street of the original Smelt Brook that ran underground in both communities. In addition many existing utilities had to be either relocated or encased beneath the culvert floor as part of the excavation. The construction involved a culvert designed with a specialized bottom to mimic the natural fisheries habitat. The culvert bottom installed has a unique spawning substrate between 4"- 8" in depth of cracked stone within the bottom of the low flow channel. The bottom design impersonates the natural stone lined bottom of a brook or creek typical of the natural habitat for the spawning areas of smelt and other fish species common to the area. Extending beneath Commercial Street west to east, and once beyond the Commercial Street layout the existing culvert walls were reconstructed and culvert top removed for daylighting for the channel bottom to be exposed to sunlight approximately 150' linear feet also needed for fish to spawn. The culvert then was reconnected to the existing subsurface culvert that eventually discharges into the Fore River. Reconstruction of the culvert and the daylighting of the Smelt Brook was completed in the spring of 2020. A mutual effort by both Town's town to restore the fisheries habitat and improve the overall flood storage and resistance of Smelt Brook at a cost of approximately 1.6 million.

The construction was time sensitive due to elements of the grant funding but also with the state prohibition of work between the months of March thru June the normal spawning duration of the smelt fish. The project was started as soon as possible and managed by the Town of Weymouth through the six months of construction because of the time sensitive issues. This was the initial phase of a multi-phased project in conjunction Pond Meadow Park, a regional environmental resource shared by both Towns and lower end of the Smelt Brook in the Landing. In addition to the culvert and day lighted work additional phases include the development of a park along the Smelt Brook in the Landing both as an eco-tourism effort as well as pedestrian connection from the commercial area of the Landing to the Weymouth Fore River Basin estuary.

Cost Benefit Analysis:

In 2009, when attention was beginning to focus on revitalization efforts in the Braintree-Weymouth Landing, the area had fallen into blight with closed storefronts, vacancy signs and buildings in disrepair. The reactivation of the Greenbush Commuter Rail brought public transportation to the area with direct service to Boston and south to Scituate plus connection to other transportation hubs for rail, buses and Logan Airport. The public investment by Braintree and Weymouth with the new streetscape including wider sidewalks, improved traffic signalization, drainage improvements and other related activities resulted in private interest in developing the area. One of the first and major projects was the Landing 53 apartments (173 rental units and 12,000 SF of first floor commercial space) and on-site underground parking for the tenants. A surface public parking area to the rear of the Landing 53 building is available for customers to the area. Additional interest in revitalization began to occur on both sides of the Town line of Weymouth and Braintree and can be seen today with new businesses to the area and a renewed interest in available tenant space. Today on the Braintree side the vacancy rate is minimal. Storefronts have been improved and occupied with new uses including many food establishments such as restaurants with dine in and take out amenities for Landing 53 residents and a coffee shop for those commuters on the run are both examples of new business tenants. The overall promotion of a pedestrian friendly area has begun to take hold.

The proposed culvert replacement and daylighting of Smelt Brook will also help in efforts for a pedestrian friendly area where consumers will enjoy coming and visiting the different options the Landing has to offer. These improvements are links to a larger connectivity effort of the Monaquot River and Fore River Basin and Pond Meadow Park. Both Towns have implemented public recreational efforts in their respective towns along the River with walking paths, canoe launches and other water related activities. Promoting pedestrian activities also provides less automobile reliance especially for the abutting residential neighborhoods who can now walk to the Landing by means of a connecting sidewalk system and beyond to the Weymouth Fore River basin.

The funding requested under the Community Preservation Act (CPA) is now providing amenities and uses that can be shared and observed by the general public of both communities. The benefit from the CPA investment with this project may not be easily recognizable immediately but will with time and adaptation will meet the goals of the Community Preservation Act. Under Phase II pedestrians will be able to view at the daylighting portion the natural habitat and spawning cycle as they walk to and through this area. Results take time to be witnessed. The environmental benefit will also take time, the culvert and daylighting will be monitored by the Division of Fisheries and other local entities (Pond Meadow Park and two Town's Conservation Commissions) to see how the passage for the fish is working and if the spawning season is successful but may take more than one spawning season for adaptation and to quantify results.

CPA Goals & Objectives:

The Smelt Brook Culvert replacement & daylighting project has regional benefits to both the Town of Braintree & Weymouth through the goals and objectives of Open Space category of the Community Preservation Act:

Preservation and protection of a natural resource Smelt Brook and its connection to the Weymouth Fore River tidal basin.

Provides flood control/storm water storage for the Braintree-Weymouth Landing Area in conjunction with past flood control measures undertaken by the Army Corps of Engineers with the Pond Meadow Park district and Smelt Brook corridor.

This project has protected and enhanced the fisheries habitat and spawning areas of smelt fish their ecosystem including upstream for vegetation and the other corridors for wildlife habitat. Opening/daylighting of the Smelt Brook where it had been previously covered over by degraded structures provides a natural enhancement in the Landing.

This project in addition to the habitat and spawning areas provides a passive recreational area to watch the wildlife in their natural habitat and provides a passive public park area within the Landing with connections both north and south to other recreational opportunities. To the south in Weymouth the Tuft's old library recreational area and public library. To the north in Braintree to the Weymouth Fore River Basin and portions of the Monaquot River upstream.

The Smelt Brook Culvert replacement & daylighting project benefits the Town of Braintree and Weymouth through the goals and objectives of Historic Preservation category of the Community Preservation Act: Protecting historical resources, especially those that are threatened and recognizing, preserving and enhancing the historic heritage and character of the Town for current and future generations.

Smelt Brook has been documented in existence in some form or another since the early 1800's and was navigable waterway connecting to the Fore River to accommodate vessels where a community based in maritime uses, fisheries, shipping merchants and shipbuilding grew around the Landing area. A natural historic feature that was utilized in the overall development of the Landing and East Braintree, Smelt Brook was both a natural feature and economic engine in the part of Braintree. In the early 1800's, the Rhines Lumber Yard is photographed being serviced by vessels arriving and departing from Smelt Brook to the Fore River as were other business with wharves, landing and storehouses.

As the Landing community grew and developed, Smelt Brook began to endure the physical pressures especially with the old Boston and Plymouth Road (today Route 53) and development in the area. Commercial buildings began to develop in the Landing that were accessible by a main roadway and waterway which proved to be a desirable to locate new business. Shipbuilding was a major industry in this area employing many Braintree residents. Fishing was both an industry and recreational activity of extreme concern to the residents of Braintree over the years. Often a point of discussion at Town Meetings, ensuring the passage for fish was not blocked by dams or development. In 1950, the final piping of Smelt Brook was proposed to assist in flood storage and to address development pressures for use of land near the water, funding proposed at Town Meeting was probably the last major attention to the culvert. Later in 1976 the creation of the Weymouth-Braintree Regional Recreation and Conservation District along with the flood control project by the Army Corp of Engineers would substantially change Smelt Brook with a new 96" diversion pipe that split the natural flow and has remained as such until recently. Control of the downstream water was a manual task of the Pond Meadow rangers during high rain events and the spawning season.

Project Scope & Cost, Budget & Timeline:

Phase I has been completed as to underground work in the spring of 2020 and Phase II (future CPC application) daylighting and passive small park is anticipated to start fall of 2020 into the spring/summer of 2021

Operation/Maintenance costs will include annual inspections of the culvert which is presently done by the Pond Meadow Park Rangers. Upstream is the Army Corp trash grate structure that collects large debris that may be swept downstream during a storm event preventing entrance into the culvert and is routinely monitored by Pond Meadow Park rangers. Very little maintenance anticipated since it is design for a natural habitat.

Similar Projects:

The following projects and their descriptions were obtained from the Community Preservation Coalition Data Project list:

Mashpee – Restoration of the Upper Quashnet River System (5/6/2019)

To restore the Upper Quashnet River system in the John's Pond Conservation Land to improve water quality, aquatic and riverbank habitat, and to re-establish a once prolific water fishery for Sea Brook Trout. CPA Funds: \$320k (Open Space)

Needham – Memorial Park Improvements (5/9/2016)

Construction funds to implement drainage project at Memorial Park
CPA Funds: \$35k (Recreation)

Falmouth – Upper Childs River & Farley Bog restoration (4/9/2018)

This project will rehabilitate and restore the Upper Childs River as a cold water fishery and restore the Farley Bog to a wetlands habitat. The project consists of final design and engineering and initial construction associated with removal of an earthen dam and abandoned concrete fish ladder, removal of impounded sediment, and construction of a new channel through the former impoundment. Total Project cost: \$1,589,628 CPA Funds: \$150k (Open Space & Recr.)

Hingham – Foundry Pond Restoration (4/26/2010)

Remove built up sediment to restore Pond, i.e., increase surface area to former dimensions for better control of the dam, reduce localized flooding, restore fish habitat and plant material.
Total Project Cost: \$650k CPA Funds \$165k (Open Space)

Cohasset – Stormwater Best Management Controls (3/29/2008)

Designing, installing and constructing of Stormwater Best Management Practice controls.
CPA Funds: \$35K (Open Space)

Oak Bluffs – Farm Pond Culvert (12/4/2015 & 4/12/2016)

Part of the 35% town match required to accept \$1,000,000 federal grant to replace Farm Pond culvert. Second half of approved funds to be used for the Town's 35% match required to accept federal grant to replace the Farm Pond culvert. CPA Funds: \$125k (Open Space)

MEBI Consulting
1000 Highway 101, Suite 101
Weymouth, MA 01978
Tel: 781.938.1100
Fax: 781.938.1101
www.mebiconsulting.com



Town of Weymouth
P.O. Box 2000
Weymouth, MA 01978
Tel: 781.938.1100
Fax: 781.938.1101

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SUBMITTALS

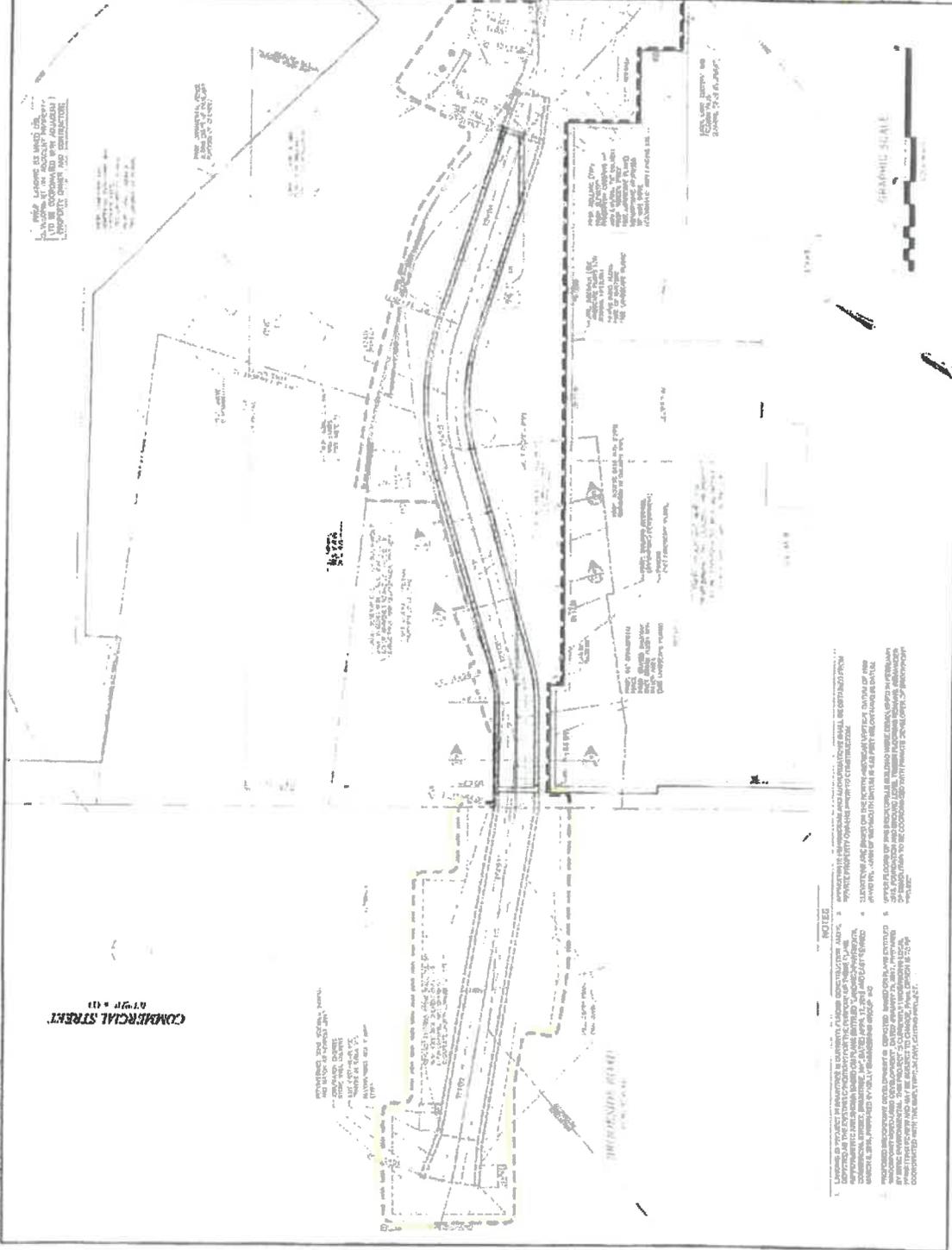
DATE: May 18, 2017
PROJECT NUMBER: 181000003
PROJECT TITLE: Small Brook Daylighting

Weymouth Landfill
Weymouth, Massachusetts 02189
Norfolk County
Address of Project: (NOT FOR CONSTRUCTION)

DATE: 05/18/17
SCALE: AS SHOWN
DRAWN BY: J.L.
CHECKED BY: J.L.
DATE: 05/18/17

LANDSCAPE ARCHITECT PLAN

C-5



NOTES

1. LAYOUT IS SUBJECT TO REVISIONS AS DETERMINED BY THE TOWN ENGINEER AND THE TOWN BOARD. THE TOWN ENGINEER AND THE TOWN BOARD SHALL BE NOTIFIED OF ANY REVISIONS TO THIS PLAN.
2. THE TOWN ENGINEER AND THE TOWN BOARD SHALL BE NOTIFIED OF ANY REVISIONS TO THIS PLAN.
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10. THE TOWN ENGINEER AND THE TOWN BOARD SHALL BE NOTIFIED OF ANY REVISIONS TO THIS PLAN.



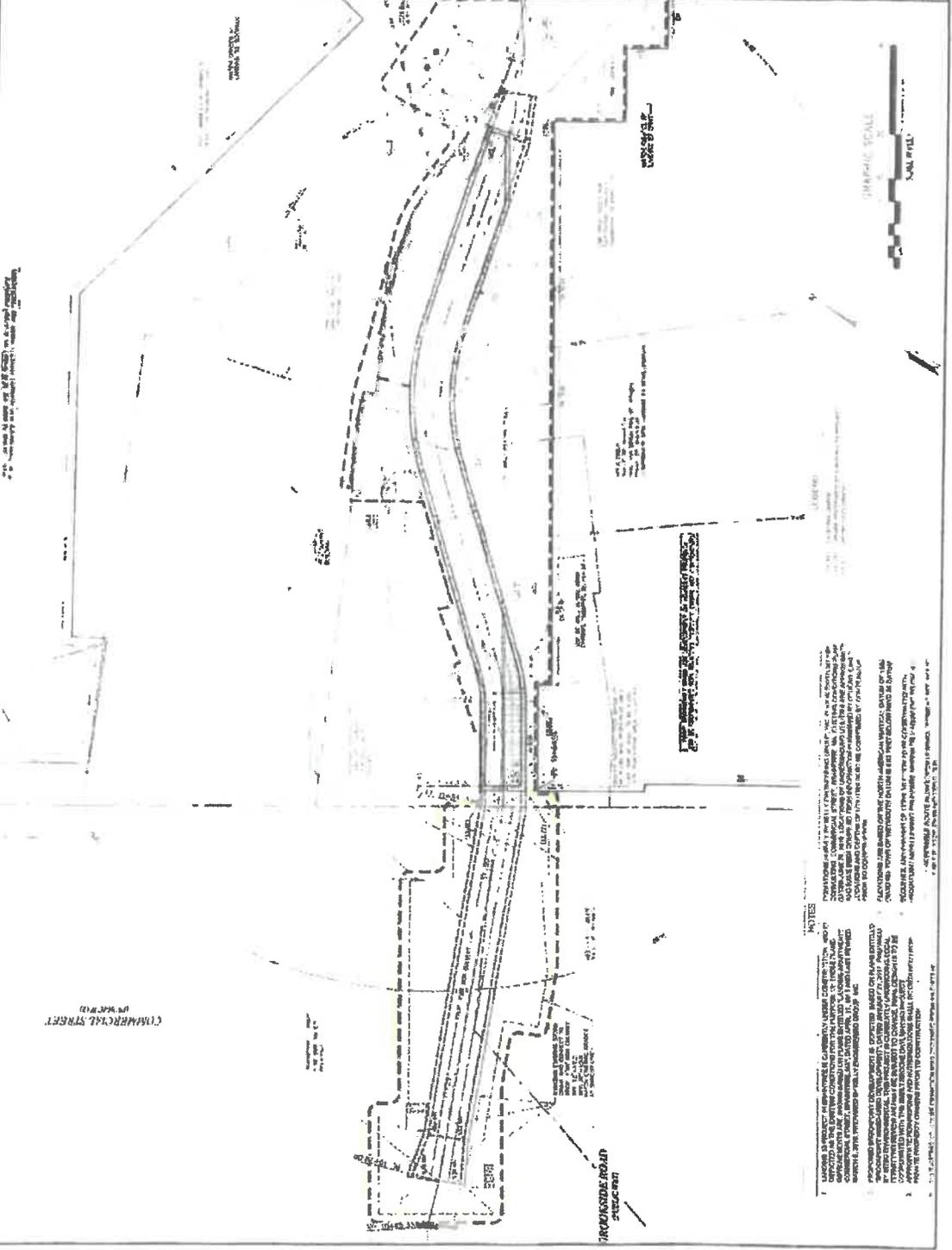
Town of Weymouth
 200 Main Street
 Weymouth, MA 01988
 Tel: 781.338.2111

PROJECT NUMBER:
 141000000
 PROJECT NAME:
 Small Brook Daylighting

PROJECT LOCATION:
 Weymouth, Massachusetts City
 Norfolk County

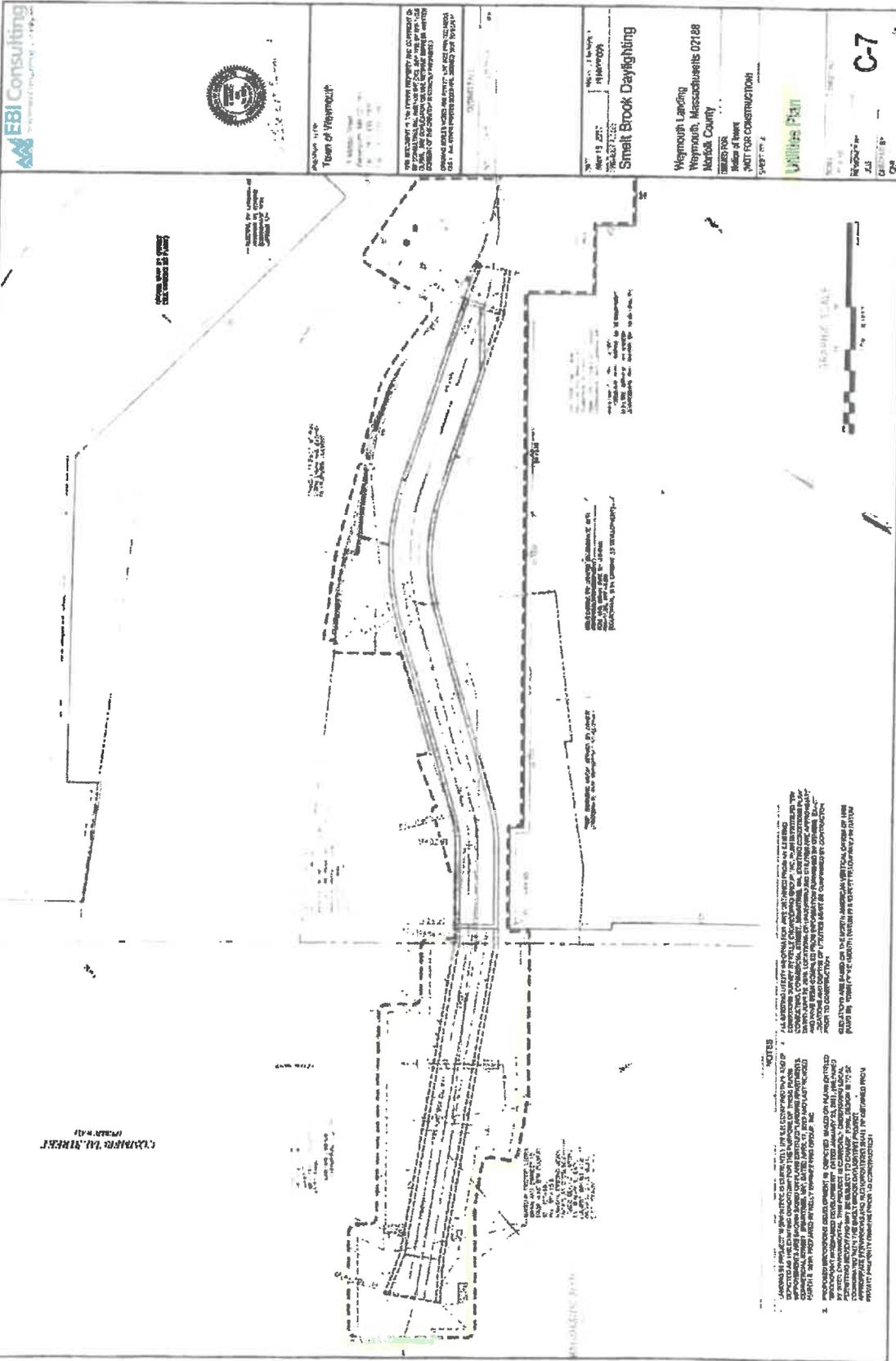
DATE OF THIS REPORT:
 08/15/2014

PROJECT TITLE:
 C-6



NOTES

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE.
2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT SITE AND HAS FOUND THE INFORMATION PROVIDED TO BE SUFFICIENT FOR THE PREPARATION OF THIS PLAN. THE DESIGNER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OR TESTS.
3. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED AND DEPTH DETERMINED. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE.
4. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED AND DEPTH DETERMINED. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE.



EBI Consulting
 Environmental & Biological
 1000 Main Street, Suite 200
 Weymouth, MA 02190
 Tel: 781.938.8800
 Fax: 781.938.8801
 www.ebi-consulting.com



Project Name:
 Town of Weymouth

Project Location:
 Weymouth, MA 02190

Project Description:
 The purpose of this project is to daylight the Small Brook in Weymouth, MA. The project includes the construction of concrete piling along the banks of the brook, the installation of a repairing scale, and the construction of a concrete structure at the mouth of the brook. The project also includes the installation of a concrete structure at the mouth of the brook.

Project No.: 20-069
Date: APR 13 2017
Time: 10:46:00 AM

Project Title:
 Small Brook Daylighting

Project Location:
 Weymouth Landing
 Weymouth, Massachusetts 02188
 Norfolk County

Project Status:
 Ready for construction

Project No.: C-7

NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY (DPS) REGULATIONS. THE PROJECT SHALL BE DESIGNED AND CONSTRUCTED TO MEET THE REQUIREMENTS OF THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY (DPS) REGULATIONS.
2. THE PROJECT SHALL BE DESIGNED AND CONSTRUCTED TO MEET THE REQUIREMENTS OF THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY (DPS) REGULATIONS.



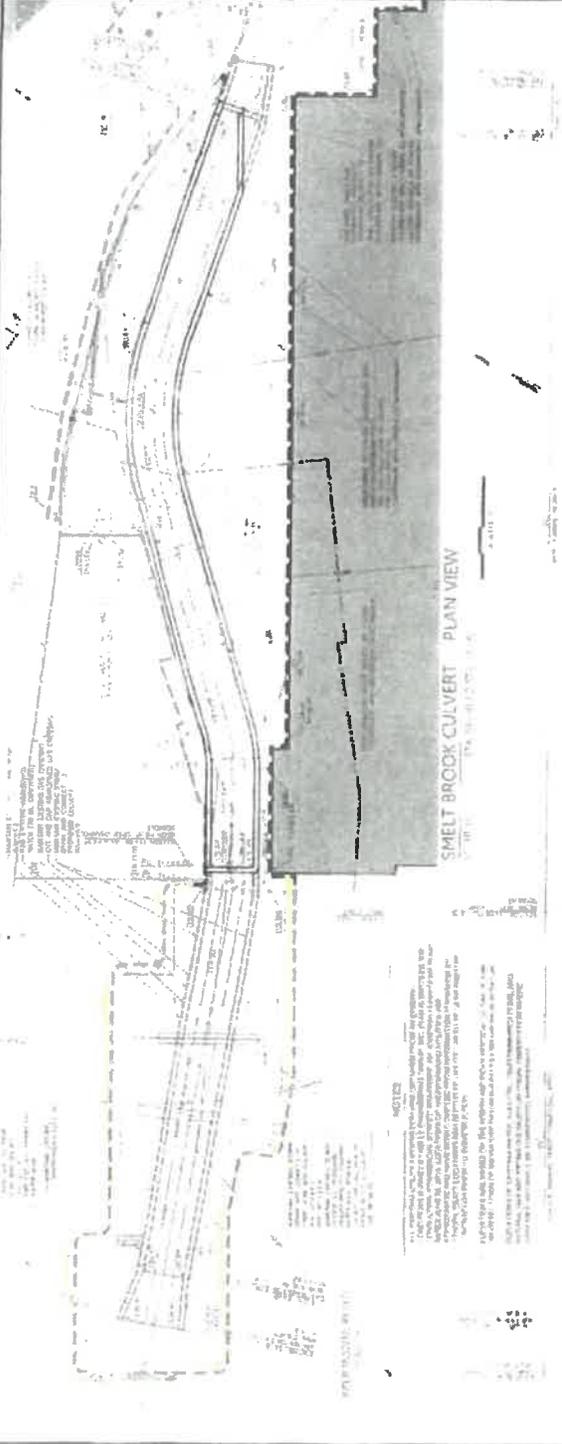
Prepared for
Town of Weymouth
13 Adams Court
Weymouth, MA 02190
Tel: (781) 333-2800
Fax: (781) 333-5300

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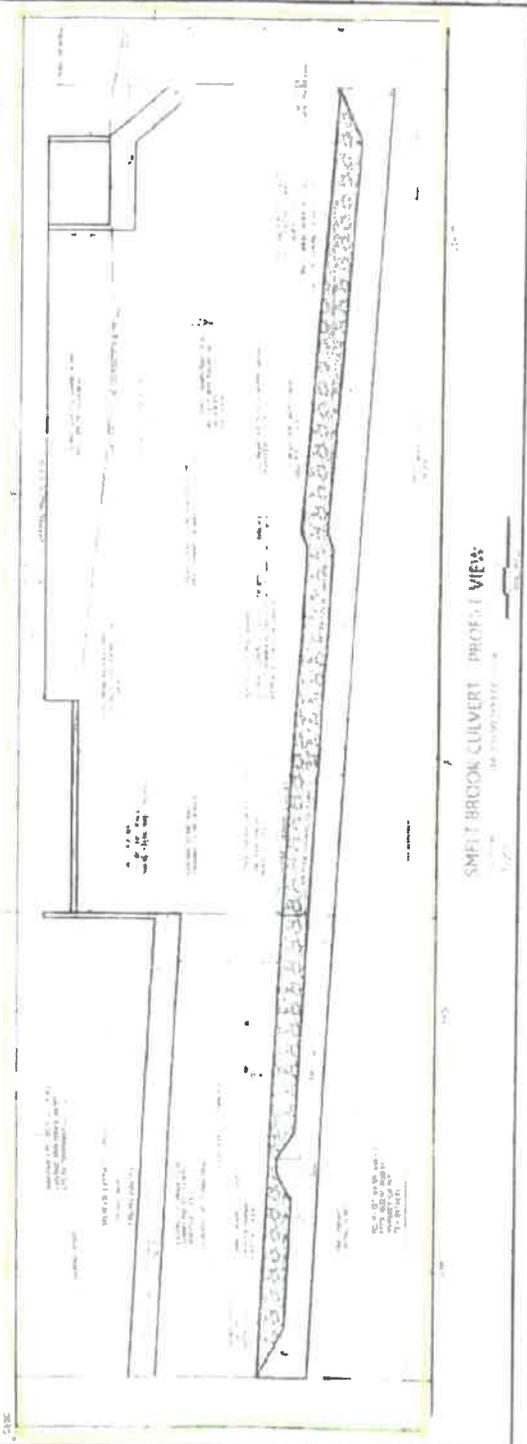
DATE: 08/14/2014
PROJECT NO.: 14-0001
PROJECT NAME:
Smelt Brook Daylighting

PROJECT LOCATION:
Weymouth Landing
Weymouth, Massachusetts 02188
Norfolk County
PROJECT NO.: 14-0001
PROJECT NAME:
Smelt Brook Daylighting

SCALE: AS SHOWN
DATE: 08/14/2014
PROJECT NO.: 14-0001
PROJECT NAME:
Smelt Brook Daylighting



SMELT BROOK CULVERT - PLAN VIEW



SMELT BROOK CULVERT - PROFILE VIEW

C-8