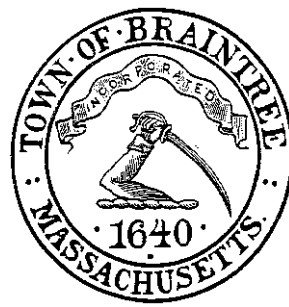


Meredith Boericke
President
District 5



Charles B. Ryan
Vice President
At Large

Shannon L. Hume
At Large

Joseph Reynolds
District 2

David M. Ringius, Jr
At Large

Elizabeth Maglio
District 3

Julia C. Flaherty
District 1

Stephen C. O'Brien
District 4

OFFICE OF THE TOWN COUNCIL

Tuesday, February 15, 2022

MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, February 15, 2022 beginning at 7:30p.m.

Council President Boericke was in the chair.

President Boericke asked for a moment of silence for our first responders and all those serving our military home and abroad.

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

Present: Meredith Boericke, President
Charles Ryan, Vice President
David M. Ringius, Jr.
Julia Flaherty
Joseph Reynolds
Elizabeth Maglio
Stephen C. O'Brien (remote participation)
Lawrence C. Mackin, Jr.

Not Present: Shannon Hume

Others: Charles C. Kokoros, Mayor
Nicole Taub, Chief of Staff/Town Solicitor
Ed Spellman, Director Municipal Finance
James Arsenault, DPW Director
Mark Dubois, Police Chief
Michael Want, Deputy Chief
Timothy Cohoon, Deputy Chief
Jay St. Ives, Police Officer BPD
Brian Cohoon, Sergeant BPD
Lieutenant Fred Viola, BFD
Matthew Donoghue, President of the Braintree Police Officers Association
Many First Responders

REMOTE PARTICIPATION of a Council member: We have a Council member who is participating remotely this evening. Councilor O'Brien is on speaker phone and therefore all VOTES are required to be by ROLL CALL.

ANNOUNCEMENTS

- **008 22 Council President: 2022 Town Council Meeting Calendar (R3 - revised)**

President Boericke stated 2 revisions have been made to the 2022 Town Council Meeting Calendar. This has been posted on the Town Council webpage.

- **014 22 Council President: Electronic Waste Day, April 9, 2022 - 74 Pond Street**

President Boericke stated Jeff Kunz, Director of Trash & Recycling sent over this flyer.

Copies are available in the Town Council office and it can be found on the Town Council webpage under News & Announcements.

- **009 22 Council President: Sun Will Rise Foundation – Fill-a-Backpack**

The Sun Will Rise Foundation's Backpack drive for the homeless is going on through Friday, February 18th.

Items can be dropped off at Houston Insurance & Real estate at 541 Washington Street (or text 781-789-4604). Please see more information on the flyer posted to the Town Council webpage under News/Announcements.

President Boericke thanked Director Arsenault and the DPW Team for keeping our streets clear and safe for our residents during these past snow storms.

APPROVAL OF MINUTES

- **January 3, 2022**

Motion: by Councilor Ryan to Approve Minutes of January 3, 2022

Second: by Councilor Ringius

Vote: For (8 – Boericke, Flaherty, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (1 - Hume), Abstain (0)

COMMUNICATIONS

- **011 22 Council President: Police Officer St. Ives - Family Services Unit/Community Outreach**

President Boericke stated this is to highlight the compassionate and important work the Family Services Unit does with outreach to the homeless population in town, our partnership with Father Bill's, and resources for Braintree residents.

In attendance presenting is Police Officer Jay St. Ives and Sergeant Brian Cohoon.

Braintree Police Family Services Unit Summary:

Works under the direct supervision of Detective Lieutenant and falls under the general direction of the Deputy Chief of Operations. The Family Services Sergeant is responsible for the immediate supervision and control of all personnel under his/her command, as well as for the efficient and effective operation of the Family Services Unit.

The Family Services Unit of Braintree Police Department is charged with investigating crimes perpetrated against vulnerable populations within our community.

Members consist of a unique blend of sworn police and civilian personnel who are dedicated to serving fragile victim populations such a children, the elderly, those with drug and alcohol issues, the mentally ill, and those involved in domestic violence situations.

Duties and Responsibilities:

1. The Sergeant assigned as the commander of Family Services shall be responsible for the following functions, duties and responsibilities.
2. Supervise the following positions of the Unit which may change from time to time; School Resource Officer(s), Community Service Officer(s), Jail Diversion Program Clinician, CIT-TTAC Coordinator, CIT-TTAC Administrative Assistant, Domestic Violence Advocate.
3. Ensure the efficient and effective completion of all tasks assigned to the Unit.
4. Develop good morale, a team spirit and encourage positive attitudes toward the Unit and its goals, performance of duties and the public.
5. Responsible for the operation of the Unit; being accountable for the full and complete investigation of all crimes that are assigned to the unit or that comes to the unit’s attention by citizen notification
6. Assign, or cause to be assigned, investigations to individual unit members for follow-up; prioritize these assignments; and review the activities of the unit members and time spent on these investigations.
7. Ensure that unit employees effectively perform their duties.
8. Ensure that all reports of all investigations conducted by the unit are complete, accurate, and timely.
9. Determines which police incidents require follow-up by policy or would benefit from follow-up investigation by the unit, in addition to any assigned by higher authority, including
 - A. **Elderly** – crimes and abuse against elderly. Liaison with social service providers and caretakers to educate, assist and facilitate appropriate resources
 - B. **Domestic Violence** – review/ follow up/ investigate families/ individuals/ victims or those affected by domestic violence. Provide follow through assistance to those involved with social services and prosecutors.
 - C. **Sexual Assault Investigations** – Family Services unit shall provide specially trained sexual assault investigators to assist in sexual assault investigations and follow ups as defined in Mass General laws.
 - D. **Special Victims** – Those individuals with disabilities or special needs such as mental illnesses, children and others.
10. Maintain or cause to be maintained all records concerning investigations, on going or completed, intelligence information and other pertinent records the maintenance of which may be required by department policy or law.

It was stated it is very important these days to de-escalate situations.

All Council members thanked the entire Braintree Police Department and First Responders for their service and for keeping the residents safe.

• **012 22 Council President: Firefighter Lieutenant Viola – 2021 Overdoses in Braintree**

Lieutenant Viola gave the following presentation on 2021 Overdoses:

- This data highlights calls that began as “overdose” calls
- 2021 calls were drastically increased, additional challenges with homeless population issues largely due to the MBTA garage project
- Area maps are not concentrated to specific areas of town.
- Police, Fire and Brewster Ambulance continue to save lives with Naloxone

2021 Total Naloxone Deployment

- 106 calls for overdoses; 78 FR Naloxone deployments, down from 89 in 2020
- Average of 1.5/week
- No specific areas of frequent response
- Unknown home deployments
- 6 deaths associated with overdose/drug use

Overdose Responses 1/1/21 - 1/1/22

- 106 responses to “overdose” calls continues to demonstrate the importance of first responder naloxone availability
- COVID has compounded substance use; these extents are still undetermined for various reasons.
- In 2022 as we emerge from the pandemic, we will need to be more focused on prevention efforts and community interaction.

Equipment Purchases

- 2021 earmark funding was instrumental in equipment upgrades for the fire department response
 - First-in bags
 - Epi-pens
 - Dahlgren sprayer/ proper PPE for fentanyl response.
 - CPR manikins
 - Rehabilitation tent for prolonged incidents and community training events.

Additional Thoughts

- Partnership role
- Need for more services throughout the state for substance use, homelessness, and mental health services.
- Community interaction CPR Naloxone training etc..
- Mental health and wellness everyone is effected, pandemic etc..
- Taking care of ourselves!

All Council members thanked the entire Braintree Fire Department and First Responders for their service and for keeping the residents safe.

• **013 22 Council President: Massachusetts Office of Business Development Presentation**

MA Office of Business Development, Regional Director – Greater Boston, Margaret Laforest & Sue Whitaker

- **Code Named Projects**– Businesses considering MA to expand or relocate – Incentive Proposals
- **Economic Development Incentive Program (EDIP)** companies may receive state and local tax incentives in exchange for full-time job creation, retention, and private investment commitments.
- **Grants: Regional Economic Development Organizations**–Awardees facilitate regional projects that grow businesses and the MA economy by attracting new employers and assisting existing businesses (Annual RFP). **Regional Pilot Project** – up to \$250,000 for municipalities and organizations to work together to create solutions for recovery for their specific economies.

Economic Development Incentive Program (EDIP)

- Designed to foster job creation and stimulate business growth
- Companies receive local property tax incentives and/or state tax credits in exchange for job creation, job retention and private investment commitments

Local Incentives – Tax Increment Financing (TIF)

Tax Increment Financing (TIF) is a negotiated Agreement between business and host municipality. The percentage exemption applies to the incremental increase of assessed value of the parcel and the agreement may include exemptions on personal property tax. Per M.G.L. 40 § 59:

- TIFs have a 5-year minimum, 20 year maximum or anything in between;
- Business pays full tax rate on the “base value”
- Exemption from property taxation on all or part of the increased value accrued as a result of development (the “increment”);
- Percentage of exemption (for incremental real and personal property tax value) may range from 5% to 100%;

Total Yearly Value of Local Tax Incentives minus PILOT = _____

PILOT means: Payment in Lieu of Taxes

The TIF Valuation spreadsheet has you subtract anything else required by the municipality from the business from the total value of the TIF

- Examples: fire engine, annual donations to the library, annual donation of some amount to the municipal economic development fund, etc.
- EACC Board wants to see some “skin in the game” from the municipality

Local Incentives:

Special Tax Assessment (STA)

STAs are a negotiated Agreement between business and host municipality that applies to entire assessed value of a parcel, not just the increment.

Current, as well as future local tax revenues are exempted.

Unlike TIF Agreements, no Personal Property Taxes may be exempted under an STA Agreement

STAs have 5-year minimum and 20-year maximum terms and must minimally comply with the following 5-year schedule:

- Year One: not less than 50% of total property taxes exempted
- Year Two: not less than 25% of total property taxes exempted
- Year Three: not less than 25% of total property taxes exempted
- Year Four: not less than 5% of total property taxes exempted
- Year Five: not less than 5% of total property taxes exempted
- May elect to exempt a greater percentage (not less) in any given year; may not elect to go less than 5 years in length.

Does a “But For” Exist? “But for” these EDIP tax credit incentives, the project would not occur?

- Is property already purchased?
- Is lease already signed?
- Has news article appeared on front page of local paper?
- Has a groundbreaking ceremony been held?
- Is equipment already placed on order?
- Has a public announcement been made?
- Has construction begun?

All indications the project will likely proceed without incentives

Are they a manufacturer? If so, might make sense to use classified manufacturers investment tax credit (MITC)

EACC Board Criteria Considerations for Awards

- Municipal support in form of TIF or STA
- Number of jobs to be created
- Timing of the job creation
- Size of capital investment
- Wages of jobs to be created
- Healthcare? 401K, IRA, pension?
- Level of out-of-state sales
- Industry
- Community Profile
- Competitiveness of situation
- MA HQ? US HQ? Divisional HQ?
- Commitment to local procurement

Local Incentives: All TIFs and STAs Must...

Must be approved by City Council or Town Meeting

Must come to EACC Board for final approval

Cannot be changed or amended without going through the same “approval process”

Amendments must come back to EACC Board for final approval

EACC Board meets 4 times per year: March, June, September, December

Do not want projects coming to EACC Board before the municipal vote

What is a Tax Credit vs Tax Deduction

Tax Credit: Lowers the Tax Bill

Tax Deduction: Reduces an amount off the taxable income

OLD BUSINESS

• 22 005 Mayor: Home Rule Petition—Retirement of Officer Richard Siebert or take up any action relative thereto

Council President Boericke referred to Councilor Reynolds, Chairman of the Committee of Ways and Means for a recommendation on Order 22 005.

Chairman Reynolds stated the Committee met earlier this evening and voted unanimously for a favorable recommendation to the full Council.

Council President Boericke asked if anyone from the Mayor's office would like to speak on Order 22 005?

Mayor Charles C. Kokoros stated I stand in support of this Home Rule Petition. These are very unique circumstances. It is important to show our support for Officer Siebert.

Councilor Ryan stated I will be supporting this. Officer Siebert is a hero. When the call comes we have firefighters, police officers and all first responders that show up. As the Legislative branch I have been assured the Town can afford to do this as well. I will support this.

Councilor Ringius stated I will be fully supportive of this measure tonight. Every time you put on that badge there is a chance you won't be coming back. You do that and I am proud you are there to keep us safe. Now an officer needs help from this body. He is an officer not just on June 4th but throughout the years he was an officer everyone could rely on. On June 4th he kept the community safe and was able to render help to his fellow officers.

Councilor Flaherty stated when we have a solemn duty to all our officers especially those who have rendered service to the extent that Officer Siebert has done. I am happy to know our Retirement funds are strong enough to support this. I will be supporting this tonight.

Councilor Reynolds stated it is an overall readiness and dedication our Police and Fire Departments strive to provide in service. A grateful Town needs to recognize and award that extraordinary service. The Retirement system will absorb these costs.

Councilor Maglio extended her thanks to Officer Siebert and to all the First Responders and all that they do.

President Boericke stated anyone being called to serve and in doing so your time is no longer your own, it is the communities. First Responders even when off duty you are ready and willing to heed the call for help. Devotion to community should be honored. I thank Officer Siebert for his service and be in full support of this tonight.

Councilor Ryan read letter of support into the record.

Braintree Town Council,

Please accept my endorsement and this letter of support for the passage of the "Act Providing for the Retirement of Richard Seibert, A Police Officer in the Town of Braintree."

Richard Seibert has been employed as a Police Officer in Braintree since January of 2005. Prior to his employment with Braintree, Officer Seibert served with distinction for fourteen years in the United States Army (1991- 2004). During his service in the 10th Mountain Division, he deployed to Somalia, Haiti, and Afghanistan. He retired at the rank of Military Police Sergeant.

During his entire time with the Braintree Police, Officer Seibert has served in the uniformed Patrol Division. For the last twelve years, has worked as a K9 Officer with his partner Lucky, a narcotic trained Labrador Retriever. Together they have been one of the most prolific K9 teams in the state, intercepting hundreds of pounds of illegal narcotics and seizing millions of dollars' worth of cash and assets derived from drug trafficking.

During the course of his career, Officer Seibert has been involved in numerous critical incidents and extraordinary circumstances. On one occasion in 2017, Officer Seibert was violently attacked on duty by a mentally ill subject and sustained injuries that kept him out of work for nine months. He worked hard to rehabilitate his injuries and returned to work in 2018.

Officer Seibert is known to be an officer that other officers and supervisors could rely on. He is a firearms instructor and tactically proficient. Drawing from his experience as a trained combat medic in the Army, Officer Seibert was always an asset on medical calls or instances of persons suffering from traumatic injury. He is a talented medic who can stabilize most injuries in the field. This talent was critical to the relatively positive outcome on June 4, 2021.

Officer Seibert was working a day shift on June 4 when he was called to respond to a report of a violent domestic disturbance on Mccusker Dr. As the suspect fled, a K9 was called in to assist. Officer Cushing responded with his K9 partner Kitt. Officer Seibert volunteered to serve as a cover officer for the wooded search. Along with Officer Donoghue, the three officers and K9 Kitt began a track. Within a few minutes, the officers and K9 found themselves under attack by a gunman. K9 Kitt was killed, Officer Cushing grievously injured, and Officer Donoghue was struck by gunfire. Cushing was knocked down; however, he and Donoghue valiantly returned fire. As K9 Kitt lay dead between the suspect and the officers, the suspect continued to fire. Officer Seibert immediately responded with his rifle to stop the threat. Once the threat was mitigated, Seibert transitioned to the immediate care of his fellow officers. He rendered life-saving aid to Officer Cushing and treated Officer Donoghue's injuries. Looking at K9 Kitt, Officer Seibert knew there was nothing that could be done. Throughout this ordeal, Officer Seibert also calmly communicated vital information over the radio to other officers. Soon, many officers arrived and assisted.

This department was fortunate to have Officer Seibert working on June 4th• He possesses the skills, experience, and demeanor to help resolve this incident. However, the sights, sounds, and experience of that day is something that continues to stay with him. Due to the effects that this trauma has had on Officer Seibert, I respectfully request favorable action on this petition. Officer Seibert has supported this community faithfully for 18 years. My hope is that the Braintree community continues to support Officer Seibert so that he may retire and continue to care for his young family.

Respectfully submitted, Mark W. Dubois, Chief of Police

Councilor Ryan read letter of support into the record.

TO: Braintree Town Council Members

RE: Home Rule Petition, Retirement of Officer Richard Seibert

Council Members,

It is with respect, honor, and compassion that the Braintree Police Officers Association (BPOA) and the Braintree Police Superior Officers Association (BPSOA) support and request favorable action on the Home Rule Petition, Retirement of Officer Richard Seibert.

To know Officer Seibert is a privilege and an honor, he is the type of person that will and has gone above and beyond for the Town of Braintree and its residents. Officer Seibert was first hired as a police officer in January 2005. Throughout his career he has received multiple awards, to include but not limited to Several Police Letters of Commendation, and dozens of favorable letters from citizens of Braintree writing to thank Officer Seibert for his hard work and compassion.

Officer Seibert has been assigned to the position of K9 Officer in the Patrol Division with his Partner Lucky since 2010. K9 Lucky is a trained drug dog; he and Officer Seibert are responsible for countless drug seizures in their 12 years together. In those 12 years Officer Seibert and Lucky were able to get millions of dollars and assets off the street that were directly linked to illegal drugs.

Spending his career in the Patrol Division aiding the public has put Officer Seibert at the forefront of many critical incidents throughout his career. The most recent occurring on June 4, 2021.

On June 4, 2021 Officer Seibert and his partner Lucky were working the dayshift, around 1245 hours he was dispatched with other officers for a domestic violence call where the suspect had left on foot and was reportedly armed. As the investigation was progressing Officer Cushing and his Patrol K9 Kitt were requested to locate the suspect. Officer Seibert was designated to assist Officer Cushing and K9 Kitt.

Eventually security footage showed where the suspect entered the woods, due to the location a third Officer was requested to assist with the K9 Track (Officer Donoghue). Once Officer Donoghue arrived the track into the woods began.

Soon after beginning the track, the suspect was located behind a rock. After commands to drop the gun, the suspect suddenly opened fire on Officers Seibert, Cushing, Donoghue, and K9 Kitt. All three Officers engaged the suspect with return fire. K9 Kitt was shot multiple times as well as Officer Cushing and Donoghue. Officer Seibert, stepped beyond the wounded officers and engaged the suspect with his rifle. All three officers returned fire until the threat was stopped. With the suspect downed, Officer Seibert, an Army combat medic, rendered life-saving aid to Officer Cushing and treated Officer Donoghue's injuries. Unfortunately, he was not able to assist K9 Kitt, he had already succumbed to his wounds.

Although officers train for violent encounters throughout their careers, this incident was one where there can be no adequate preparation. That is because the extreme violence of this up close and personal gun battle, was more akin to what can be seen on a battlefield rather than a police call for service. The conditions and circumstances of this incident have had profound impacts on the families involved, The Community of Braintree, The Braintree Police Department, and Officer Seibert.

To be ambushed by a suspect, provide return fire, witness the sights and sounds of K9 Kitt as he was shot multiple times, and then provide lifesaving medical aid to his fellow officers is extraordinary and traumatizing. Due to the trauma Officer Seibert experienced that day and its residual effects, the BPOA and BPSOA requests favorable action so that Officer Seibert may retire, and be returned to his family under the most supportive conditions, which this act provides. Thank you for your time and consideration

*Respectfully Submitted, Matthew J. Donoghue, President, Braintree Police Officers Association
Lieutenant Kevin L. Ware, Vice President, Braintree Police Superior Officers Association*

Councilor Ryan read the following Motion:

MOTION: That the Town Council vote to authorize the Mayor to petition the General Court for “An Act Providing For the Retirement of Richard Seibert, A Police Officer in the City Known as the Town of Braintree,” as set forth in the petition for special legislation filed with the Town Council on or about January 31, 2022, and on file with the Office of the Town Clerk. Further, that the General Court be authorized to make clerical or editorial changes of form only to the bill prior to enactment by the General Court and further, that the Mayor be authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Motion: by Councilor Ryan to Approve Order 22 005

Second: by Councilor Ringius

Vote: For (8 – Boericke, Flaherty, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (1 - Hume), Abstain (0)

NEW BUSINESS

- None

Councilor Ryan read the following referrals to Committee(s):

Refer to the Committee of Ways & Means

- 22 010 Mayor: Request for Appropriation- CPA Appropriation - Gravestone and Tomb Restoration Project or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 22 010 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (8 – Boericke, Flaherty, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (1 - Hume), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting: Tuesday, March 1, 2022 @ 7:30pm

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:37p.m.

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