

Charles B. Ryan
President
At Large

Sean E. Powers
At Large

Shannon L. Hume
At Large

Thomas W. Whalen
District 2

Thomas M. Bowes
District 3



CHARLES C. Kokoros
Vice President
District 1

Stephen C. O'Brien
District 4

David M. Ringius, Jr.
District 5

Timothy P. Carey
District 6

OFFICE OF THE TOWN COUNCIL

March 19, 2019 MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, March 19, 2019 beginning at 7:30p.m.

Council President Ryan was in the chair.

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

Present: Charles B. Ryan, President
Charles C. Kokoros, Vice President
Thomas M. Bowes
Timothy P. Carey
Shannon L. Hume
Stephen C. O'Brien
Sean E. Powers
David M. Ringius, Jr.
Thomas W. Whalen

Also Present: Joseph Reynolds, Chief of Staff
Ed Spellman, Finance Director
James Arsenault, DPW Director
Dr. Frank Hackett, Superintendent of Schools
John Goldrosen, Town Solicitor
Christine Stickney, Director Planning and Community Development
Marybeth McGrath, Director Municipal Licenses & Inspections
Daryn Brown, Golf Director
Debra Saucier, DPW Financial Analyst
Elizabeth Mees, Historical Commission Chair
Ronald Frazier, Historical Commission Vice-Chair
Rayna Rubin, Historical Commission
Santina Giannino, Historical Commission
Kate Nedelman Herbst, Historical Commission

APPROVAL OF MINUTES

- February 7, 2019

Motion: by Councilor Kokoros to Approve Minutes of February 7, 2019

Second: by Councilor Powers

Vote: For (8 – Bowes, Carey, Kokoros, Hume, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (1-O'Brien)

ANNOUNCEMENTS

- 007 19 Recognition: Pop Warner Cheer Team
- 008 19 Recognition: BHS Varsity Dance Team

OLD BUSINESS (PUBLIC HEARINGS)

- **18 025 Mayor: Demolition Delay Ordinance or take up any action relative thereto (Public Hearing)**

Motion by Councilor Kokoros to Open Public Hearing for Order 18 025

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O'Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Council President Ryan referred to Councilor Powers, Chairman for Committee on Ordinance & Rules for a recommendation. Councilor Powers stated the committee met on this. It was recommended for favorable action with a vote of 3-yes and 1-no.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 18 025?

Councilor Hume stated this was voted in committee on March 5, 2019 and we just got new revisions on March 18, 2019 from the Town Solicitor and Christine Stickney. Shouldn't this go back to committee and have them re-vote on the changes?

Councilor Powers stated these changes were not substantial. It was just a few clarifications proposed from our Town Solicitor, John Goldrosen.

Elizabeth Mees, Historical Commission Chair stated there are many communities in Massachusetts that have a similar by-law and the purpose is to have a period of time so that a property that is determined historically significant and over 75 years of age to be documented.

Councilor Ringius stated this is only if a homeowner is seeking a complete demolition. This will not effect someone looking to do a renovation.

Councilor Whalen stated the proposed ordinance states "or portion thereof". That does not mean total demolition. This needs to be removed. I would like a clean copy. I would like to make a motion to TABLE this item 18 025.

Motion by Councilor Whalen to TABLE Order 18 025

Motion: by Councilor Whalen to TABLE Order 18 025 to April 2, 2019

Second: by Councilor O'Brien

Councilor Powers requested vote by ROLL CALL by Clerk of the Council:

Councilor Ryan – yes
Councilor Hume - yes
Councilor Powers - no
Councilor Whalen - yes
Councilor Bowes - yes
Councilor Kokoros - yes
Councilor O'Brien - yes
Councilor Ringius - no
Councilor Carey - no

Vote: For (6 – Bowes, Kokoros, Hume, O'Brien, Ryan, Whalen),
Against (3 - Carey, Powers, Ringius), Absent (0), Abstain (0)

Council President stated with a roll call vote and a count of 6-yes to 3-no this matter has been TABLED to April 2, 2019.

Motion by Councilor Kokoros to send Order 18 025 back to the Committee on Ordinance & Rules to have any issues/changes addressed.

Motion: by Councilor Kokoros to send Order 18 025 back to the Committee on Ordinance & Rules

Second: by Councilor Bowes

Councilor Powers requested vote by ROLL CALL by Clerk of the Council:

Councilor Ryan – yes
Councilor Hume - yes
Councilor Powers - no
Councilor Whalen - yes
Councilor Bowes - yes
Councilor Kokoros - yes
Councilor O'Brien - yes
Councilor Ringius - no
Councilor Carey - no

Vote: For (6 – Bowes, Kokoros, Hume, O'Brien, Ryan, Whalen),
Against (3 - Carey, Powers, Ringius), Absent (0), Abstain (0)

Council President stated with a roll call vote and a count of 6-yes to 3-no this matter has been sent back to the Committee on Ordinance & Rules.

Councilor Hume stated she agreed to have this item TABLED due to getting documentation the night before without time to review. It states in the Town Council Rules we should receive documentation the Wednesday before meeting dates. We have got to get the information in a timely manner so what is required of us and we can do our due diligence.

• **19 007 Mayor: Rescind prior Borrowing Authorizations or take up any action relative thereto (Public Hearing)**

Motion by Councilor Kokoros to Open Public Hearing for Order 19 007

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Council President Ryan referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met on this and recommended favorable action to rescind the prior authorization.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 19 007?

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

Motion by Councilor Kokoros to CLOSE the Public Hearing for Order 19 007

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Motion read by Councilor Kokoros:

ORDERED:

That the Town of Braintree rescinds the following amounts that have been authorized to be borrowed, but which are no longer needed for the purposes for which they were initially approved:

<u>Unissued Amount</u>	<u>Loan Order Number</u>	<u>Date of Loan Order Approval</u>	<u>Original Purpose</u>
\$75,000	16 -065(2)	December 6, 2016 (Town Council) December 7, 2016 (Mayor)	golf course reconstruction

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

• **19 008 Mayor: FY19 Supplemental #2 or take up any action relative thereto (Public Hearing)**

Motion by Councilor Kokoros to Open Public Hearing for Order 19 008

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O'Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Council President Ryan referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met on this and recommended favorable action for the 4 motions.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 19 008?

Councilor O'Brien stated in the Committee of Ways & Means meeting he voted present on two items because they were listed as loans from the general fund however we were not provided any information or documentation on how that process would work where we would be providing a loan to the Golf fund.

Joe Reynolds, Chief of Staff stated there were not mention of loans in the motions. We moved funds from the general fund to the enterprise account which has been done numerous times. In the summary which was provided by the mayor he made a mention of a loan.

Councilor Kokoros stated two years in a row the golf course lost money. It came out of the general fund and now we are taking from certified free cash and giving to the golf and the tax payers are funding the golf enterprise again. I want to understand why we are doing this.

Joe Reynolds, Chief of Staff stated any money that comes out of our general fund applies to any operations in the town regardless if there is an enterprise account associated with it. There has been an inability to derive revenue in bad weather and the effects of bad weather. We took a look in what we can do to further our revenue making capabilities.

Councilor Kokoros stated I thought enterprise funds do not take from the tax payers and the town does not take from it. They make their own money from rates they set as does BELD and Water & Sewer. This is over \$130,000 that we could use for other things like schools, roads, sidewalks. There are a million things we need to do yet we are going to use it for the golf course? What if you don't golf and you are a tax payer?

Joe Reynolds, Chief of Staff stated golf is an operation of the Town of Braintree. We run golf through fees that are generated there.

Councilor Kokoros stated it is illegal to take tax money and pay for an enterprise account. I will not vote for this.

Ed Spellman, Finance Director stated enterprise funds are set up with the intent of a specific operation. They can be established for revenue solely from the enterprise but subsidized from the general fund. In this case that is what the funds are doing here is to subsidize. It is in the statute.

Councilor Powers read what was stated in the mayor's memo stating these funds will be in the form of a loan. How will these funds be paid back?

Ed Spellman, Finance Director stated the intent will be in future years in the budget for golf there will be a line item to pay back the amount of the loan. A specific term has not been established. The thought was with this year's operations we would see how things went and going forward it would be paid back. My original thought was to look at a 10 year period.

Councilor Powers asked to receive internal operations numbers for the second quarter (calendar year) for the golf to see where we are for some of the new initiatives like (concessions/simulators).

Councilor Kokoros asked if the Town auditors could look through the books and see what is going on at the golf course. We either need to raise the rates or cut your costs. I can't take the tax payers money and invest it into the golf course. Why are we not successful there?

Daryn Brown stated the Town Auditor was at the golf course yesterday. We meet almost monthly. We discuss setting rates, reconciling books, and budgets. Part of these requested funds is to get our concessions operational. We need to fund the position of food/beverage manager and to purchase the food and beverages.

Councilor Kokoros ask for the breakdown of the \$95,000 to the golf enterprise fund.

Daryn Brown stated it is for the salary for the food/beverage manager as an M12 (\$67,000). The rest would be for the food/beverage purchases and hiring part-time help.

Councilor Kokoros asked where alcohol is being served they should be tip certified and what type of insurance and liability does this put on the town of Braintree.

Daryn Brown stated the Town Solicitor and Finance Director have selected insurance they thought was applicable and all of the servers are required to be tip certified and trained.

Councilor Kokoros asked if we already hired someone for this position being paid as M12. Daryn Brown stated yes.

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

Motion by Councilor Kokoros to CLOSE the Public Hearing for Order 19 008

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O'Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Councilor Kokoros read the following Motions:

General Fund Motions:

1. Municipal Licenses and Inspections

MOTION: That the sum of \$43,472 be transferred from FY 2018 Certified Free Cash to the Handicap Parking Fines Account.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O'Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Enterprise Fund Motions:

E-1. Golf Enterprise Fund

MOTION: That the sum of \$44,000 be transferred from FY 2018 Certified Free Cash to the golf enterprise fund for the purpose covering the capital equipment purchases outlined above.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7 – Bowes, Carey, Kokoros, Hume, Powers, Ringuius, Ryan, Whalen),
Against (1 – Kokoros), Absent (0), Abstain (0), Present (1 – O'Brien)

Councilor O'Brien stated in light of the fact that the Chief of Staff corrected the language which further exacerbates the problem because we have a summary that says loan. Now it comes before us and it is not a loan and now I am even more concerned about this so I will be voting against this.

E-2. Golf Enterprise Fund

MOTION: That the sum of \$ 95,000 be transferred from FY 2018 Certified Free Cash to the golf enterprise fund for the purpose covering the new operations of the golf concession stand operations program within the enterprise fund.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7 – Bowes, Carey, Hume, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0), Present (2 – Kokoros, O'Brien)

E-3. Golf Enterprise Fund

MOTION:

Where the Mayor was previously authorized by this Council to use a revolving fund in accordance with the provisions of Massachusetts general laws chapter 44, section 53e ½ during the fiscal year commencing July 1, 2018, that the sum of the amount authorized be increased from \$90,000.00 to \$110,000 for fiscal year 2019.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

NEW BUSINESS

- None

Council President Ryan stated the Comprehensive Zoning Ordinance is being referred to the Committee on Ordinance & Rules this evening. There will not be any discussions on it. We are just going to be referring it.

Councilor Ringius stated I would say it would be preemptive to be referring this particular matter to the Committee on Ordinance & Rules. My feeling on that is this: This has been sort of a long process, this Comprehensive Zoning Package plus the 40R Smart growth that was initially included in one big package. The 40R has now been removed and now we are just talking about the Comprehensive Zoning Package. Planning did run 4 public meetings on it where a plethora of information was provided. They have set up Braintree zoning.com which includes these documents for people to review. This is 120 pages of material. It seems too soon to before we get a recommendation from the Planning Board. In my mind we should hold this off until after some sort of recommendation from the Planning Board.

Councilor Kokoros made a Motion to TABLE Order 19 011

Refer to the Committee on Ordinance & Rules **TABLED**

- 19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto

Motion: by Councilor Kokoros to TABLE Order 19 011

Second: by Councilor O’Brien

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Councilor Kokoros read the following items for referral to committee(s):

Refer to the Committee of Ways & Means

- 19 012 Superintendent of Schools: Statement of Interest (SOI) with the MSBA for Braintree High School or take up any action relative thereto

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

Councilor Kokoros read the following item for referral to committee(s):

Refer to the Department on Public Workss

- 19 013 Comcast Petition: 120 Ivory Street or take up any action relative thereto

Motion by Councilor Kokoros refer Order 19 013 to the Committee on the Department of Public Works

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (9 – Bowes, Carey, Kokoros, Hume, O’Brien, Powers, Ringuius, Ryan, Whalen),
Against (0), Absent (0), Abstain (0)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:20p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 18 025 Mayor: Demolition Delay Ordinance
- 19 008 Mayor: FY19 Supplemental #2
- 19 007 Mayor: Rescind prior Borrowing Authorizations