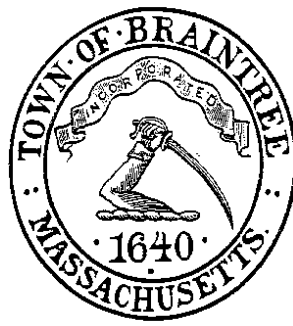


Meredith Boericke
President
District 5



Shannon L. Hume
At Large

David M. Ringius, Jr
At Large

Julia C. Flaherty
District 1

Charles B. Ryan
Vice President
At Large

Joseph Reynolds
District 2

Elizabeth Maglio
District 3

Stephen C. O'Brien
District 4

Lawrence C. Mackin, Jr.
District 6

OFFICE OF THE TOWN COUNCIL

Tuesday, APRIL 25, 2023

MINUTES

A meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, April 25, 2023, 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.

Town Clerk, James M. Casey conducted the roll call.

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

Not Present: Lawrence C. Mackin, Jr.

Others: Charles C. Kokoros, Mayor
Ed Spellman, Finance Director
Margaret Laforest, interim COS
Crystal Huff, Town Solicitor
James Arsenault, DPW Director
John Thompson, Town Engineer/Asst DPW Director
Ben Hulke, Asst DPW Director
Christopher Griffin, Assistant Director Parks & Recreation
Kate Naughton, Services Coordinator
Dan Hickey, Assistant to the Mayor
Lyn Frano, Substance Use Coordinator
James M. Casey, Town Clerk
residents

ANNOUNCEMENTS

• 021 23 Council President: BHS Students – “Kick Butts” Day

Mentors/Advisors Lyn Frano and Marianne Barrett and some BHS Students attended to give an update on the recent experience at the State House.

- Bindi Patel – Senior
- Varuni Senthilkumar – Senior
- Nghi Tran – Senior
- Madison Keddy – Junior
- Samantha Longobardi – Junior
- Andrew Fosco – Sophomore
- Jonathan Lin – Sophomore

These students initiated an 84 chapter through the Braintree Community Partnership. The 84 is a statewide movement of young people in Massachusetts fighting tobacco.

• 022 23 Council President: Braintree Beautification Day, Saturday, April 29

“Beautification Day is a great opportunity for our entire community, both residents and businesses to come together to show our pride in our town’s beauty and appeal.”

Residents are asked to gather at Braintree Town Hall at 8:00am for location suggestions and to collect materials (rakes, bags, work gloves). Target areas for this year’s clean-up include the Town Hall Memorial Mall, the grounds of the Braintree Historical Society, the beach and park at Sunset Lake, Penniman Park on Cleveland Ave., Smith Beach, and the Braintree High School access road.

This longtime event continues to be held with the ongoing support of several local organizations including the Braintree Rotary Club, the North Braintree Civic association and the East Braintree Civic Association.

In the event of inclement weather Beautification Day will be moved to Saturday, May 6, 2023.

Residents with questions are welcome to call the Mayor’s office at 781-794-8100 or the recreation office at 781-794-8901.

• 023 23 Council President: FY24 Budget Review Schedule

The FY24 Budget Review Schedule is posted with the documents on the town website.

The FY24 Budget Review will begin on May 4th and go throughout the month with the Annual Town Meeting scheduled on May 30, 2023 at 7pm in Cahill Auditorium.

• **027 23 Council President: Clean Harbors Incident Update from Councilor Maglio**

Councilor Maglio stated on February 28 and March 21, 2023 Clean Harbors officials and state officials from the Department of Environmental Protection attended our Council meetings regarding the Clean Harbors chemical fire. At that time Clean Harbors assured us on the record and in front of DEP that there was no spill into the basin. Unfortunately, that does not appear to be the case. Evidently Citgo had a gas spill the day before so that was February 15th. At no time did that get raised during any of these conversations. It is from people watching the filings and postings that are starting to connect the dots. There were 9 trailers and 4 of them burned. In two the contents was recovered and in two others the contents were not recovered. That is really important because the contents were all chemical hazards. There are filings that need to happen. One being release abatement measures and the other being immediate response action. In the documents we noticed there are 3 potential escape routes for the firefighting water. We were told there was no spillage. These are Clean Harbors inspectors and investigators that are filing these documents. 3 potential escape routes for the firefighting water: One being by the temporary loading dock, the second by the lunch building and the third was by the eastern boundary with the abutting Citgo property. Now Citgo got an oil/gas spill the day before and then they got this chemical toxic fire water the day of. Some of this toxic water was released into the river. We were told there were no spills and there were no issues. There was a milky white substance that was floating and likely sediment from all of this on the basin floor. Air sampling was done after the fire using techniques only appropriate for screening during an active fire with smoke deposits, not for long term residuals or off-gas contaminates. It is deeply troubling DEP allowed this technique to be used in Massachusetts. Air sampling was done the week after the fire and not necessarily in the direct path of the major deposition trail. There were deposits viewed on the Idlewell section of Weymouth but no sampling done there. We have a lot of questions we need to continue to answer. We know this level of information due to a filing of a public involvement petition (PIP) filed by members of Quincy, Weymouth and Braintree and that was directly to Clean Harbors meaning they need to involve the public in the process of the cleaning up of the contamination. We also filed a PIP with Citgo. Both of these companies now have to hold meetings and answer questions and it takes as long as it takes. In addition, items were referred to the Public Safety Committee regarding hydrants and the role of Board of Health. There is a full Council list of questions and report of what we have learned so far. There is a plan for stakeholder involvement in the plan for emergency prevention and response plans. The Department of Public Health (DPH) has committed to coming out to East Braintree to a community meeting and provide information and answer questions about outside safety regarding gardening, soil, cleanliness, playground equipment, etc. In addition they will do their own study and their own first hand analysis of all the data turned in from Clean Harbors and their hired consultants TetraTech. Their concerns are simply with the health and safety of the residents.

• **028 23 Council President: Americans with Disabilities Act (ADA) Transition Plan**

President Boericke stated as part of the ongoing efforts to access the current level of ADA compliance and service activities and town owned facilities, the Institute for human-centered design has prepared a report that is now available for viewing on the town's website. I have requested the Commission on Disabilities have opportunity to review and comment on the documents.

APPROVAL OF MINUTES

- None

COMMUNICATIONS

• **024 23 Mayor: FY24 Budget Submission**

Charles C. Kokoros, Mayor stated first I want to thank Ed Spellman for diligently putting together all the budgets for each department. The Fiscal Year 2024 Operating Budget total is: \$160,405,001 which is a 5.45 percent increase over FY2023.

An important part of this budget is our schools. The School Committee voted to fully fund the School Budget as proposed by Superintendent Lee. This budget is \$74,732,880 including the other school facilities brings the education spending total to \$80,263,946 which is a 9.24 percent increase over FY2023. Our town dedicates over 50% of the budget to education. We continue to prioritize small class sizes and strong education. We dedicate this success to our dedicated, hardworking and valued administrators, teachers and support staff. This summer new roofs will go on Flaherty, Highlands, Hollis, and Liberty elementary schools. We are excited to open the new South Middle School in the fall. This is the biggest investment in the schools in a generation.

We are fully funding the budget. We are not making any cuts to positions. We are fully funding police and fire. We are creating a new resource officer position. We are creating a traffic division. Our fire headquarters is in the final stage of design. Our DPW is why the town looks so great. They do a great job. The Enterprise Funds are doing a great job. Water & Sewer has a tremendous amount of retained earnings. We are well on our way to building the Tri-Town Regional Treatment Plant. Golf is doing well moving forward with reserves. Stormwater division is doing extremely well also. This budget has been put together with a positive outlook to give residents the services they deserve everyday and to keep our schools strong. I respectfully ask for your support and approval as the budget is presented to you.

OLD BUSINESS

• **22 037 Council President: Tree Protection Ordinance or take up any action relative thereto (Public Hearing)**

Council President Boericke asked for a Motion to Open the Public Hearing on Order 22 037

Motion by Councilor Ryan to Open Public Hearing for Order 22 037

Motion: by Councilor Ryan to Open the Public Hearing for Order 22 037

Second: by Councilor Hume

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

Council President Boericke asked for a recommendation from Councilor Ringius, Chairman of the Committee on Ordinance & Rules.

Chairman Ringius stated the Committee on Ordinance & Rules met and voted unanimously for a favorable recommendation to the full Council with a 3-0 vote.

Council President Boericke asked if any member of the Council or General Public want to speak on Order 22 037?

Mayor Kokoros stated thank you President Boericke for putting this Ordinance together. There was a lot of feedback that went into this particular Ordinance. We came out with a great work product in the end.

President Boericke stated thank you to many department heads including DPW Director Jim Arsenault, Assistant DPW Director Ben Hulke, Town Solicitor Crystal Huff, many residents, sustainable Braintree, BELD, and those who helped and worked collaboratively over the last year to help craft a Public Tree Protection Ordinance that compels a public process including a transparent and timely notification if a public shade tree must be removed. It installs a formal mechanism to replace those trees. In cases that trees need to be removed residents will know why and when and there will be accountability for replacement. This applies only to public trees that are along the town's public ways and on town owned land that is not under the jurisdiction of the Conservation Commission. It does not apply to resident's yards or other private property. Notification must be posted on the tree to be removed and on two public places in town and notification must be provided to the District Councilor. Replacement trees must be planted within 18 months in close proximity to where the trees were removed. If replacement is impossible, payment into a tree fund will be required. A Revolving Fund will be established intended for the monies for a future tree replacement fund. This is if large-scale developers who may be clearing land will be required to pay into the tree fund as a component of a site plan review process.

There will be a Tree Committee established and one of the members must be a BELD Board member and to involve the BELD Vegetation Management team when replanting trees.

This idea came from residents and I am absolutely delighted to get it to the point it's at right now.

Council President Boericke asked if any member of the General Public wants to speak on Order 22 037?

Sabina Keith, 25 BV French Street stated I do agree with this. I am a Board Certified Pediatrician and resident and parent of 2 children. Many studies show the benefits of more trees. Children especially bear the brunt of lack of trees in a neighborhood. Less trees equal less outdoor time. This Ordinance will decrease the number of trees being cut down. Infants and younger kids are uniquely sensitive to air pollution due to their growing organs. Keeping mature trees is an important one. Larger more mature trees draw down more carbon from the atmosphere than younger ones. We should always plant new trees but not at the expense of established ones. Our children and their children deserve a Braintree that's better than the one today as great as it is. They need many, many trees to be able to do that.

Council President Boericke asked if any other member of the General Public wants to speak on Order 22 037? Seeing none.

Council President Boericke asked if there is Motion to Close the Public Hearing for Order 22 037.

Motion by Councilor Ryan to Close Public Hearing for Order 22 037

Motion: by Councilor Ryan to Close the Public Hearing for Order 22 037

Second: by Councilor Hume

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

Council President Boericke stated a printed copy of this Ordinance should be before you at your desk. President Boericke asked if there is a Motion for Order 22 037. Motion read by Councilor Ryan:

Motion: To approve Order 22 037 Council President: Tree Protection Ordinance or take up any action relative thereto as submitted.

Motion: by Councilor Ryan to approve Order 22 037

Second: by Councilor Hume

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

• **23 013 Mayor: Discontinuance of King Hill Road – Tri Town Water Treatment Plant or take up any action relative thereto (Public Hearing)**

Council President Boericke asked for a Motion to Open the Public Hearing on Order 23 013

Motion by Councilor Ryan to Open Public Hearing for Order 23 013

Motion: by Councilor Ryan to Open the Public Hearing for Order 23 013

Second: by Councilor Hume

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

Council President Boericke asked for a recommendation from Councilor Ryan, Chairman of the Committee on the Department of Public Works.

Chairman Ryan stated the Committee on the Department of Public Works met and voted unanimously for a favorable recommendation to the full Council with a 3-0 vote.

Crystal Huff, Town Solicitor stated what you have before you today is a petition to discontinue a small portion of King Hill Road. Tri-Town is in the process of building a new water treatment plant. In 1922 they laid out a road in the deed but that roadway was never accepted by the town and it has never been constructed. To bring the site into compliance with the Planning Boards conditions, a small portion of this roadway needs to be removed. Today we are here to check off one more step in preparation and in conjunction with construction. It will bring the parcel into zoning compliance. This portion has never been accessible to the public and has never been built.

Council President Boericke asked if any member of the Council or General Public want to speak on Order 23 013?

Councilor Ryan stated this is just a housekeeping item.

Councilor Flaherty stated because this is in District 1. To clarify, this is only the portion of King Hill Road that already exists only on paper and only beyond the gate that has long been the end of the residential portion of King Hill Road dividing it from the water treatment plant that stands on the property beyond the gate.

Council President Boericke asked if any member of the General Public wants to speak on Order 23 013?
Hearing none.

Council President Boericke asked if there is Motion to Close the Public Hearing for Order 23 013.
Motion by Councilor Ryan to Close Public Hearing for Order 23 013

Motion: by Councilor Ryan to Close the Public Hearing for Order 23 013

Second: by Councilor Hume

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

Council President Boericke asked if there is a Motion for Order 23 013.
Motion read by Councilor Ryan:

MOTION: DISCONTINUANCE OF A PORTION OF KING HILL ROAD. At the request of the Tri-Town Water District that the Town Council Vote to accept the discontinuance of a portion of King Hill Rd. That pursuant to its authority under Massachusetts General Law Chapter 82 §21, the Town Council moves that a portion of King Hill Road laid out by deed dated March 30, 1922, never accepted by the Town as public way, and as further shown on a Plan of Land dated November 15, 2022, prepared by Jared S. Johnson, PLS, entitled “Discontinuance Plan of Land for the Tri-Town Water District 300 King Hill Rd Braintree, Massachusetts” and described by the metes and bounds as submitted is hereby discontinued as a private way and any public easement to travel in or over the area of discontinuance is hereby discontinued; further the Town hereby releases its rights of travel in and over the area of discontinuance. The section of King Hill Road previously accepted as a public way and outside of the above described area of discontinuance shall remain a public way.

Motion: by Councilor Ryan to approve Order 23 013

Second: by Councilor Hume

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

• **23 023 Mayor: Appointment –Margaret Laforest to Chief of Staff and Director of Operations or take up any action relative thereto**

Council President Boericke asked for a recommendation from Councilor Reynolds, Chairman of the Committee of Ways & Means.

Chairman Reynolds stated the Committee of Ways & Means met and voted 2 in favor/1 abstain for a favorable recommendation to the full Council on Order 23 023

Council President Boericke asked if anyone from the Mayor’s office would like to speak on Order 23 023?

Charles C. Kokoros, Mayor stated I would like to ask for your support for my appointment of Margaret Laforest to Chief of Staff and Director of Operations. Margaret is a breath of fresh air. I have known her since the years she served on the Quincy City Council and admired all the hard work she did for her constituents there. More recently we worked with Margaret to land life sciences in Braintree when we

landed Integra. Margaret has budgeting skills and economic development strengths and she will be a great asset to our community.

Council President Boericke asked if there is a Motion for Order 23 023.

Motion read by Councilor Ryan:

MOTION: Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with Sections 3-3 of the Charter of the Town of Braintree approves the appointment of Margaret Laforest to Chief of Staff and Director of Operations.

Motion: by Councilor Ryan to approve Order 23 023

Second: by Councilor Hume

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

• **23 024 Mayor: Appointment – Michael Guerriero to the Braintree Housing Authority or take up any action relative thereto**

Council President Boericke asked for a recommendation from Councilor Reynolds, Chairman of the Committee of Ways & Means.

Chairman Reynolds stated the Committee of Ways & Means met and voted unanimously for a favorable recommendation to the full Council on Order 23 024

Council President Boericke asked if anyone from the Mayor’s office would like to speak on Order 23 024?

Charles C. Kokoros, Mayor stated this appointment of Michael Guerriero to the Braintree Housing Authority requires the individual to live within one of the units. I ask for your full support for this appointment.

President Boericke stated public housing in Braintree comes in all sizes and types. We have apartment living and single-family homes. The Braintree Housing Authority has 6 properties and a home ownership program. These properties serve an important role in our community.

Council President Boericke asked if there is a Motion for Order 23 024.

Motion read by Councilor Ryan:

MOTION: Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with Sections 3-3 of the Charter of the Town of Braintree approves the appointment of Michael Guerriero to the Braintree Housing Authority.

Motion: by Councilor Ryan to approve Order 23 024

Second: by Councilor Hume

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

- **015 23 Town Clerk: Review of Voting Act of 2022 – Impact of Local Elections**

Jim Casey, Town Clerk stated the Council recently received a report with key legislative changes that would require Council input for the upcoming local election.

Some key issues of these acts:

- It expanded Early Voting in Person and Early Vote by Mail to include Local Elections with Opt-Out and Opt-In provisions to be decided by local officials.
- Modified voter registration
- Mandated on-line voter portals for voters unable to mark a paper ballot independently due to disabilities
- Legislated assignment of sufficient police details for each building containing a polling location
- And other administrative changes

Early Voting In-Person – Board of Registrars voted to NOT Opt-In citing low voter turnout expectations for both the September and November local elections this year.

Early Vote By-Mail and Absentee voting is still available.

There is a provision for the Town Council to Opt-Out of Early Vote By-Mail for local elections with a vote to be taken at least 45 days prior to the election day.

We can use the Advertiser and/or BELD inserts to educate and communicate with our voters on options on how to access a ballot. We can also put the signage on the roadways which we typically do.

Voting Act of 2022 changed the voting registration deadline from 20 days to 10 days which will now always be on a Saturday. There is a MGL that allows the deadline to be on Friday instead of Saturday to allow my staff a weekend with their families.

NEW BUSINESS

- None

Refer to the Committee of Ways & Means

- **23 025 Mayor: FY2024 Operating Budget or take up any action relative thereto**

Motion: by Councilor Ryan to refer Order 23 025 to the Committee of Ways & Means

Second: by Councilor Hume

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

Refer to the Committee of Ways & Means (continued)

• **23 026 Mayor: FY2024 Budget – Community Preservation Committee or take up any action relative thereto**

Motion: by Councilor Ryan to refer Order 23 026 to the Committee of Ways & Means

Second: by Councilor Hume

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

• **23 027 Mayor: FY2024 Budget - Continuation of Revolving Funds or take up any action relative thereto**

Motion: by Councilor Ryan to refer Order 23 027 to the Committee of Ways & Means

Second: by Councilor Hume

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

• **23 029 Council President: Establishment of New Revolving Fund for Tree Replacement or take up any action relative thereto**

Motion: by Councilor Ryan to refer Order 23 029 to the Committee of Ways & Means

Second: by Councilor Hume

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

• **23 030 Mayor: FY23 Supplemental Appropriation #2 or take up any action relative thereto**

Motion: by Councilor Ryan to refer Order 23 030 to the Committee of Ways & Means

Second: by Councilor Hume

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

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting is scheduled on: [Tuesday, May 2, 2023@7:30PM](#)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:03p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Recording of meeting found at: <https://www.youtube.com/bcamtv>