



# Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## MEMBERS

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

## May 3, 2021 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Monday, May 3, 2021 beginning at 7:30pm.

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

Present: David Ringius, Jr, Chairman arrived at 8:00pm  
Steven Sciascia, Vice-Chairman  
Julia Flaherty, Member  
Lawrence Mackin, Jr, Member

Also Present: Charles C. Kokoros, Mayor  
Nicole Taub, Chief of Staff/Town Solicitor  
Crystal Huff, Assistant Town Solicitor  
James Arsenault, DPW Director  
Stephen C. O'Brien, District 4 Town Councilor  
Thomas Devin, School Committee Chairman  
George Kokoros, School Committee

### Approval of Minutes

#### • April 13, 2021

A Motion was made by Councilor Flaherty approve Minutes of April 13, 2021

**Motion:** by Councilor Flaherty approve Minutes of April 13, 2021

**Second:** by Councilor Mackin

**Roll Call Vote:** For (3 – Flaherty, Mackin, Sciascia), Against (0), Absent (1 - Ringius), Abstain (0)

## Old Business

- **053 20 Councilor O'Brien: Maintenance Department Recommendation or take up any action relative thereto**

Vice-Chairman Sciascia asked for a Motion to Take off the Table item 053 20

A Motion was made by Councilor Mackin to Take off the TABLE item 053 20

**Motion:** by Councilor Mackin to Take off the TABLE item 053 20

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Mackin, Sciascia), Against (0), Absent (1 - Ringius), Abstain (0)

Councilor O'Brien stated his concern being if we begin this and then School Committee doesn't want to go along with it. The guidance we have is to first accept MGL.

Mayor Kokoros stated the consolidation of our efforts here is something we talked about early on when I first got elected here. It makes sense to have larger groups work together to get larger jobs done and have the DPW oversee a centralized department. When it comes to the positions of the custodial staff there will be a process and may eventually have to change the job descriptions and our DPW Director could better explain how that went with the Facilities Department. I will defer to Legal and the process and if it at any point the School Committee has the ability to disassociate from it. I think there is a way they can withdraw from it at any time. Our Facilities Division right now under the DPW gets a lot of things done. This is a great idea. This is something we agree on. I have talked with Director Arsenault about this. I have spoken with Dr. Hackett on this and the administration. Moving forward we just have to go through the process.

Nicole Taub, Chief of Staff/Town Solicitor stated as far as the process piece, just looking at how this motion came to this committee is the question on whether or not there is support for consolidation. Assuming there is support of the concept, the next step would be formal adoption of the statute and also then formal adoption of the general ordinance. Both of which would have to appear on the agenda as their own items and would require their own independent votes. Those can happen on the same night but I do not feel the motion that lead us to this point is sufficient to move us into the next phase for formal adoption. The recommendation would be there is a motion to accept the statute and a motion to accept the general ordinances and then those go through review and vetting processes through committee and back to full Council for a vote. Ms. Taub continued to say the language in the statute is very clear. Once both are accepted that is only the beginning. There will then be contractual obligations in the Town and Schools that are going to require negotiation under the Collective Bargaining Agreement and unions we will have to engage in before this process can move forward to being finalized.

Councilor O'Brien stated is it best I withdraw my motion as it stands today and re-proposed a motion to accept the MGL and a motion to accept the general ordinance. I also would like for the Mayor to bring this forward to the School Committee.

Nicole Taub, Chief of Staff/Town Solicitor stated I do not think the motion needs to be withdrawn. This committee can vote to support the idea of the consolidation of a maintenance program between the Schools and the Town and you can send it back to the full Council that this committee supports that option as proposed. The Ordinance that was drafted is still in draft form. I would suggest it may require further review and revision before it comes to final form. I do believe to be sure the open meeting laws are complied with and individuals has the opportunities to weigh in I feel it is more appropriate to list specifically adoption of the statute and also formal adoption of the ordinance. Those are significant changes that are being made and I think it is important for the community to be on notice that in fact that is a very serious consideration being made by the Town Council and then to the School Committee and so we do not have to defend legitimacy if there was any procedural flaw on how it got adopted. You do not need to withdraw. You can vote to support but I do recommend both the adoption of the statute and the amendment of the ordinance be placed separately on the Town Council agenda both can be the same night so they both get adopted appropriately.

James Arsenault, DPW Director stated we had positions that were more limited in what they could do. We added duties and gives us more flexibility. We can mobilize a whole bunch of people to one place to get something done quickly. If you have a licensed professional they can have others working alongside of them and assist in getting things done.

Councilor Flaherty stated if we consolidate I want to make sure we put the Schools in a better position. The number of schools we have to maintain is quite large.

James Arsenault, DPW Director stated some staff will only go beyond 10 feet from the building but we would like to have this crew be able to go beyond those boundaries. The staff would give us more flexibility to utilize throughout the grounds and buildings.

Councilor Ringius arrived to the meeting at 8:00pm

Councilor O'Brien stated the maintenance department of the schools has been diminished over the years.

Councilor O'Brien stated I referred this to W&M and O&R. I assume W&M would take up the new two measures on the adoption of the statute and the amendment of the ordinance.

Councilor Sciascia stated this will not solve all of Braintree's staffing and maintenance issues but it is a pretty good chance this could make things better. Director Arsenault has proven how he can manage resources to get things done efficiently and quickly and keeping everything eternal and making more of a reorganization.

Ms. Taub stated I suggest you vote to support moving forward with consolidation. On the next Town Council agenda there will be two new measures on the adoption of the statute and the amendment of the ordinance and be referred to the appropriate committee(s).

Councilor Ringius asked if this recommended Motion is in essence in spirit to support the Consolidation of a Centralized Maintenance Department.

Ms. Taub stated that is correct because in part the way the motion was initially made was to initiate discussion on the topic which I think has occurred and I think has been very productive. To insure procedurally that both items are done correctly, it would be my recommendation that this committee support the concept with the idea that the next meeting scheduled on May 18<sup>th</sup> both appear on the agenda as new and independent referrals.

Councilor Ringius asked how this would get in front of the School Committee.  
Mayor Kokoros stated I support this and could present this to the School Committee.

Vice-Chairman Sciascia stated the O&R committee is sending a favorable recommendation to the full Council to act on an establishment of a Centralized Maintenance Department.

Motion by Councilor Ringius for favorable recommendation to the full Council to act on an establishment of a Centralized Maintenance Department.

**Motion:** by Councilor Ringius

**Second:** by Councilor Mackin

**Roll Call Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

• **054 20 Councilor Mackin: Motion to Establish an Independent Peterson Pool Oversight Authority/Committee or take up any action relative thereto**

Chairman Ringius asked for a Motion to Take off the Table item 054 20

A Motion was made by Councilor Sciascia to Take off the TABLE item 054 20

**Motion:** by Councilor Sciascia to Take off the TABLE item 054 20

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Ringius, Sciascia), Against (1 - Mackin), Absent (0), Abstain (0)

Chairman Ringius stated Councilor Mackin you voted no to take this off the table.

Councilor Mackin stated in my mind no information would be provided at this time and now there is a reason in place and would like to see what comes from E Street and evaluate after we see what happens with that.

Councilor Flaherty asked in an email prior to the O&R meeting “At the last Council meeting, Mayor Kokoros gave an update on the Petersen Pool project, but he did not open the floor to questions from councilors because if the complaints cited in the 30-day termination notice aren't satisfied, litigation may follow. It struck me that this litigation (if it follows, which it well may) might considerably change the administration's ability to answer questions posed by an oversight committee.”

The reply given was “Litigation, or even the potential thereof, add an additional layer of analysis prior to the disclosure of information. Where there is a potential for litigation, this would likely require an analysis under the work product doctrine (in addition to the attorney-client privilege), which protects

from disclosure any work papers prepared that bear upon the theory of the case or the litigation strategy. We would need to be very careful to avoid a situation where information is disclosed or discussed that could have an adverse impact on the Town's position in litigation or be used against the Town in the litigation. As a result, it would be advisable to act in an abundance of caution to protect the integrity of the Town's position in litigation."

Nicole Taub, Town Solicitor stated this is not a refusal to answer questions it is a protection that this office is required to look out for when it is evaluating risk and the Town's position. I want it to be clear it is a legal theory that would apply anytime with litigation and the public availability of documentation that bear on that litigation.

Councilor Flaherty stated I feel this is good to table so when we move forward there is nothing to get in the way of any litigation.

Councilor Sciascia stated I think it would be great to create this group but nothing will be happening in the next few weeks that would be critical at this point.

Councilor Mackin stated I would like to wait and see where we are with E Street prior to the creation of the committee. I would like to Table this.

**Councilor Mackin's Amended Version 3/30/2021:**

***Motion to Establish an Independent Peterson Pool Oversight Authority/Committee***

1. *Establish/create an independent 5-member Peterson Pool Oversight Authority/Committee*
  - a. *Two (2) representatives from town council. One of the Council Representatives will be Councilor Flaherty as the project resides in District 1. The other Council Representative will be Councilor Mackin as the creator of this committee.*
  - b. *Three (3) Braintree residents. Residents shall be chosen by the council representatives on the committee.*
2. *Any individual who was a member of the Braintree Town Government or a town employee while the relationship with Developer, David Boucher was active, April of 2015 – August of 2019 is excluded from serving on this authority/committee. This is to avoid any potential conflict of interest (see #3).*
3. *Part of this authority/committee's responsibilities will be reviewing past actions to establish a baseline and accountability.*
4. *To fulfill its responsibilities and due-diligence this authority/committee holds the full authority to call before it any and all current and past parties it deems essential to the process; the Committee is authorized to view and obtain all documents it requests.*
5. *All meetings will be carried by BCAM for purposes of transparency and official and legal record (if BCAM agrees). Meeting minutes shall be taken for each meeting as well.*
6. *This authority/committee shall meet as often as needed to fulfill its duties.*
7. *Within 45 days of its first meeting this authority/committee shall provide a summary "Next Steps" plan with tentative milestones, including a tentative end dates to report progress.*

Included Responsibilities of the Committee

- *Providing an independent assessment of milestones.*
- *Providing an independent assessment of scheduling.*
- *Providing an independent assessment any payments made. This cover payments coming out of the Peterson Trust or from the Town of Braintree.*
- *Providing independent review of contractual changes.*

*This authority/committee will have the authority to examine all activities, communications, etc. that transpired between the Town of Braintree, David Boucher, 5 Capital Management, and BSC Consultants. The objective here is to establish accountability for the mismanagement of \$1 million.*

*Also examining if any town officials exhibited negligence in their duties which allowed this to occur. This includes questions such as:*

- *Why wasn't a proper background check done on BSC? Did we look to see if they had completed any projects like this before? (they had not)*
- *Why wasn't it verified that BSC could secure financing PRIOR to the contract being signed? (not 4 years afterwards, after we paid them \$1 million)*
- *Why was BSC Partners not required to create a Performance Bond for the project, as stated in the RFP?*
- *What was the business justification for a contract that was written to create a situation where for 3 years payments of \$1.5 million would be made but no construction had to be performed?*
  - *How did this decision benefit the project? (As opposed to a project like the Thayer sports complex which was finished less than two years after signing a contract).*
- *What was the justification for signing a release of liability for BSC and allowing them to walk away with \$1 million dollars and no consequences?*
  - *How were these actions in the best interests in the town of Braintree?*

A Motion was made by Councilor Mackin to TABLE item 054 20 to the next O&R meeting

**Motion:** by Councilor Mackin to TABLE item 054 20 to the next O&R meeting

**Second:** by Councilor Sciascia

**Roll Call Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

## **New Business**

- **002 21 Councilor Sciascia/Councilor Connors: Amendment to By-law Section 135-1101 or take up any action relative thereto**

Councilor Sciascia stated this came from several complaints from residents from drainage issues and abandoned properties. We were told by the Building Department that the bylaw needs to be updated.

Councilor Connors stated the drainage came from a resident issue with illegal draining of a sump pump from a basement. He was told the Town cannot do anything. Currently it states residents can drain across lot lines. This amendment is required to go to the Planning Board for a recommendation and also the Town Council. The modification being proposed allows the establishment of standards that defines what you can and can't do with the contaminated water. We also want stipulate specific instructions as to uncontaminated water from sump pumps and other pumps from a basement.

Councilor Sciascia stated our first proposal was amended and we are waiting on an updated legal opinion. The abandoned property was so out of control it was attracting all kinds of vermin. Eventually the house was torn down but in the interim there was nothing the Town could do. If the grass is above 10 inches you have a week and then you get a \$50 fine. Also, need to get rid of standing water and anything that attracts pests.

Crystal Huff, Assistant Town Solicitor drafted a legal notice in February 2021. She noted there were some initial concerns raised regarding Storm Water. It is a regulated item by the Federal, State and Local Governments. I suggested some edits that have seemed to be followed. I would be happy to prepare a comprehensive memo with the edits and any additional questions.

Councilor Flaherty asked what if some of the grass or weeds is 10 inches but not all of the grass is 10 inches. How do you do this? Your property could look terrible with weeds but there would be nothing you could do.

Councilor Sciascia stated we researched other towns and the grass must be maintained below 10 inches if a neighbor filed a complaint. The ordinance is specific to grass.

Councilor Mackin stated there is a lot of abandoned properties in town. Larger properties maybe get a larger fine for instance Motel 6.

Councilor Flaherty asked if you can have different fines for residential/commercial properties. Attorney Huff stated I believe there needs to be uniformity in fines.

Councilor Sciascia stated we do not have a review from legal yet. Can the Building Department weigh in on this as well.

Nicole Taub stated I will be happy to provide the Building Departments information next time this committee meets on this item.

AMENDED 3/30/2021  
**002 21**

To: Shannon Hume, President of the Council  
Sue Cimino, Clerk of the Council

From: Donna Connors, District 3 Councilor and Steven Sciascia, District 2 Councilor

Date: September 29<sup>th</sup>, 2020.

Re: Proposed Amendments to the Town Zoning Ordinances

The purpose of this memorandum is to request that the Town Council approve amendments to the Zoning Ordinances to restrict the discharge of water across property boundaries, and to provide the form of the motions and articles for these amendments.

A. Explanation for the proposed amendments

Currently, under section 135-1101 Establishment of standards homeowners are allowed to drain storm water from their property across lot lines.

Pursuant to G.L. c. 40A, §5, the proposed amendment to the Zoning Ordinances requires a referral to the Planning Board for a hearing and recommendation, and also a hearing before the Town Council or a Council committee.

This proposal recommends amendments to two sections of the bylaw:

- 1) Modification of ARTICLE XI: Environmental Performance standards, Section 135-1101. Establishment of standards to better regulate residential storm water drainage.

Proposed Town Council Motions for Amendments to the Zoning and General Ordinances  
1. Amendment to the Zoning Ordinances

MOTION: That the Town Council vote to amend the Town's Zoning Ordinances, Article XI: Environmental Performance standards, Section 135-1101. Establishment of standards. By adding the below words shown in bold:

**§135-1101 Establishment of standards.**

Any use permitted by right or special permit in any district shall not be conducted in a manner as to:

- emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactivity or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution;
- **cause** electrical or other disturbance;
- ~~create~~ **cause excessive** glare;
- **emit** liquid or solid refuse or wastes;
- ~~conditions conducive to the breeding of insects or rodents;~~
- ~~or~~ **emit** any other substance, condition or element in an amount as to affect adversely the surrounding environment;
- **create** conditions conducive to the breeding of insects or rodents;
- 

The following standards shall apply:

- A. Emissions shall be completely and effectively confined within the building or so regulated as to prevent any nuisance, hazard or other disturbance from being perceptible, without the use of instruments, at any lot line of the premises on which the use is located.

~~(1) Any sewer or drain laid in any land or way, public or private, opened or proposed to be opened for public travel, is declared to be a common sewer. It shall not be laid or connected with any existing common sewer except by the board or officers authorized to lay and maintain common sewers.~~

- (1) **Storm water** Uncontaminated water from sump pumps and other pumps that remove floodwaters from basements must be:
1. infiltrated on the property where the sump is located, or; piped to an on-site dry well that is properly constructed as to allow for and promote storm water infiltration without impacting adjacent properties.
  2. Emission shall occur at an up gradient portion of the property or a portion of the property which will allow for the water to infiltrate on the property of generation. The outfall shall not be proximal to a cross gradient or down gradient property boundary.
  3. if onsite infiltration is not possible, the homeowner can, with permission of the Department of Public Works, connect the drain to the Municipal storm water system. All piping between the sump pump and the Municipal storm water system must be installed underground. Overland hose or piping connections to storm water drains are not allowed.

(2) ~~The penalty for improper use of the common storm water system and connections~~ removal of uncontaminated water from sump pumps and other pumps that remove floodwaters shall be \$50 per offense.

- B. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment, as approved by the Chief of Fire Department.

- C. No activities that emit dangerous radioactivity at any point, no electrical disturbance adversely affecting the operation at any point of any equipment, other than that of the creator of such disturbance, shall be permitted.
- D. No air emission shall be permitted except in accordance with the regulations for the control of air pollution in the Metropolitan Boston Air Pollution District under MGL c. 111, § 142D.
- E. No emission which can cause any damage to the health of animals or vegetation or which can cause excessive soiling at any point, and in no event any emission of any solid or liquid particles in a concentration exceeding 0.5 milligram per liter or parts per million of conveying gas or air shall be permitted.
- F. No discharge, at any point, into a private sewer system, stream, the ground or a municipal sewage disposal system of any material in such a way or of such a nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
- G. No emissions of odorous gases or odiferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington D.C., shall be permitted. No direct sky-reflected glare, whether from floodlights or from high-temperature processes such as welding, shall be permitted.
- H. Properties must be adequately maintained**
  - (1) Occupied properties shall maintain grass at a height below 10" (this shall not apply to xericaping, cultivated gardens or ornamental grasses).**
  - (2) Unoccupied and/or abandoned properties shall maintain grass at a height below 10" (this shall not apply to xericaping, cultivated gardens or ornamental grasses); remove any uncontained garbage or trash, junk or debris that can provide a place of harborage for rodents; remove any non-structural source of water pooling (such as bird baths); and remove any food source for pests from the property.**
  - (3) Property owners notified of violations of this section by the ~~Department of Public Health~~ Building Department shall comply with these standards within 7 days or be fined \$50 per day.**

A Motion was made by Councilor Sciascia to TABLE item 002 21

**Motion:** by Councilor Sciascia to TABLE item 002 21

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

• **21 018 Mayor: Ordinance to establish revolving funds pursuant to MGL c. 44 s. 53E1/2 or take up any action relative thereto**

Nicole Taub, Chief of Staff/Town Solicitor is a housekeeping item. The departmental revolving fund statute, M.G.L. c. 44 s. 53E1/2 was amended by the Municipal Modernization Act. St. 2016, c. 218 s. 86 to require that revolving funds be authorized by bylaw or ordinance rather than an annual legislative body vote. The Town Council must still vote on or before July 1 on the amount that may be spent from each fund during the subsequent fiscal year; however, reestablishment of each fund is no longer required. In the FY22 Budget is the Revolving that will only require the amount voted on.

The motion was read into the record by Nicole Taub, Town Solicitor:

**General Ordinance 3.140.00—Departmental Revolving Funds**

**3.140.010 Purpose**

As authorized by the provisions of Massachusetts General Laws chapter 44, § 53E½, this chapter establishes and authorizes revolving funds for use by town departments, or boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

**3.140.020 Expenditure Limitations**

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

- (1) Fringe benefits of full time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- (2) No liability shall be incurred in excess of the available balance of the fund.
- (3) The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Council and Mayor.

**3.140.030 Interest Earned**

Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the general fund.

**3.140.040 Procedures and Reporting**

Except as provided in General Laws Chapter 44, §53E1/2 and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this ordinance. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

### 3.140.050 Authorized Revolving Funds

The following Revolving Funds are hereby created and authorized by the Braintree Town Council:

#### A. Department of Elder Affairs Revolving Fund

- (1) Fund Name: Elder Affairs Services and Activities
- (2) Revenues: The Town Accountant shall establish the Elder Affairs Services and Activities Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for using said programs.
- (3) Purpose and Expenditures: During each fiscal year, the Department of Elder Affairs may incur liabilities against and spend monies from the Elder Affairs Services and Activities Revolving Fund to pay salaries, expenses and contractual services required to provide services and activities for the Town's elderly residents.
- (4) Fiscal Years: The Elder Affairs Services and Activities Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

#### B. Board of Health Revolving Fund

- (1) Fund Name: Immunization Revolving Fund
- (2) Revenues: The Town Accountant shall establish the Immunization Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for immunizations administered under the Department of Public Health.
- (3) Purpose and Expenditures: During each fiscal year, the Board of Health may incur liabilities against and spend monies from the Immunization Revolving Fund to pay salaries, expenses and contractual services associated with purchasing, promoting and administering public health immunizations and for public health education programs.
- (4) Fiscal Years: The Immunization Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

#### C. Library Trustees Revolving Fund

- (1) Fund Name: Library Materials Revolving Fund
- (2) Revenues: The Town Accountant shall establish the Library Materials Revolving Fund as a separate account and credit to the fund all fines and fees charged to persons, organizations or entities and received by the Town of Braintree for lost or overdue library materials.

- (3) Purpose and Expenditures: During each fiscal year, the Library Trustees may incur liabilities against and spend monies from the Library Materials Revolving Fund for the purchase of library books, audiovisual materials and other library materials.
- (4) Fiscal Years: The Library Materials Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

D. Library Trustees Revolving Fund

- (1) Fund Name: Library Room Rental
- (2) Revenues: The Town Accountant shall establish the Library Room Rental Revolving Fund as a separate account and credit to the fund all revenue received from persons, organizations or entities and received by the Town of Braintree for the rental of meeting rooms in the Library.
- (3) Purpose and Expenditures: During each fiscal year, the Library Trustees may incur liabilities against and spend monies from the Library Room Rental Revolving Fund to pay salaries, expenses and contractual services required the support and promotion of special programs.
- (4) Fiscal Years: The Library Room Rental Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

E. Recycling Revolving Fund

- (1) Fund Name: Recycling Materials
- (2) Revenues: The Town Accountant shall establish the Recycling Materials Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for recycling.
- (3) Purpose and Expenditures: During each fiscal year, the Mayor, in conjunction with the Recycling Coordinator, may incur liabilities against and spend monies from the Recycling Materials Revolving Fund for the purchase of home composting bins, curbside recycling bins, and recycling bins, and more the collection of fees and payments for recycling materials, including hazardous materials.
- (4) Fiscal Years: The Recycling Materials Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

F. Recycling Revolving Fund

- (1) Fund Name: Household Hazardous Waste

- (2) Revenues: The Town Accountant shall establish the Household Hazardous Waste Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for the collection of revenue generating materials.
- (3) Purpose and Expenditures: During each fiscal year, the Mayor, in conjunction with the Recycling Coordinator, may incur liabilities against and spend monies from the Household Hazardous Waste Revolving Fund to promote town recycling initiatives and events, including household hazardous waste events.
- (4) Fiscal Years: The Household Hazardous Waste Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

G. School Department Revolving Fund

- (1) Fund Name: Full Day Kindergarten
- (2) Revenues: The Town Accountant shall establish the Full Day Kindergarten Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for full day kindergarten.
- (3) Purpose and Expenditures: During each fiscal year, the School Committee may incur liabilities against and spend monies from the Full Day Kindergarten Revolving Fund to pay salaries, expenses and contractual services associated with the operation of full day kindergarten.
- (4) Fiscal Years: The Full Day Kindergarten Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

H. Recreation Revolving Fund

- (1) Fund Name: Pro Shop
- (2) Revenues: The Town Accountant shall establish the Pro Shop Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for clinics, group and individual golf lessons and the sale of pro shop materials.
- (3) Purpose and Expenditures: During each fiscal year, the Mayor, in conjunction with the Director of Golf Operations, may incur liabilities against and spend monies from the Pro Shop Revolving Fund to pay salaries, expenses and contractual services associated with the operation of the golf course pro shop.

- (4) Fiscal Years: The Pro Shop Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

I. Recreation Revolving Fund

- (1) Fund Name: Food and Beverage

- (2) Revenues: The Town Accountant shall establish the Food and Beverage Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations or entities and received by the Town of Braintree for food service operations at the Braintree Municipal Golf Course.

- (3) Purpose and Expenditures: During each fiscal year, the Mayor, in conjunction with the Director of Golf Operations, may incur liabilities against and spend monies from the Food and Beverage Revolving Fund to pay salaries, expenses and contractual services associated with the operation of the golf course food service operations.

- (4) Fiscal Years: The Food and Beverage Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

3.140.060 **Severability**

All paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance is found unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such finding(s) shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

A Motion was made by Councilor Flaherty for favorable recommendation to the full Council to approve Order 21 018 as read into the record by Town Solicitor Taub.

**Motion:** by Councilor Flaherty to approve for favorable recommendation to the full Council Order 21 018

**Second:** by Councilor Sciascia

**Roll Call Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

It was unanimously voted by Roll Call to adjourn the meeting at 9:07 p.m.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

### **Documents provided for Meeting**

- Minutes of April 13 ,2021
- 053 20 Councilor O'Brien: Maintenance Department Recommendation or take up any action relative thereto
- 054 20 Councilor Mackin: Motion to Establish an Independent Peterson Pool Oversight Authority/Committee or take up any action relative thereto
- 002 21 Councilor Sciascia/Councilor Connors: Amendment to By-law Section 135-1101 or take up any action relative thereto
- 21 018 Mayor: Ordinance to establish revolving funds pursuant to MGL c. 44 s. 53E1/2 or take up any action relative thereto