



Shannon L. Hume
President
At Large

Charles B. Ryan
At Large

Julia Camille Flaherty
District 1

Steven A. Sciascia
District 2

Donna L. Connors
District 3

David M. Ringius, Jr.
Vice-President
At Large

Stephen C. O'Brien
District 4

Meredith L. Boericke
District 5

Lawrence C. Mackin, Jr.
District 6

OFFICE OF THE TOWN COUNCIL

Tuesday, May 18, 2021

Cahill Auditorium

MINUTES

A meeting of the Town Council was held in Cahill Auditorium, on Tuesday, May 18, 2021 beginning at 7:30p.m.

Council President Hume was in the chair.

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

Present: Shannon Hume, President
David M. Ringius, Jr., Vice-President
Charles Ryan
Julia Camille Flaherty
Steven A. Sciascia
Donna L. Connors
Stephen C. O'Brien
Meredith L. Boericke
Lawrence C. Mackin, Jr.

Others: Charles C. Kokoros, Mayor
Nicole Taub, Chief of Staff/Town Solicitor
Ed Spellman, Director of Municipal Finance
Marybeth McGrath, Director Municipal License & Inspections
James Arsenault, DPW Director
Ben Hulke, Assistant DPW Director
Daryn Brown, Golf Director
John Thompson, Town Engineer/Asst DPW Director
Jeff Kunz, Director of Trash/Recycling
Hank Joyce, former Council member

Council Meetings can be watched live on BCAM Cable TV and YouTube BCAM TV

COUNCIL MEETING COMMUNICATIONS

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

ANNOUNCEMENTS

APPROVAL OF MINUTES

- None

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

• 012 20 Council President: COVID-19 Update

Mayor Kokoros stated this is a historic event to be in-person. The last meeting was held March 4, 2020. Thank you for keeping government running with the Zoom meetings you attended. I will be lifting our state of emergency that was issued on March 17, 2020.

Marybeth McGrath, Director of the Department of Municipal Licenses & Inspections stated we are seeing the light at the end of the tunnel. The Towns total number of cases is 4,592 positive cases. 136 total deaths of residents in Braintree. Over the last week we have had 6 days of zero cases. This is a positive swing in the right direction. The Governor had a press conference yesterday and released a lot of new information.

Testing sites available are: Randolph (128 Pleasant Street) Monday thru Friday 2pm to 6pm and Saturday 9am to 1pm.

Massasoit in Brockton is open Monday/Wednesday/Friday 7am to 11am and Tuesday/Thursday/Saturday 2pm to 7pm.

Both of these sites are free to Massachusetts residents. You stay in your car and get tested.

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

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

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

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

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

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

- **012 21 Council President: Petersen Pool Update from Mayor Kokoros**

Mayor Kokoros stated April 16th we issued the notice of termination of the 30-day notice and the violations were: Failure to obtain current financing commitment, failure to use diligent efforts to obtain permits and failure to pay outstanding debts that were related to the project. That termination would take effect on May 17, 2021. We met on May 10th with E Street and their legal counsel and asked for an extension and agreed to provide us with the financing and 3D architectural plans and agreement with folks they owed money to. We agreed to an extension to June 15, 2021. We will give you an update as we move closer to that June 15th date.

- **014 21 Council President: FY22 Budget Update**

Council President Hume stated I wanted to let everyone know what the Council is responsible for and where we stand on this right now. I want to acknowledge the Ways & Means committee. This is one of the toughest years. The committee has spent hours and hours going through this budget. This is especially difficult dealing with decreased revenues due to COVID and potential lay offs of staff.

The Town Charter states:

SECTION 6-6: ACTION ON THE BUDGET

(a) Public Hearing - Immediately upon its receipt of the proposed operating budget, the town council shall provide for the publication in a local newspaper of a notice stating the time and place, not less than 7 nor more than 14 days following the publication, at which it will hold a public hearing on the proposed operating budget as submitted by the mayor. To enable the voters of Braintree to be as fully informed as possible on the items contained in the proposed budget and on the legislative activities of the town council, the public hearing on the mayor's proposed budget shall be held in the form of a town meeting. The council president shall preside at each such meeting.

(b) Review - The town council shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each agency in connection with its review and consideration. The town council may require the mayor, or any other town agency, to furnish such additional information as it may consider necessary to assist in its review and consideration of the proposed operating budget.

(c) Action by Town Council - The town council shall adopt the budget, with or without amendments, within 45 days after the day the proposed budget was received. In amending the budget, the town council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the town council shall have no authority to add programs or increase amounts. If the town council fails to take any action with respect to any item in the proposed budget within 45 days after the date of its receipt of the proposed budget, that amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

Council President Hume reiterated Council does not have authority to increase any department or line item in the budget. I assure you everyone has the best interest of the residents in mind.

OLD BUSINESS

- 21 018 Mayor: Ordinance to establish revolving funds pursuant to MGL c. 44 s. 53E1/2 or take up any action relative thereto (Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 018.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 018

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

President Hume referred to Councilor Ringius, Chairman of the Committee on Ordinance & Rules and Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated the committee met on May 3rd and we did vote unanimously to send this recommendation to the full Council.

Councilor Boericke, Chairwoman of the Committee of Ways & Means stated the committee met last week. We are sending this to the full Council with unanimous favorable recommendation. A Revolving fund is a self-sustaining fund.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 018?

Nicole Taub, Chief of Staff explained this ordinance as stated in the memo dated April 23, 2021. 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.

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

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 018?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 018

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 018

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

Motion was stated by Council Vice-President Ringius as to approve the Motion for Order 21 018 as submitted.

MOTION:

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.

Motion: by Councilor Ringius to Approve Council Order 21 018

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

- 21 019 Mayor: Increase FY2021 spending maximum for pro shop revolving fund or take up any action relative thereto (Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 019.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 019

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

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

Councilor Boericke, Chairwoman of the Committee of Ways & Means stated the committee met last week on this item. We are sending this to the full Council with unanimous favorable recommendation to increase the spending limit by \$65,000 for the pro shop.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 019?

Councilor O'Brien asked if this included the fully loaded salary and benefits.

Nicole Taub stated the salary for part-time staff is paid from this fund. The revenue comes from lessons, clinics and merchandise. That money is used to cover part-time staff, supplies, operation and merchandise expenditures.

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

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 019?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 019

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 019

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

Motion was read by Council Vice-President Ringius:

MOTION: That, in accordance with the provisions of Chapter 44, Section 53E1/2 of the General Laws, the maximum amount that may be spent by the Mayor, in conjunction with the golf greens superintendent, from the revolving fund monies without further appropriation during the fiscal year commencing July 1, 2020, to pay for salaries, expenses and contractual services associated with the operation of the golf course pro shop be increased to \$175,000.00

Motion: by Councilor Ringius to Approve Council Order 21 019

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O'Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

NEW BUSINESS

- None

President Hume asked is there a motion for the following to be referred to Committee(s):
Councilor Ringius read the following item(s) for referral to committee(s):

Refer to the Committee on Ordinance & Rules

- 21 027 Mayor: Ordinance to Establish a Centralized Maintenance Department or take up any action related thereto.
- 21 028 Mayor: Ordinance to Establish Anti Blight Program or take up any action related thereto.
- 21 029 Mayor: Amendment to General Ordinance 6.100.040 (Personal Kennel License) or take up any action related thereto.
- 21 030 Mayor: Motion to accept M.G.L. c. 71 s. 37M (Consolidation of administrative functions with city or town) or take up any action related thereto.
- 21 031 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-102
- 21 032 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-601
- 21 033 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-806

Motion made by Councilor Ringius to refer to the Committee on Ordinance & Rules Order 21 027, Order 21 028, Order 21 029, Order 21 030, Order 21 031, Order 21 032, Order 21 033

Motion: by Councilor Ringius to Refer to the Committee on Ordinance & Rules Order 21 027, Order 21 028, Order 21 029, Order 21 030, Order 21 031, Order 21 032, Order 21 033

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

Refer to the Committee of Ways & Means

- 21 023 Superintendent of Schools: MSBA Statement of Interest Core Project Braintree High School or take up any action relative thereto
- 21 024 Superintendent of Schools: MSBA Statement of Interest Accelerated Repair Project or take up any action relative thereto
- 21 026 Mayor: Supplemental Appropriation #3 or take up any action related thereto.
- 21 027 Mayor: Ordinance to Establish a Centralized Maintenance Department or take up any action related thereto

Motion made by Councilor Ringius to refer to the Committee of Ways & Means Order 21 023, Order 21 024, Order 21 026, and Order 21 027

Motion: by Councilor Ringius to Refer to the Committee of Ways & Means Order 21 023, Order 21 024, Order 21 026, and Order 21 027

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

Refer to the Committee on the Department of Public Works

- 21 025 National Grid Petition: Hawthorn Road or take up any action relative thereto

Motion made by Councilor Ringius to refer to the Committee on the Department of Public Works Order 21 025

Motion: by Councilor Ringius to Refer to the Committee on the Department of Public Works Order 21 025

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Mackin, O’Brien, Ringius, Ryan, Sciascia),
Against (0), Absent (0), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting scheduled on: **Tuesday, June 1, 2021@7:00pm**

Please note ZOOM may not be working during Town Council meetings in the future.

ADJOURNMENT

It was unanimously voted by roll call vote to adjourn the meeting at 8:45p.m.

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

Meeting Documents

- 21 018 Mayor: Ordinance to establish revolving funds pursuant to MGL c. 44 s. 53E1/2 or take up any action relative thereto (Public Hearing)
- 21 019 Mayor: Increase FY2021 spending maximum for pro shop revolving fund or take up any action relative thereto (Public Hearing)