

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, June 7, 2022

MINUTES

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

Council President Boericke was in the chair.

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

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

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

Not Present: Lawrence C. Mackin, Jr.

Others: Charles C. Kokoros, Mayor
Nicole Taub, Chief of Staff
Ed Spellman, Director of Finance
Melissa SantucciRozzi, Director of Planning & Community Development

ANNOUNCEMENTS

President Boericke announced 5K Fun Run for Braintree Day to be held on Sunday, June 19th.

Councilor Hume stated Sunday, June 12th is Firefighter Sunday being held at Fire Headquarters at 10am.

Councilor Reynolds stated June 29th Super Saturday Annual Golf Tournament

Councilor Maglio stated thank you all to the Braintree Pride Flag Raising Ceremony last Saturday.

Councilor Ringius stated Thank you to all those who planned and executed the BHS Graduation last Saturday.

APPROVAL OF MINUTES

- March 15, 2022

Motion: by Councilor Ryan to Approve Minutes of March 15, 2022

Second: by Councilor Hume

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

OLD BUSINESS

- **22 012 Mayor: Zoning Bylaw Text Amendment - Inclusionary Housing and Associated Revisions or take up any action relative thereto** (*Public Hearing CONTINUED to July 12, 2022*)

President Boericke stated there are very specific guidelines on when we can open a Public Hearing. This is still with the Planning Board and is not ready to come before Council yet so we will continue this to July 12, 2022.

Council President Boericke asked for a Motion to Open the Public Hearing on Order 22 012.

Motion by Councilor Ryan to Open Public Hearing for Order 22 012

Motion: by Councilor Ryan to Open the Public Hearing for Order 22 012

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 Motion to Continue the Public Hearing on Order 22 012 to July 12, 2022, at 7:30pm

Motion by Councilor Ryan to Continue the Public Hearing on Order 22 012 to July 12, 2022 at 7:30pm.

Motion: by Councilor Ryan to Continue the Public Hearing on Order 22 012 to July 12, 2022
at 7:30pm

Second: by Councilor Hume

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

- **22 015 Citizen Petition: Zoning Ordinance Text Amendments: Proposed Amended Article XVIII – Medical and Adult Use or Non-Medical Marijuana Establishments and related amendments to Section 135-601 and 135-806 or take up any action relative thereto** (*Public Hearing CONTINUED to July 12, 2022*)

President Boericke stated this is working its way through the committee process and is not ready to come before Council yet so we will continue this to July 12, 2022.

Council President Boericke asked for a Motion to Open the Public Hearing on Order 22 015.

Motion by Councilor Ryan to Open Public Hearing for Order 22 015

Motion: by Councilor Ryan to Open the Public Hearing for Order 22 015

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 Motion to Continue the Public Hearing on Order 22 015 to July 12, 2022, at 7:30pm

Motion by Councilor Ryan to Continue the Public Hearing on Order 22 015 to July 12, 2022 at 7:30pm.

Motion: by Councilor Ryan to Continue the Public Hearing on Order 22 015 to July 12, 2022
at 7:30pm

Second: by Councilor Hume

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

- **22 037 Council President: Tree Protection Ordinance or take up any action relative thereto** (*Public Hearing CONTINUED to July 12, 2022*)

President Boericke stated this is working its way through the committee process and is not ready to come before Council yet so we will continue this to July 12, 2022.

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 Motion to Continue the Public Hearing on Order 22 037 to July 12, 2022, at 7:30pm

Motion by Councilor Ryan to Continue the Public Hearing on Order 22 037 to July 12, 2022 at 7:30pm.

Motion: by Councilor Ryan to Continue the Public Hearing on Order 22 037 to July 12, 2022
at 7:30pm

Second: by Councilor Hume

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

• **22 029 Mayor: Request for Appropriation – CPA Appropriation - Windjammer Cove Affordable Conversion Project—Supplemental Funds Request or take up any action relative thereto** (*Public Hearing*)

Council President Boericke asked for a Motion to Open the Public Hearing on Order 22 029.

Motion by Councilor Ryan to Open Public Hearing for Order 22 029

Motion: by Councilor Ryan to Open the Public Hearing for Order 22 029

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 referred to Councilor Reynolds, Chairman for Committee of Ways & Means for a recommendation. Councilor Reynolds stated the Committee of Ways & Means met and voted unanimously for a favorable recommendation to the full Council on Order 22 029.

Council President Boericke asked if any member of the Council or General Public want to speak on Order 22 029?

Nicole Taub, Chief of Staff stated as you may recall, the Town entered into an agreement with Windjammer Cove in 2021 to create new long-term affordable housing to be included in the Town's Subsidized Housing Inventory (SHI) by providing compensation in exchange for Windjammer executing and recording a deed restriction on the property that designates at least twenty-five percent (25%) of the apartments (currently nineteen units) as affordable, or 65% to 80% of AMI.

The total cost for the conversion is \$2,250,000.00 and was originally to be funded by 40B Settlement Funds, HOME Funds and Community Preservation Act Funds. The first CPA appropriation, totaling \$993,856.00 was made in 2021 (See Order 21 058).

Despite numerous attempts to secure federal HOME funds to cover a portion of this project, it was determined that the various program requirements - principally the need to hold four units vacant for an extended period of time as well as stringent annual housing quality inspection requirements among others - made obtaining this funding unfeasible. This application looks to replace that funding with additional CPC funds.

At its meeting on April 11, 2022, by a unanimous vote of the membership, the Community Preservation Committee voted 7-0-0 to recommend the Town Council appropriate CPA funding in the amount of \$153,185.00 for the "Windjammer Cove Affordable Conversion Project" project from the Community Housing Fund.

President Boericke stated I can't overstate the importance to have affordable housing in Braintree

Motion by Councilor Ryan to Close Public Hearing for Order 22 029

Motion: by Councilor Ryan to Close the Public Hearing for Order 22 029

Second: by Councilor Hume

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

Councilor Ryan read the Motion for Order 22 029:

MOTION: That in accordance with the provisions of Chapter 44B of the General Laws, and with the recommendation of the Community Preservation Committee, the total appropriation of \$153,185 from the Community Housing Fund to fund a portion of the cost associated with the Memorandum of Understanding that details the requirements for the "Windjammer Cove Affordable Conversion Project," (Assessors Map 3007, Plot 2). Said funds shall be expended under the direction of the Community Preservation Committee and the Director of Planning & Community Development.

Motion: by Councilor Ryan to Approve Order 22 029

Second: by Councilor Hume

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

- **22 038 Mayor: CPA Appropriation—Request for Appropriation-Smelt Brook Restoration Study or take up any action relative thereto** (*Public Hearing*)

Council President Boericke asked for a Motion to Open the Public Hearing on Order 22 038.

Motion by Councilor Ryan to Open Public Hearing for Order 22 038

Motion: by Councilor Ryan to Open the Public Hearing for Order 22 038

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 referred to Councilor Reynolds, Chairman for Committee of Ways & Means for a recommendation. Councilor Reynolds stated the Committee of Ways & Means met and voted unanimously for a favorable recommendation to the full Council on Order 22 038.

Council President Boericke asked if any member of the Council or General Public want to speak on Order 22 038?

Nicole Taub, Chief of Staff stated at the May 9, 2022, meeting of the Community Preservation Committee, the Committee voted unanimously to recommend the appropriation of Community Preservation Act funds in the amount of \$15,000 for the Smelt Brook Restoration Study - 2022 Addendum from the Unreserved Fund.

The Smelt Brook Local Protection Project (LPP), which includes a small dam (Pond Meadow Park Dam), perched culvert and drop conduit within lower reaches of Smelt Brook has negatively affected fish passage within the Fore River watershed. The Smelt Brook LPP created physical barriers to migratory fish, including specifically rainbow smelt (*Osmerus mordax*).

Rainbow smelt are a federally listed Species of Concern due to their declining population, and the Fore River Watershed is part of a Federal/State collaborative effort to restore rainbow smelt spawning habitat within New England region.

The original project, "Smelt Brook Restoration Study," was approved under Town Council Order 18-056 on October 2, 2018 and totaled \$65,500. At that time, the Town of Weymouth also provided a cost share of \$65,500 for the project, matching \$131,000 in federal funding, for a project total of \$262,000.

The Department assisted the WBRCCD in finalizing an application for additional funding to complete the feasibility study for the Smelt Brook Restoration project. As a result of a lengthy process of evaluating design alternatives, on April 22, 2022, an ACOE review panel gave preliminary approval to a preferred alternative for a fish ladder on one side of the stilling basin in the vicinity of Brookside Road. The additional Community Preservation Act funding will allow the WBRCCD, in concert with the ACOE, to complete the environmental review, detailed project report and environmental assessment for the preferred alternative, a required precursor to any additional federal funding for final design and construction.

Concurrently, the WBRCCD is working with the Town of Weymouth to secure Weymouth's cost share of the project.

Letters in favor of the project were submitted by Councilor Stephen O'Brien; Michael Cavanaugh, Sustainable Braintree; and Janice Barris, private resident.

Nicole Taub gave information stating they would be looking for a feasibility study approval in January 2023 and begin construction in May 2023.

Motion by Councilor Ryan to Close Public Hearing for Order 22 038

Motion: by Councilor Ryan to Close the Public Hearing for Order 22 038

Second: by Councilor Hume

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

Councilor Ryan read the Motion for Order 22 038:

MOTION: That in accordance with the provisions of Chapter 44B of the General Laws, and with the recommendation of the Community Preservation Committee, the appropriation of \$15,000 from the CPA Unreserved Fund for the Smelt Brook Restoration Study - 2022 Addendum (Assessors Map 3005, Plot 25); conditional on the funds to be expended under the direction of the Community Preservation Committee and the Director of Planning and Community Development.

Motion: by Councilor Ryan to Approve Order 22 038

Second: by Councilor Hume

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

- **006 22 Council President: Town Council Rules or take up any action relative thereto**

Rule Sixty-One: Adoption of Rules states these rules will be reviewed and adopted within 90 days after the first Council Meeting in every even year.

President Boericke referred to Councilor Ringius, Chairman of the Committee on Ordinance & Rules for a recommendation.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated the Committee on Ordinance & Rules met on March 28 and recommended favorable action to the full Council on the Town Council Rules as amended with a vote 3 in favor and 1 opposed to amendment to Rule #8 and 4 in favor (unanimous) to amendment to Rule #38. On April 5 Councilor O'Brien referred back to O&R an amendment to TC Rule #33. O&R met on this proposed amendment and voted unanimously to send back with an unfavorable recommendation to the full Council on TC Rule #33. We will discuss each proposed rule and vote on the individually and then the Town Council Rules as a whole.

Rule #8 Proposed Amendment:

Councilor Flaherty stated I propose an amendment to Town Council Rule #8

The Rule currently reads:

Rule Eight: Committee Appointments

The Council President shall appoint all members of all committees of the Town Council, whether special or standing. (Appointments are subject to Rule Three: Appeals from Decision of the President).

Councilor Flaherty stated the amendment is to strike the last sentence which is what is in parenthesis (*Appointments are subject to Rule Three: Appeals from Decision of the President*)

Councilor Flaherty stated the proposed amendment would then read:

Rule Eight: Committee Appointments

The Council President shall appoint all members of all committees of the Town Council, whether special or standing.

Councilor Ryan and Councilor Hume agreed to this amendment. The Council President should have this power to appoint all members of all committees.

Councilor Flaherty stated this is important if you have a contentious Council.

Councilor Ringius stated we did a very thorough review of these rules. It was the most thorough revamping I have seen. I can understand it could cause contentiousness, but it is a firm check and balance of power. No one member should have un-checked power. This is to allow the check and balance of the President. One has to look at these things as faceless persons that might sit in these rolls.

President Boericke stated Roberts Rules also states this rule as Councilor Flaherty has proposed. That is a solid base on which to base our own rules as a Council.

Motion by Councilor Ryan to Approve Town Council Rule #8 as stated by Councilor Flaherty

- Motion:** by Councilor Ryan to Approve Town Council Rule #8 as proposed by Councilor Flaherty.
Second: by Councilor Hume
Vote: For (6 – Boericke, Flaherty, Hume, Maglio, Reynolds, Ryan),
Against (2 – O’Brien, Ringius), Absent (1 - Mackin), Abstain (0)

President Boericke stated I have an amendment I would like to propose. I will step down as Council President for the moment.

Rule #38 Proposed Amendment:

President Boericke stated I propose an amendment to Rule # 38 which currently reads:

Rule Thirty-Eight: Standing Committees

The Community Planning Committee may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning.

President Boericke stated the amendment is to include additional text at the end of Rule 38 ***“and issues of sustainability and the environment.”***

President Boericke stated I think it is important to have a committee that can take up these pressing issues on sustainability and help provide oversight and information on them.

President Boericke stated the proposed amendment to Rule #38 would then read:

Rule Thirty-Eight: Standing Committees

*The Community Planning Committee may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning, **and issues of sustainability and the environment.***

President Boericke stated I will now step back up as Council President – thank you.

Councilor Ryan stated we as Councilors need to look at issues of sustainability.

Councilor Ringius stated there was a thought to make a new committee but we have enough and placing this in an already standing committee makes sense.

Motion by Councilor Ryan to Approve Town Council Rule #38 as stated by President Boericke

- Motion:** by Councilor Ryan to Approve Town Council Rule #38 as proposed by President Boericke.
Second: by Councilor Hume
Vote: For (8 – Boericke, Flaherty, Hume, O’Brien, Maglio, Reynolds, Ringius, Ryan),
Against (0), Absent (1 - Mackin), Abstain (0)

President Boericke stated we also have a proposed amendment to TC Rule #33 by Councilor O'Brien:

Rule #33 Proposed Amendment:

Councilor O'Brien: Council Rule 33 Amendment for consideration:

On April 5, 2022 at the Town Council meeting Councilor O'Brien made a motion for referral back to O&R with reference to TC Rule 33: Agenda Requests from Other Town Departments.

The existing Rule 33 currently reads:

Rule Thirty-Three: Agenda Requests from Other Town Departments

(Existing) All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office and to the Clerk of the Council no later than 10:00 AM on Thursday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. No measure shall be filed without all supporting documentation. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

The proposed rule #33 reads:

(Proposed) All items for the agenda including referrals, communications and reports from the Mayor, other Town officers and Town boards shall be submitted to the Town Clerk's office and Clerk of the Council no later than 10:00 AM on Wednesday preceding the regular Council meeting. No measure shall be filed without all supporting documentation. In accordance with the Open Meeting Law, a copy of the reports and agenda shall be delivered to Council members 48 hours in advance of the regular Council meeting. Late items require a two-thirds vote of Council members to be considered. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

President Boericke asked would any Councilor like to speak on this amendment?

Councilor Ringius stated the Committee on Ordinance & Rules met and discussed this we did unanimously vote for an unfavorable recommendation. It sounds the same but the two big changes were from Friday to Wednesday. We all get frustrated to not get things ahead of time. We as Councilors like to get information to do our job thoroughly. We also understand things just come up like Schools and the MSBA submissions deadlines. We voted to keep the existing.

Councilor Ryan stated at the Committee on Ordinance & Rules meeting I think the existing language works. I do not think we need to change it to the proposed amendment. The Mayors office does the best they can to get the information to us in a timely manner. We need to work together and try to help each other. I don't think we need to put more restrictive language is going to help anybody. Sometimes its best to get things on the Council radar. We can get the information and vote on it when we have the information. I will not be voting in favor of this.

Councilor Hume stated at the Committee on Ordinance & Rules I voted against this proposed amendment. The spirit of this is when information gets referred to the sub-committee, it is up to the committee when they meet. If they do not have the information, then they do not meet. We do not take a vote until we have all the information we need to take a vote.

Councilor Reynolds stated I felt this was a legitimate topic for discussion when it was being referred back to the O&R committee. After watching the Committee on Ordinance & Rules meeting, I will be voting against this proposed amendment.

President Boericke stated there are deadlines to get information in to get on the agenda. I will not be supporting this proposed amendment this evening.

President Boericke asked is there a Motion to amend Town Council Rule #33 as proposed by Councilor O'Brien

Councilor Ryan made a Motion to amend Town Council Rule #33 as proposed by Councilor O'Brien

Motion: by Councilor Ryan to Approve Town Council Rule #33 as proposed by Councilor O'Brien.

Second: by Councilor Hume

Vote: For (1 – O'Brien), Against (7 - Boericke, Flaherty, Hume, Maglio, Reynolds, Ringius, Ryan), Absent (1 - Mackin), Abstain (0)

President Boericke asked is there a Motion to Adopt Town Council Rules as amended?

Councilor Ryan made a Motion to Motion to Adopt Town Council Rules as amended

Motion: by Councilor Ryan to Adopt Town Council Rules as amended

Second: by Councilor Hume

Vote: For (6 – Boericke, Flaherty, Hume, Maglio, Reynolds, Ryan), Against (2 - O'Brien, Ringius), Absent (1 - Mackin), Abstain (0)

NEW BUSINESS

- None

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

Refer to the Committee of Ways & Means

- 22 034 Mayor: Authorization to enter into Tri Town Water District Joint Powers Agreement or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 22 034 to the Committee of Ways & Means

Second: by Councilor Hume

Vote: For (8 – Boericke, Flaherty, Hume, O'Brien, Maglio, 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, June 21, 2022 @7:30PM](#)

Councilor Ringius, Chairman of the Committee on **Ordinance & Rules** mentioned there is a meeting on **Wednesday, June 22, 2022 at 6pm** in Cahill Auditorium on **Order 22 015** Citizen Petition: Zoning Ordinance Text Amendments: Proposed Amended Article XVIII – Medical and Adult Use or Non-Medical Marijuana Establishments and related amendments to Section 135-601 and 135-806 or take up any action relative thereto. That meeting will allow for Public Comment on this issue. This meeting will be in-person, live streamed by BCAM YouTube and there will be a remote option to comment by calling one of the Clerk’s phone numbers.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:25p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

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