



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, June 16, 2020

(zoom webinar)

MINUTES

A meeting of the Town Council was held via Zoom Webinar, on Tuesday, June 16, 2020 beginning at 7:30p.m.

Council President Hume was in the chair.

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

The meeting began with a moment of silence.

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 Finance
Michael Nelligan, Powers & Sullivan
Romina Mamei, Powers & Sullivan
Marybeth McGrath, Director of the Department of Municipal Licenses & Inspections
James Arsenault, DPW Director
James M. Casey, Town Clerk
Debra Starr, Assistant Town Clerk

ANNOUNCEMENTS

• 024 20 Council President: Community Conversations on Racial and Social Diversity, Equity and Inclusion

Council President Hume has made a decision with conversations with the Mayor's office, Police Chief, Superintendent of Schools and many conversations with Councilors as well that we as a Council will hold Community Conversations on Racial and Social Diversity, Equity and Inclusion. Tonight is the announcement of that. Meetings will be coming in the future. We will have panelist type discussions where members of the public can talk, Councilors can talk, members of organizations and others like high school or college students as well. We need to start having conversations about this. It is not going to happen overnight. It is not going to be one meeting. There is no timeline for this. We owe it to the residents. There will be more details when we have meetings set up. I am hoping we can do this when we are back meeting in Chambers. I hope this draws a big crowd and gets people talking and thinking. We need to talk on these issues. We will be coordinating with the Mayor's office on this.

Nicole Taub, Chief of Staff stated the Mayor's office agrees conversation and dialogue is incredibly important on this topic so we look forward to participating in this long-term conversation; hopefully once we can do so in person because it is really important to make sure everyone who wants to participate has the opportunity to do so in a meaningful way. We look forward to getting these conversations going.

• Council President stated Happy Graduation for our Braintree High School Seniors.

• Council President Hume stated Police Chief Mark DuBois sent a letter to the Town Council it reads:

Dear President Hume,

In light of the national discussion on police reform and concerns over police policy and practices, I wanted to provide the Council with information regarding a variety of the topics involved in this discussion.

Over the last several years, the Braintree Police Department has developed and instituted a majority of policies required by the Massachusetts Police Accreditation Commission (M.P.A.C.) while working toward full Accreditation. The M.P.A.C.'s Accreditation program is a voluntary process designed to ensure Massachusetts police departments are meeting the best practices for law enforcement. The M.P.A.C. has two credentialing programs, Certification and Accreditation. The Certification Program consists of 159 standards, all are mandatory. The Accreditation program, the higher of the two, consists of 382 standards: 257 of these standards are mandatory, 125 are optional. Our Department expects to begin the formal Accreditation process sometime in the next several months.

Some of the relevant policies we already have in place are:

- Fair and Impartial Policing;
- Interacting with the Transgender Community;
- Internal Affairs/Professional Standards;
- Law Enforcement Role and Authority;
- Mission Statement and Code of Ethics;
- Reporting and Investigating Force; and

- Use of Force.

All approved Department policies are posted on the police department's website under Forms & Reports for public view (<https://braintree.ma.gov/876/Department-Policies>).

Regarding our Use of Force (UOF) Policy, the first sentence states, "The Braintree Police Department (BPD) places the highest value on the sanctity of human life, safety of its officers, protection of the public and respecting individual dignity."

The UOF Policy also mandates de-escalation. Specifically, officers are directed to use de-escalation techniques whenever possible before resorting to using physical force.

Additionally, the UOF Policy states that, "*Officers have a duty to intervene to prevent or stop excessive force.*"

The use of chokeholds and/or strangleholds are not authorized and have not been included in the Municipal Police Training Council's (MPTC) Force Continuum since approximately 1980. In my almost 30 years of police experience, I have never used or witnessed another officer use a choke hold or stranglehold technique. Additionally, our UOF Policy states, "*The Department does not authorize the use of neck restraints, or other similar weaponless control techniques with a potential for serious injury except in cases of imminent death or serious injury.*"

Furthermore, our UOF policy contains a reporting requirement that all officers notify a supervisor upon using force and must also complete a departmental Use of Force Report form. Officers must detail all of the facts and circumstances surrounding their use of force, including but not limited to, what type of force was used, what injuries were sustained (if any), and any medical treatment (or refusal thereof). Moreover, all uses of force are investigated to ensure compliance with Department Policy. As the Police Chief, I am responsible for the final disposition and approval of every Use of Force investigation.

The Department's Internal Affairs/Professional Standards *requires* that all complaints of misconduct, including anonymous complaints, are thoroughly investigated. These investigations are subject to oversight by the Deputy Chief of Administration and require my final approval. We take all complaints of misconduct, regardless of how they are received, seriously to protect the interests of all involved.

The MPTC is responsible for the training requirements for all Massachusetts police officers. After graduating a full-time police academy, which consists of more than 900 hours of training, officers are required to receive 40 hours of annual in-service training. Legal updates, First Aid, CPR, and firearms training & qualification are part of the mandatory annual training each officer must receive. Below are some examples, by year, of in-service training topics completed by our officers:

- Human Trafficking; LGBT and the Police-Relationship Building; Excited Delirium Syndrome; From Combat to Community-officers returning from military combat duty (2014).
- Suicide Prevention and Understanding; Police Interaction with Persons with Mental Illness and Emotional Distress; Bullying, Suicide, and the Police (2015).

- Fair and Impartial Policing and Procedural Justice, Police Legitimacy; Eyewitness Identification - actual accounts of eyewitness identifications that resulted in the incarceration of innocent persons and the unintended consequences that occur (2016).
- Interventions with Persons with Alzheimer’s and Dementia; Dynamics of Addiction and Police Interactions – address police response to the unprecedented public health crisis; Police Interaction with Youth – look at teenagers and brain development, typical adolescent behavior and how fair and impartial police interactions with these adolescents can make your job a whole lot easier (2017).
- Procedural Justice and Legitimacy – Part II - share latest research and best practices in order to achieve greater non-violent compliance and to increase community support for law enforcement; Violent Extremism Awareness – International and Domestic Terrorism – get a better sense of what radicalization to violence looks like and what officers can do to make our communities safer. Law Enforcement Response to Domestic Violence and Sexual Assault – recognized best practices when uncovering domestic violence, arresting the offender and helping victims and their families (2018).
- Police interactions with Persons with Mental Illness – Part II; Integrating Communications, Assessment and Tactics (ICAT); Legal Updates and the Criminal Justice Reform Act; A Multidisciplinary Response to Active Shooter Hostile Events (2019).

You should also know that the BPD has *always* exceeded the minimum training requirements set by the MPTC. As an example, the Department completed the International Association of Chiefs of Police One Mind Campaign. This voluntary program required that we train 100% of our personnel in Mental Health First Aid and 20% of our personnel in Crisis Intervention. Our Department also has several Crisis Intervention Instructors who train our officers and officers from other communities, in crisis intervention. Also, we have an embedded clinician to assist with all mental health issues and social service referrals.

The officers of the BPD are extremely professional, caring, highly trained, and well educated and I am proud to be their Chief. I am happy to provide you with any additional information that is of interest as I know that we provide the best possible service to our community.

Respectfully,
 Mark Dubois
 Chief Mark Dubois

APPROVAL OF MINUTES

- May 26, 2020

Motion made by Councilor Ringius to Approve Minutes of May 26, 2020

Motion: by Councilor Ringius to Approve Minutes of May 26, 2020

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)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 012 20 Council President: COVID-19 Update
 - Phase 2 Update-Restaurant Outdoor Seating

Nicole Taub gave an update on the COVID-19. The Town has a total of 878 cases with 90 total deaths. The numbers are definitely trending down. Phase 1 opening of hotels, hair dressers, manufacturing, car wash, places of worship, restaurant take out. Guidelines were hand-delivered from Marybeth McGrath's team. There is a link to all things COVID on the Town website. Phase 2 guidelines were given to restaurants as they begin to provide outdoor seating. Along with protocols and guidelines to those other businesses allowed to begin reopening in Phase 2 like nail salons. The town has opened playgrounds, tennis and basketball courts. Guidelines have been displayed at all these locations. We receive information in real time and push it out to the public as soon as we have it.

Marybeth McGrath, Director of the Department of Municipal Licenses & Inspections and her team are out there enforcing and assisting anyway we can. The entire team is working very hard to get this done.

At this time there is no timeline or information on when Phase 3 will begin. As soon as they receive it they will roll out this information.

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:

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

Mark Cusack, State Representative stated we continue to watch the revenue numbers. As of the end of May we are over \$2.2 billion over benchmark for the year. We are moving forward on July 1st with many of our 1/12th budgets for the State. The Senate passed today Early Voting Legislation for an application to be mailed to all voters. There will be 7 days of early voting for the primary and 13 days of early voting for the election. Reopening phases will really be punted down to the individual towns to get it going appropriately.

OLD BUSINESS

- None

Council President Hume stated there is no Old Business this evening.

NEW BUSINESS

- 022 20 Council President: Powers & Sullivan - June 30, 2019 Year End Reports

Council President Hume stated Powers & Sullivan will be presenting their report on the FY2019 Fiscal Year. In attendance is Mike Nelligan, Partner and Romina Mameli, Partner.
(1:31:43 zoom recording)

Mike Nelligan stated there are two partners assigned to the Town of Braintree engagement to make two of us familiar with what is going on.

The Town has opportunity to take advantage of the CARES Act funding, funding for Schools and FEMA. We have been talking with Mr. Spellman and his team about how to take advantage of those things. We prepare a Comprehensive Annual Report (CAFR). This is submitted to the government financial office for an award each year. There are 9 sections required to be covered. The Town has got this award for the past 6 years in a row. We are confident you will get the award again this year. This report is 141 pages long. If you didn't do the CAFR your report would only be about 70 pages long.

We issue the Report on Federal Awards Programs. The town spent 3.6 million and 88% was spent by the School District. We audited the Special Education Grants and we had no findings or questions on costs.

We issue a Management Letter which is required whenever there are significant deficiencies or material weaknesses. We are required to issue that in writing to the governing body. There has not been one. Our comments are called "other matters". There were two informational comments this year: One was about Cyber Security. Our comment was to be pro-active as much as you possibly can by testing and monitoring your systems. This goes in most all of our reports. Our second comment is an Internal Control comment which has been in there for three years now. It is all related to new guidelines to be uniform which replaced the A133 program for the single audits. This has been implemented. The documentation has been written down. We left it in the report for one more year. It required constant monitoring. I am happy to report the Town has implemented these requirement. I encourage you to keep on top of those. If you are audited by any Federal Agency they will look for those documents. It is important in terms of being able to access Federal Grants.

We issue an 805 Report on the Retirement System. Retirement is required to allocate certain amounts to certain units. We create this report for their benefit of information.

We periodically do other reports including: School End of Year Report and audit the Student Activity Accounts in the High School and the 2 Middle Schools.

Our results this year were clean opinions on all our reports. No significant audit findings or questions of costs. We had full cooperation of management in all departments. All audits went as planned. New this year was the established Storm Water Enterprise Fund. New debt was \$1 million bond note of South Middle School.

The Pension liability this year was \$118 million up from \$98 million the year before. Your OPEB liability was \$108 million. The Pension has to be funded by 2040. It is on a schedule to be funded by 2033. The additional funds at that time will go to the OPEB which then could be funded by 2040. There is no

requirement to fund OPEB but it would be nice to get that liability off your books. You have a plan, you have a schedule and you have been meeting that schedule.

President Hume stated Braintree has been very pro-active funding OPEB. There are many communities that have not done anything about this.

Mike Nelligan agreed stating that is correct. About 50% of the communities have done nothing. Braintree has well over \$13 million in the OPEB Trust Fund now.

The General fund decreased by \$3.2 million for the year. It is mainly a planned use of free cash. When you make the decision to use free cash you are tapping into reserves that were created in prior years. That causes your fund balance to go down. That can be offset by additional revenues. This year your revenues were pretty flat. Free Cash for the past years were:

2017 was \$15 million

2018 was \$13.9 million

2019 was \$10.7 million

2020 will be about \$7.6 million

2021 it is anticipated to be about \$5.3 million

These are numbers without excess revenue coming in.

The Town's Debt Service is 3%. The range is for the rating companies like it anywhere between 5 and 10 percent. You are currently on the low end of that. There are plans to raise that a little.

Councilor O'Brien stated concern for shrinking free cash. How does that affect us with the rating agencies?

Mike Nelligan stated the whole country is in the same boat. We are all hoping there will be some type of revenue relief with the CARES Act money. I can't imagine the Rating Agencies will just go out and lower everyone's bond rating right now. You have maintained yours this past year, so that is the good news. Councilor O'Brien stated we need to be careful because a reduction in our rating would mean our costs would increase.

Mike Nelligan stated it takes quite a drop in the rating in order for the rates to be dramatically changed. A little drop will not change the interest rates too much. This lost revenue is not a trend. It will come back.

Refer to the Committee of Ways & Means

- 20 042 Town Clerk: Proposal to Create Election Voting Centers or take up any action relative thereto

Motion made by Councilor Ringius to Refer to the Committee of Ways & Means Town Council Order 20 042 Town Clerk: Proposal to Create Election Voting Centers or take up any action relative thereto

Motion: by Councilor Ringius to Refer to the Committee of Ways & Means Town Council Order 20 042

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 Ordinance & Rules

- 20 043 Mayor: Amendment to Town Zoning Ordinances – Delete all Provisions Relating to “Two-Family Conversions” (Co-sponsored with Councilor Sciascia) or take up any action relative thereto

Motion made by Councilor Ringius to refer to the Committee on Ordinance & Rules Town Council Order 20 043 Mayor: Amendment to Town Zoning Ordinances – Delete all Provisions Relating to “Two-Family Conversions” (Co-sponsored with Councilor Sciascia) or take up any action relative thereto

Motion: by Councilor Ringius to refer to the Committee on Ordinance & Rules Town Council Order 20 043

Second: by Councilor Ryan

Roll Call Vote: For (8 – Boericke, Connors, Flaherty, Hume, Mackin, Ringius, Ryan, Sciascia),
Against (1 – O’Brien), Absent (0), Abstain (0)

Councilor O’Brien stated the residents had major concern that they were not better engaged but that there were large pieces being rezoned and to now pick apart one small item in this point in time when there isn’t even anyone assigned to a committee for this. It is not what I have heard overwhelmingly from residents.

Councilor Boericke stated my concern is the Mayor’s commitment to not make any zoning changes until the Master Plan steering committee and master plan was in place. We approved the funding for this without a timeline. We owe it to the resident to see this through until sweeping rezones. I am concerned about this rezone.

Councilor Sciascia stated there was a technical glitch so documents were not on the website today. This is only a referral to committee to begin the many discussions and public hearings.

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting scheduled on: **Wednesday, July 15, 2020 @7:30pm**

ADJOURNMENT

It was unanimously voted by roll call vote to adjourn the meeting at 9:41p.m.

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

Meeting Documents

- Minutes of May 26, 2020
- 022 20 Council President: Powers & Sullivan - June 30, 2019 Year End Reports
- 20 042 Town Clerk: Proposal to Create Election Voting Centers or take up any action relative thereto
- 20 043 Mayor: Amendment to Town Zoning Ordinances – Delete all Provisions Relating to “Two-Family Conversions” (Co-sponsored with Councilor Sciascia) or take up any action relative thereto