

Charles B. Ryan
President
At Large

Sean E. Powers
At Large

Shannon L. Hume
At Large

Thomas W. Whalen
District 2

Thomas M. Bowes
District 3



CHARLES C. Kokoros
Vice President
District 1

Stephen C. O'Brien
District 4

David M. Ringius, Jr.
District 5

Timothy P. Carey
District 6

OFFICE OF THE TOWN COUNCIL

July 9, 2018 MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Monday, July 9, 2018 beginning at 7:30p.m.

Council President Ryan was in the chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: Charles B. Ryan, President
Charles C. Kokoros, Vice President
Thomas M. Bowes
Timothy P. Carey
Shannon L. Hume
Sean E. Powers
David M. Ringius, Jr.

Not Present: Stephen C. O'Brien
Thomas W. Whalen

Also Present: Joseph Reynolds, Chief of Staff
Dr. Frank Hackett, Superintendent of Schools
James Arsenault, DPW Director
Nelson Chin, Parks & Recreation Director
Debra Starr, Assistant Town Clerk
Derek Manning, Community Preservation Manager
Kerri Pickelo, resident/parent Morrison school
Joe Kirylo, Union President, National Grid Local 12003 USW
National Grid Union personnel, Local 12003 USW

APPROVAL OF MINUTES

- June 5, 2018

Motion: by Councilor Kokoros to Approve Minutes of June 5, 2018

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

OLD BUSINESS

- 18 029 Mayor: Amendments to the Zoning Ordinances and the General Ordinances to Create a Planning Board Associate Member Position or take up any action relative thereto (Public Hearing)

Motion by Councilor Kokoros to Open Public Hearing for Order 18 029

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Council President Ryan referred to Councilor Powers, Chairman for Committee on Ordinance & Rules for a recommendation. Councilor Powers stated the committee met earlier this evening and voted unanimously for favorable recommendation to the full Council.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 18 029?

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

Motion by Councilor Kokoros to Close the Public Hearing for Order 18 029

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

MOTIONS read by Council Kokoros as submitted to the Town Clerk's office:

(1)

Amendment to the Zoning Ordinances

MOTION: That the Town Council vote to amend the Town's Zoning Ordinances, Article V – Special Permits, Section 135-501, to read as follows, by adding the words shown in **bold:**

“§135-501. Special permit granting authority (SPGA)

The special permit granting authority (SPGA) shall be the Braintree Planning Board. **The Planning Board shall consist of five members and one associate member, appointed by the Mayor, as provided by Section 2.770.010 of the General Ordinances. The Planning Board Chair shall designate the associate member to sit on the Planning Board for the purpose of acting on a special permit application or site plan review, in the case of absence, inability to act, or conflict of interest on the part of a member of the Planning Board, or in the event of a vacancy on the Planning Board.”**

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

(2)

Amendment to the General Ordinances

MOTION: That the Town Council vote to amend the Town’s General Ordinances, Chapter 2.770 “Planning Board”, Section 2.770.010, to read as follows, by adding the words shown in **bold**:

“2.770.010. Establishment

There shall be a Planning Board of the Town which shall consist of five members **and one associate member** appointed by the Mayor, pursuant to MGL c. 41, §81A **and c. 40A, §9**, who shall serve without pay. The Mayor shall designate one of the Board members to serve as Chair, and the members shall choose one of the members as Vice Chair, Clerk, and/or Secretary. **The associate member shall be eligible to participate solely on matters in which the Planning Board is acting as the special permit granting authority under the Town’s Zoning Ordinances.”**

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O’Brien, Whalen), Abstain (0)

- 18 036 Mayor: Request for Appropriation - Daugherty Gym Restoration or take up any action relative thereto (Public Hearing)

Motion by Councilor Kokoros to Open Public Hearing for Order 18 036

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O’Brien, Whalen), Abstain (0)

Council President Ryan referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met on June 28 and voted unanimously for favorable recommendation to the full Council.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 18 036?

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

Motion by Councilor Kokoros to Close the Public Hearing for Order 18 036

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O’Brien, Whalen), Abstain (0)

MOTION read by Council Kokoros:

That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, a total amount of \$165,000 be appropriated from Town Community Preservation Act funds, consisting of \$82,500 from the Historic Resource Fund and \$82,500 from the Unreserved Fund, for architectural/engineering services for the restoration of exterior features and the provision of universal accessibility to the Daugherty Gym at 538 Washington Street (Assessors Map 2022, Plot 2A), said funds are to be expended under the direction of the Director of Recreation and the Director of Planning and Community Development.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

- 18 037 Mayor: Request for Appropriation - Morrison School Outdoor Classroom or take up any action relative thereto (Public Hearing)

Motion by Councilor Kokoros to Open Public Hearing for Order 18 037

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Council President Ryan referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met on June 28 and voted unanimously for favorable recommendation to the full Council.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 18 037?

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

Motion by Councilor Kokoros to Close the Public Hearing for Order 18 037

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

MOTION read by Council Kokoros:

That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the sum of \$133,854 be appropriated from the Town Community Preservation Act Unreserved Fund, for the purpose of capital improvements to recreational/open space areas, for the creation of an outdoor classroom on the grounds of the Archie T. Morrison Elementary School located at 260 Liberty Street (Assessors Map 3030, Plot 1). Said funds are to be expended under the direction of the School Department and the Director of Planning and Community Development.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

- 18 038 Mayor: Request for Appropriation - Flaherty School Gaga Pit or take up any action relative thereto (Public Hearing)

Motion by Councilor Kokoros to Open Public Hearing for Order 18 038

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Council President Ryan referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met on June 28 and voted unanimously for favorable recommendation to the full Council.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 18 038?

Mr. Derek Manning, Community Preservation Manager explained a gaga pit is where a kinder, gentler version of dodge ball is played with foam balls rolled at your feet and when you are hit you are out.

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

Motion by Councilor Kokoros to Close the Public Hearing for Order 18 038

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

MOTION read by Council Kokoros:

That in accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, the sum of \$1,800 be appropriated from the Town Community Preservation Act Unreserved Fund for the purpose of capital improvements to recreational/open space areas, to pay for the cost of structural materials for the creation of a "gaga pit" within the playground and recreational area of the Mary E. Flaherty Elementary School located at 99 lakeside Drive (Assessors Map 2039, Plot 1). Said funds are to be expended by the Flaherty School PTO under the direction of the School Department and the Director of Planning and Community Development. A Community Preservation Grant Agreement is to be executed by the Flaherty School PTO prior to the start of any work.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

- 18 039 Mayor: Bond Authorization - South Middle School Feasibility Study or take up any action relative thereto (Public Hearing)

Motion by Councilor Kokoros to Open Public Hearing for Order 18 039

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Council President Ryan referred to Councilor Bowes, Chairman for Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met on June 28 and voted unanimously for favorable recommendation to the full Council.

Council President Ryan asked if any member of the Council or General Public want to speak on Order 18 039?

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

Motion by Councilor Kokoros to Close the Public Hearing for Order 18 039

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

MOTION read by Council Kokoros:

ORDERED:

That the Town appropriate the sum of Three hundred and fifty thousand dollars (\$350,000) to pay costs of planning and design associated with conducting a feasibility study to develop and evaluate alternatives for the South Middle School, located at 232 Peach Street, in Braintree, Massachusetts and for the payment of all costs incidental and related thereto (the "Project"), for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

Any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

- 18 040 Mayor: Appointment – Braintree Cultural Council, Leigh Champagne or take up any action relative thereto

Motion read by Councilor Kokoros:

To approve the appointment of Leigh Champagne to the Braintree Cultural Council, in accordance with sections 3-3 of the Town Charter.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

NEW BUSINESS

- 026 18 Councilor Powers: Resolution – Local 12003, Boston Gas Workers Union or take up any action relative thereto

The Resolution was read by Councilor Powers:

A Resolution in Support of United Steelworkers District 4, Local 12003, Boston Gas Workers Union

WHEREAS: National Grid serves many residential and commercial natural gas customers within the Town of Braintree; and

WHEREAS: The United Steelworkers Local 12003 District 4 Boston Gas Workers Union represents the men and women who operate on gas lines and projects within the Town of Braintree; and

WHEREAS: Many members of United Steelworkers Local 12003 District 4 Boston Gas Workers Union live and work in the Town of Braintree; and

WHEREAS: The United Steelworkers Local 12003 District 4 Boston Gas Workers Union has been bargaining in good faith to achieve a fair and equitable contract with competitive wages and benefits for its members; and

WHEREAS: The safety and wellbeing of National Grid gas customers and the general public is contingent upon high quality and well-trained employees performing services and line inspections on gas projects; and

WHEREAS: A prolonged lockout of National Grid gas workers raises safety concerns for the general public and strains service to National Grid gas customers; now

BE IT THEREFORE RESOLVED: That the Braintree Town Council urges National Grid to end the lockout of its gas workers so that gas line inspections, services, and repairs may continue to be performed by qualified and properly trained employees; and

BE IT FURTHER RESOLVED: That the Town of Braintree provide heightened scrutiny and safety inspections and monitoring on all National Grid work being done during the lockout of National Grid's workers and that no new permits for gas construction projects shall be issued by the Town Council; and

BE IT FURTHER RESOLVED: That the Braintree Town Council urges National Grid to agree to a fair and equitable contract that provides for competitive wages and benefits commensurate with the technical skills and qualifications possessed by the members of United Steelworkers Local 12003 District 4 Boston Gas Workers Union.

Offered on this Day of Monday, July 9th, 2018.

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Union President Joe Kirylo was present at the meeting along with other Union employees of National Grid. Council President Ryan read a letter from Mr. Joseph Kirylo. Mr. Kirylo also stated serious concerns. Joseph Reynolds, Chief of Staff stated the Mayor agrees with the Council's Resolution and will assure only extreme emergency situations will receive a gas permit, during the lockout, with heightened scrutiny and monitoring.

Councilor Kokoros read the following Motions for referral to committee(s):

Refer to the Committee on Ordinance & Rules

- 18 041 Rezone: Adams Street Enterprises, LLC or take up any action relative thereto

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Refer to the Committee of Ways & Means

- 18 042 Mayor: Acceptance of Donations or take up any action relative thereto

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

- 18 043 Mayor: Appointment – Associate Member to Planning Board or take up any action relative thereto

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

- 18 045 Town Clerk: Call of the State Primary Election, September 4, 2018 or take up any action relative thereto **(SAME NIGHT ACTION REQUESTED)**

Council President Ryan asked if any one Council member objects to SAME NIGHT ACTION. Hearing None. Councilor Kokoros read the following Motion:

Call of the State Primary Election, September 4, 2018

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, THE TOWN OF BRAINTREE IS HEREBY REQUIRED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN WHO ARE QUALIFIED TO VOTE IN THE STATE PRIMARY ELECTION ON TUESDAY, SEPTEMBER 4, 2018 FROM 7:00 AM TO 8:00PM, TO VOTE AT THE POLLING PLACES IN THEIR RESPECTIVE PRECINCTS FOR THE FOLLOWING PURPOSE:

To cast their votes in the State Primary for the candidates of political parties for the following offices: Senator in Congress for the Commonwealth, Governor for the Commonwealth; Lt. Governor for the Commonwealth; Attorney General for the Commonwealth; Secretary of State for the

Commonwealth; Treasurer and Receiver General for the Commonwealth; Auditor for the Commonwealth; Representative in Congress for the Eighth District; Councillor for the Second & Fourth District; Senator in the General Court for the Norfolk & Plymouth District and the Norfolk, Bristol & Plymouth District; Representative in the General Court for the Fifth Norfolk District; District Attorney for the Norfolk District; Clerk of Courts for Norfolk County; Register of Deeds for Norfolk County; County Commissioner for Norfolk County and County Treasurer for Norfolk County.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

Refer to the Committee on the Department of Public Works

- 18 044 Comcast Petition: 150 Grossman Drive or take up any action relative thereto

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2- O'Brien, Whalen), Abstain (0)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:39p.m.

Respectfully submitted,

Susan M. Cimino

Clerk of the Council

Documents provided for Meeting

- 18 029 Mayor: Amendments to the Zoning Ordinances and the General Ordinances to Create a Planning Board Associate Member Position or take up any action relative thereto (Public Hearing)
- 18 036 Mayor: Request for Appropriation - Daugherty Gym Restoration or take up any action relative thereto (Public Hearing)
- 18 037 Mayor: Request for Appropriation - Morrison School Outdoor Classroom or take up any action relative thereto (Public Hearing)
- 18 038 Mayor: Request for Appropriation - Flaherty School Gaga Pit or take up any action relative thereto (Public Hearing)
- 18 039 Mayor: Bond Authorization - South Middle School Feasibility Study or take up any action relative thereto (Public Hearing)
- 18 040 Mayor: Appointment – Braintree Cultural Council, Leigh Champagne or take up any action relative thereto
- 18 041 Rezone: Adams Street Enterprises, LLC or take up any action relative thereto
- 18 042 Mayor: Acceptance of Donations or take up any action relative thereto
- 18 043 Mayor: Appointment – Associate Member to Planning Board or take up any action relative thereto
- 18 045 Town Clerk: Call of the State Primary Election, September 4, 2018 or take up any action relative thereto (SAME NIGHT ACTION REQUESTED)
- 18 044 Comcast Petition: 150 Grossman Drive or take up any action relative thereto