

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

# September 18, 2019 MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Wednesday, September 18, 2019 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  
Stephen C. O'Brien  
Sean E. Powers  
David M. Ringius, Jr.  
Thomas W. Whalen

Not Present: Shannon L. Hume

Also Present: James Arsenault, DPW Director

### ANNOUNCEMENTS

- 038 19 Council President: Recognition Certificates: Braintree American Little League
- 039 19 Council President: Recognition Certificates: Babe Ruth
- 040 19 Council President: POW/MIA National Recognition Day – September 20, 2019

Council took a 5 minute recess at 8:04pm returning at 8:09pm

### APPROVAL OF MINUTES

- August 13, 2019

Motion by Councilor Kokoros to Approve Minutes of August 13, 2019

**Motion:** by Councilor Kokoros to Approve Minutes of August 13, 2019

**Second:** by Councilor Powers

**Vote:** For (8 – Bowes, Carey, Kokoros, O'Brien, Powers, Ryan, Ringius, Whalen),  
Against (0), Absent (1 - Hume), Abstain (0)

## OLD BUSINESS

MOTION TO TAKE OFF THE TABLE Orders 19 026, 19 027, 19 028 and 19 029:

**Motion:** by Councilor Kokoros to TAKE OFF the TABLE Orders 19 026, 19 027, 19 028 and 19 029

**Second:** by Councilor Powers

**Vote:** For (8 – Bowes, Carey, Kokoros, O'Brien, Powers, Ryan, Ringius, Whalen),  
Against (0), Absent (1 - Hume), Abstain (0)

Council President Ryan referred to Councilor Whalen, Chairman of the Committee on the Department of Public Works for a recommendation. Councilor Whalen stated all of these petitions were tabled by the Committee on the Department of Public Works to September 18, 2019. We met this evening and approved for favorable recommendation to the full Council Order 19 026, 19 028 and 19 029. Order 19 027 was tabled to the next Committee on the Department of Public Works meeting.

### • **19 026 National Grid Petition: Gardner Terrace or take up any action relative thereto**

MOTION:

~~To replace and maintain approximately 250 feet of 2 inch plastic gas main from the existing main on Washington Street to #22 Gardner Terrace with staff recommendations:~~

**To install and maintain approximately 250 feet of 2 inch 60 psig plastic gas main from the existing main on Washington Street, shown on National Grid's 7/3/2019 plan as 2 inch 60 psig plastic, to #22 Gardner Terrace to replace mains shown on National Grid's 7/3/2019 plan as 225 feet of 1.5 inch bare steel and 25 feet of coated steel with staff recommendations:**

**BELD:** BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

**DPW:** Gardner Terrace is not under the moratorium enacted by the Town in 2015. I would recommend that the petition for this road opening only be granted under the normal conditions imposed by the DPW Highway Division plus that:

1. If roadside surfaces are disturbed the surface is to be replaced in kind and in at least as good condition as before the work;
2. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town;
3. the work be coordinated with the abutters to ensure that the properties are accessible at all times, including ADA compliant pedestrian access;
4. the gas main be installed outside of the trenches of the water and sewer mains, storm drains and other utilities in service and that the trench pavement not be left low for any length of time;
5. the DPW be notified when the construction conflicts with Town utilities so the resolution can be mutually agreeable;
6. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
7. the construction portion of the permit period not exceed two months from the start of construction and that the entire permit period be set at one year beginning at the date of Council approval.

We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any contractor is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of trained traffic control personnel to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and traffic control officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and the Police Department.”

**Motion:** by Councilor Kokoros to Approve Order 19 026

**Second:** by Councilor Bowes

**Vote:** For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),  
Against (0), Absent (1 - Hume), Abstain (0)

- **19 027 National Grid Petition: Lawnview Drive and Pinecrest Road or take up any action relative thereto**

MOTION:

~~To replace and maintain approximately 1405 feet of 2 inch plastic gas main from the existing main on Elm Street to the end at #121 Lawnview Drive and to replace and maintain 135 feet of 2 inch plastic gas main from Lawnview Drive to # 9 Pinecrest Road with staff recommendations:~~

To install and maintain approximately 1405 feet of 2 inch 60 psig plastic gas main from the existing main on Elm Street, shown on National Grid’s 7/15/2019 plan as a 2 inch 60 psig plastic pipe to the end at #121 Lawnview Drive to replace mains identified on National Grid’s plan of 7/15/2019 as 850 feet of 2” bare steel and 560 feet of 1.5” coated steel, and to install and maintain 135 feet of 2 inch plastic gas main from Lawnview Drive to # 9 Pinecrest Road to replace the main shown on National Grid’s plan of 7/15/19 as 1.5” coated steel with staff recommendations:

**BELD:** BELD has an 115,000 volt oil filled transmission line located on Elm Street. BELD Engineering should be notified in advance of any excavation to be performed in close proximity to this line. BELD will provide onsite support and safety personnel at no cost to the project. BELD also has a 13,800 volt underground system on Elm Street. This is a concrete encased duct bank to be identified through the Dig safe process.

**DPW:** Both Lawnview Drive and Pinecrest Road are under the moratorium enacted by the Town in 2015 having been re-paved and microsurfaced in 2016. For longitudinal trenches in a road resurfaced as Lawnview Drive or Pinecrest Rd was the moratorium is 10 years. Road openings may be made after 2026 without waiving the ordinance. Since the street is under the moratorium, I recommend that the petition not be granted. However, if the Council finds extenuating circumstances and there is no viable option to meet the several users’ needs without excavating the recently resurfaced street, I would recommend that the petition for this road opening only be granted under the normal conditions imposed by the DPW Highway Division plus that:

1. after maintaining the temporary trench through one winter but within one year of placement of the temporary trench repair, the permanent repair be full-width mill and overlay of both Lawnview Drive and Pinecrest Road for the full length of the excavation;
2. If sidewalk surfaces are disturbed the surface is to be replaced in kind, at ADA compliant slopes and for the full width of the sidewalk;
3. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town;
4. the work be coordinated with the abutters to ensure that the properties are accessible at all times, including ADA compliant pedestrian access;
5. the gas main be installed outside of the trenches of the water and sewer mains and other utilities in service and that the trench pavement not be left low for any length of time;
6. the DPW be notified when the construction conflicts with Town utilities so the resolution can be mutually agreeable;
7. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
8. the construction portion of the permit period not exceed two months from the start of construction and that the entire permit period be set at one year beginning at the date of Council approval.

We also recommend that the following requirement be added to the permit, if it is to be granted:  
 “Neither National Grid nor any contractor is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of trained traffic control personnel to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and traffic control officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and the Police Department.”

**Motion:** by Councilor Kokoros to TABLE Order 19 027

**Second:** by Councilor Bowes

**Vote:** For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),  
 Against (0), Absent (1 - Hume), Abstain (0)

• **19 028 National Grid Petition: Plymouth Road or take up any action relative thereto**

MOTION:

~~To replace and maintain approximately 290 feet of 2 inch plastic gas main from the existing main on Washington Street to #22 Plymouth Road with staff recommendations.~~

**To install and maintain approximately 290 feet of 2 inch 60 psig plastic gas main from the existing main on Washington Street, shown on National Grid’s 7/16/2019 plan as a 2” psig plastic lateral to #22 Plymouth Road to replace mains shown on National Grid’s plan of 7/16/2019 as 265 feet of 1.5 inch bare steel and 25 feet of 2 inch plastic with staff recommendations:**

**BELD:** BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

**DPW:** Plymouth Road was totally reconstructed in 2014 and so is not under the moratorium enacted by the Town in 2015, but it remains in very good condition. It is noteworthy that the existing and proposed mains do not extend to the last three houses on the street. If it has not already occurred, those residents should be contacted by National Grid in an attempt to accomplish all work needed out there at the same time. I would recommend that the petition for this road opening only be granted under the normal conditions imposed by the DPW Highway Division plus that:

1. If roadside surfaces are disturbed the surface is to be replaced in kind and in at least as good condition as before the work;
2. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town;
3. the work be coordinated with the abutters to ensure that the properties are accessible at all times, including ADA compliant pedestrian access;
4. the gas main be installed outside of the trenches of the water and sewer mains, storm drains and other utilities in service and that the trench pavement not be left low for any length of time;
5. the DPW be notified when the construction conflicts with Town utilities so the resolution can be mutually agreeable;
6. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
7. the construction portion of the permit period not exceed two months from the start of construction and that the entire permit period be set at one year beginning at the date of Council approval.

We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any contractor is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of trained traffic control personnel to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and traffic control officers (where needed) are properly in place in conformity with the written plan prepared by the contractor’s engineer and approved by the DPW and the Police Department.”

**Motion:** by Councilor Kokoros to Approve Order 19 028

**Second:** by Councilor Bowes

**Vote:** For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),  
Against (0), Absent (1 - Hume), Abstain (0)

• **19 029 Resident Petition: 40 Bowditch Street or take up any action relative thereto**

**MOTION:**

**To install a gas service lateral in Bowditch Street to service future house number 40 with staff recommendations:**

**BELD:** BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

**DPW:** Bowditch Street is under the moratorium enacted by the Town in 2015 having been re-paved and micro-surfaced in 2015. For transverse trenches in a road resurfaced as Bowditch Street was, the moratorium is 5 years. Road openings may be made after 2020 without waiving the ordinance. Since the

street is under the moratorium, the DPW recommends that the petition not be granted. However, if the Council finds circumstances warranting approval, and since the street is almost out of moratorium, we'd recommend that the petition for this road opening only be granted conditioned upon the contractor 1.) not leaving the trench pavement low for any length of time; 2.) after maintaining a bituminous concrete temporary trench repair through one full winter but within one year of the temporary trench repair, mill and overlay the full width of the street for the full width of the excavated trench plus 5 feet each side (repair would end up being approximately 13 feet wide by the width of the road, about 22 feet); 3.) repair or replace curbs / berms / sidewalk areas disturbed and retain drainage flow patterns all to the satisfaction of the Highway Superintendent; 4.) provide for infrared treatment of seams at the discretion of the Highway Superintendent and 5.) that surety in the amount of not less than \$1000 be put in place to guarantee the satisfactory completion of the repairs.

The DPW also recommends that the following requirement be added to the permit, it is to be granted:

"Neither National Grid nor any contractor is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor's engineer and approved by the DPW and Police Department."

**Motion:** by Councilor Kokoros to Approve Order 19 029

**Second:** by Councilor Bowes

**Vote:** For (8 – Bowes, Carey, Kokoros, O'Brien, Powers, Ryan, Ringius, Whalen),  
Against (0), Absent (1 - Hume), Abstain (0)

### **NEW BUSINESS**

- 19 035 Town Clerk: Call to the General Election - November 5, 2019 or take up any action relative thereto (placeholder - Oct. 1 vote). No action was to be taken up this evening. This is a placeholder for a vote to be taken up at the October 1, 2019 Town Council meeting.

### **Refer to the Committee on the Department of Public Works**

- 19 033 National Grid Petition: Commercial Street or take up any action relative thereto

**Motion:** by Councilor Kokoros to Refer to the Committee on the Department of Public Works  
Order 19 033

**Second:** by Councilor Powers

**Vote:** For (8 – Bowes, Carey, Kokoros, O'Brien, Powers, Ryan, Ringius, Whalen),  
Against (0), Absent (1 - Hume), Abstain (0)

- 19 034 National Grid Petition: Elm Street and Adams Street or take up any action relative thereto
  - Motion:** by Councilor Kokoros to Refer to the Committee on the Department of Public Works Order 19 034
  - Second:** by Councilor Powers
  - Vote:** For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen), Against (0), Absent (1 - Hume), Abstain (0)

**Topics the Chair does not reasonably anticipate will be discussed**

**Councilor O’Brien asked to make a statement under this agenda topic. The following is a brief summary:**

I request the Mayor and Planning staff come before Town Council to discuss the status of the Master Plan. There was a Resolution drafted by Councilor Powers on behalf of the residents that the Executive Branch provide an updated Master Plan.

The residents have made it known they are requesting an updated Master Plan not a series of supporting reports.

It is loud and clear many residents did not agree with many of the proposed Zoning changes. I ask Order 19 011 Mayor: Comprehensive Zoning Ordinance – be brought before Town Council at our next meeting to deliberate what the next steps should be.

Withdrawal is something the Executive Branch should seriously consider.

I ask for an Update of the Master Plan and Update on Zoning whether from O&R or the Executive Branch.

**UPCOMING MEETINGS:**

Next Council Meeting will be held on: **Tuesday, October 1, 2019 @ 7:30pm**

**ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 8:24p.m.

Respectfully submitted,

Susan M. Cimino  
Clerk of the Council

**Documents provided for Meeting**

- Minutes of July 16, 2019
- 19 026 National Grid Petition: Gardner Terrace or take up any action relative thereto
- 19 027 National Grid Petition: Lawnview Drive and Pinecrest Road or take up any action relative thereto
- 19 028 National Grid Petition: Plymouth Road or take up any action relative thereto
- 19 029 Resident Petition: 40 Bowditch Street or take up any action relative thereto