

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

CHARLES B. RYAN
At Large

JOHN C. MULLANEY
District 2



THOMAS M. BOWES
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

May 15, 2012

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, May 15, 2012 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President
Thomas Bowes, Vice President
Leland Dingee
Sean Powers
Charles B. Ryan
Ronald DeNapoli
Paul Dan Clifford

Not Present: John C. Mullaney
Henry N. Joyce

Others: Edward Spellman, Finance Director
Christine Stickney, Director Planning and Community Development
Joseph Powers, Town Clerk
Eric Kinsherf, Town Auditor
Dennis Regan, NationalGrid
Peter Nagle, NationalGrid
Michael Smith, NationalGrid

CORRESPONDENCE

- 024 12 – Council President: Braintree Brew House
- 025 12 – Councilor Powers: Proclamation MBTA Service Cuts

Councilor Powers read into the records the resolution regarding the MBTA's upcoming service cuts. He then asked Council support to forward to the MBTA General Manager.

Motion: by Councilor Powers to support resolution

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

ANNOUNCEMENTS

- 023 12 – Council President: Norfolk County Mosquito Control Notification

APPROVAL OF MINUTES

Motion: by Councilor Bowes to approve May 1, 2012 minutes

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Committee on Ordinance & Rules

- **12 009 Scott Palmer: Rezone of 7-11 Independence Avenue (Public Hearing)**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor DeNapoli

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Council President Kokoros informed members that approval of the rezone requires a 2/3 vote and with the absence of two Council Members, Councilor Mullaney and Joyce, and with Councilor Mullaney representing the district where the rezone is requested, he is requesting that the Order be tabled until June 5, 2012.

Motion: by Councilor Bowes to table public hearing on Order 12 009 until June 5, 2012.

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Committee on Ways & Means

- **12 013 Mayor: Prior Fiscal Year Unpaid Bills – DPW Water Department/Highway/Police**

Motion: by Councilor Powers to open public hearing

Second: by Councilor Clifford

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Clifford, Chairman of Ways & Means Committee, reported that the Committee has recommended favorable action on all four requests from Mayor Sullivan. Councilor Clifford read each of the four motions as printed in the April 5, 2012 memo from Mayor Sullivan.

Council President Kokoros asked if any member of the Council or any one from the public if they would like to speak on the subject matter. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Bowes read the following motion for **Order 12 013 (A)**

THAT THE SUM OF \$276.00 BE RE-APPROPRIATED FROM THE FISCAL YEAR 2012 WATER ENTERPRISE FUND PROGRAM W04 SYSTEM REHABILITATION, POLICE DETAIL LINE ITEM ACCOUNT 61- 436-W04-5323 FOR THE PURPOSE OF PAYING AN UNPAID BILL TO TOWN OF HOLBROOK POLICE DEPARTMENT FOR A POLICE DETAIL INVOICE WHICH WAS INCURRED PRIOR TO JULY 1, 2011, WHICH WAS NOT IN EXCESS OF THE FISCAL YEAR 2011 APPROPRIATION.

Motion: by Councilor Bowes to approve Order 12 013 (A)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Bowes read the following motion for **Order 12 013 (B)**

THAT THE SUM OF \$ 2,544.00 BE RE-APPROPRIATED FROM THE FISCAL YEAR 2012 PUBLIC WORKS DEPARTMENT PROGRAM Y03, HIGHWAY SUPPLIES ACCOUNT 01- 400-Y06-5535 FOR THE PURPOSE OF PAYING AN UNPAID BILL TO THE KENNISON GROUP FOR A VEGETATION CONTROL PROGRAM THE INVOICE WHICH WAS INCURRED PRIOR TO JULY 1, 2010, WHICH WAS NOT IN EXCESS OF THE FISCAL YEAR 2010 APPROPRIATION.

Motion: by Councilor Bowes to approve **Order 12 013 (B)**

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Bowes read the following motion for **Order 12 013 (C)**

THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT THE SUM OF \$ 298.15 BE RE-APPROPRIATED FROM THE FISCAL YEAR 2012 POLICE DEPARTMENT PROGRAM P01, ADMINISTRATION MEDICAL PAYMENTS LINE ACCOUNT 01-210-P01-5308 FOR THE PURPOSE OF PAYING AN UNPAID BILL TO FALLON AMBULANCE FOR MEDICAL TRANSPORTATION FROM AN ACCIDENT SCENE WHICH WAS INCURRED PRIOR TO JULY 1, 2010, WHICH WAS NOT IN EXCESS OF THE FISCAL YEAR 2010 APPROPRIATION.

Motion: by Councilor Bowes to approve **Order 12 013 (C)**

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Bowes read the following motion for **Order 12 013 (D)**

THE TOWN OF BRAINTREE THAT THE SUM OF \$ 5,828.62BE RE-APPROPRIATED FROM THE FISCAL YEAR 2012 POLICE DEPARTMENT PROGRAM P01, ADMINISTRATION MEDICAL PAYMENTS LINE ACCOUNT 01- 210-P01-5308 FOR THE PURPOSE OF PAYING AN UNPAID BILL TO ORTHOPEDIC CARE SPECIALISTS FOR MEDICAL BILLS FROM AN INJURY ON DUTY ACCIDENT PRIOR TO JULY 1, 2010, WHICH WAS NOT IN EXCESS OF THE FISCAL YEAR 2010 APPROPRIATION.

Motion: by Councilor Bowes to approve **Order 12 013 (D)**

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

- **12 014 Mayor: FY2013 Phase II 100 Roads Program – Year 2**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Clifford, Chairman of Ways & Means Committee, reported that the Committee has recommended favorable action on Order 12 014.

Councilor Bowes read the memo from Mayor Sullivan, dated April 6, 2012, outlining his request for bonding on Phase II/Year II of the 100 Roads Program.

Council President Kokoros asked if any member of the Council or any one from the public if they would like to speak on the subject matter. No one came forward.

Motion: by Councilor Bowes to Close public hearing
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Bowes read the following motion for Order 12 014

THAT THE TOWN OF BRAINTREE APPROPRIATES THE SUM OF ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) TO PAY COSTS OF ROADWAY RECONSTRUCTION AND FOR THE PAYMENT OF ALL OTHER COSTS INCIDENTAL AND RELATED THERETO AND THAT TO MEET THIS APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE MAYOR, IS AUTHORIZED TO BORROW SAID AMOUNT UNDER AND PURSUANT TO CHAPTER 55, SECTION 7(6) OF THE GENERAL LAWS, OR PURSUANT TO ANY OTHER ENABLING AUTHORITY, AND TO ISSUE BONDS OR NOTES OF THE TOWN THEREFORE.

Motion: by Councilor Bowes to approve **Order 12 014**
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

- **12 015 Mayor: Community Preservation Fund – Supplemental Appropriation for Union School Roof**

Motion: by Councilor Bowes to open public hearing
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Clifford, Chairman of Ways & Means Committee, reported that the Committee has recommended favorable action on Order 12 015. He then read the memo from Mayor Sullivan dated April 25, 2012 explaining the reason why the need for a supplemental appropriation.

Council President Kokoros asked if any member of the Council or any one from the public if they would like to speak on the subject matter.

Councilor Dingee read into the records that “He is a member of the American Legion Post and has no financial interest in the organization.”

Councilor DeNapoli noted that he was not in favor of the request. When the Community Preservation Act was passed he did not envision funds would be used to pay for roofs or repair churches.

Motion: by Councilor Bowes to Close public hearing
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Councilor Bowes read the following motion for Order 12 015

In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$500.00 be appropriated from the Community Preservation Act Budgeted Reserve Account for the purpose of supplementing funding previously approved under Town Council Order No. 11-045 for the restoration and preservation project of the roof at the Union School. Said funds are to be expended under the direction of the Community Preservation Committee and by the Director of Planning and Community Development.

Motion: by Councilor Bowes to approve **Order 12 015**
Second: by Councilor Ryan
Vote: For (6), Against (1-DeNapoli), Absent (2-Joyce, Mullaney)

- **12 011 (B) NationalGrid: Petition – Quincy Avenue (Bridge to Quincy Line)**

Councilor Ryan, Chairman of the Public Works Committee, reported that the Committee has recommended favorable action with staff recommendations and it being conditional upon signing of the mitigation agreement. Councilor Ryan noted that National Grid's has agreed to mill and overlay Quincy Avenue within their work area curb-to-crown after a suitable period of time had elapsed to ensure that trench settlement is substantially completed; roughly 90-days. In addition, Councilor Ryan noted that a tentative mitigation agreement, dated May 14, 2012, between Twin Rivers Technologies Manufacturing Corporation (TRT) and Mayor Joseph C. Sullivan has been reached to offset the negative impact to the community. In the agreement, TRT has agreed to participate in the annual Fourth of July Family Festival as a Red, White & Blue Sponsor, and provide the installation of a new boiler in the Watson Building on Route 53.

Councilor DeNapoli stated he had to recuse himself from further discussion on this order as his company does business with TRT. Councilor DeNapoli left the chambers at 8:11pm.

Councilor Ryan made a motion to approve Order 12 011 (B) to include staff recommendations conditional upon signing of the mitigation agreement.

Motion: by Councilor Bowes to approve **Order 12 011 (B)**
Second: by Councilor Ryan
Vote: For (6), Against (0), Absent (3-DeNapoli, Joyce, Mullaney)

Councilor DeNapoli returned to the Chambers at 8:20pm

COMMUNICATION AND REPORTS FOR THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to the Committee on Ways & Means

- **12 025 Mayor: Line Item Transfers – Golf Course**

Motion: by Councilor Bowes to refer Order 12 025 to committee

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

- **12 026 Mayor: Line Item Transfers – Various Departments for FY12**

Motion: by Councilor Bowes to refer Order 12 026 to committee

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

- **12 027 Mayor: Appointment Planning Board – Melissa McDonald**

Council President Kokoros reported that the Mayor has requested same night action on this Order. The Council President asked if any member had an objection to same night action. Councilor Dingee asked the reason why same night action was being requested; was there a meeting scheduled before the next Council meeting. Councilor Bowes stated there was.

The Council President again asked if there were any objections to same night action. No objection was brought forward.

Motion: by Councilor Clifford to appoint Melissa McDonald to the Planning Board

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

- **12 028 Mayor: FY2013 Community Preservation Fund**

Motion: by Councilor Bowes to refer Order 12 028 to committee

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

Refer to the Committee on Public Works

- 12 018 NationalGrid: Petition – Front and Oak Streets
- 12 019 NationalGrid: Petition – Edgemont Road
- 12 020 NationalGrid: Petition – Liberty Street/Norfolk Road
- 12 021 NationalGrid: Petition – 559-644 Liberty Street
- 12 022 NationalGrid: Petition – Amherst/Portland Road
- 12 023 NationalGrid: Petition – Summer Street
- 12 024 NationalGrid: Petition – Washington Street

Motion: by Councilor Bowes to refer the above orders to committee

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Joyce, Mullaney)

ADJOURNMENT

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

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- May 1, 2012 Minutes
- 12 009 Scott Palmer: Rezone of 7-11 Independence Avenue
- 12 013 Mayor: Prior Fiscal Year Unpaid Bills – DPW Water Department/Highway/Police
- 12 014 Mayor: FY2013 Phase II 100 Roads Program – Year 2
- 12 015 Mayor: Community Preservation Fund – Supplemental Appropriation for Union School Roof
- 12 011 (B) NationalGrid: Petition – Quincy Avenue (Bridge to Quincy Line)
- 12 025 Mayor: Line Item Transfers – Golf Course
- 12 026 Mayor: Line Item Transfers – Various Departments for FY12
- 12 027 Mayor: Appointment Planning Board – Melissa McDonald
- 12 028 Mayor: FY2013 Community Preservation Fund
- 12 018 NationalGrid: Petition – Front and Oak Streets
- 12 019 NationalGrid: Petition – Edgemont Road
- 12 020 NationalGrid: Petition – Liberty Street/Norfolk Road
- 12 021 NationalGrid: Petition – 559-644 Liberty Street
- 12 022 NationalGrid: Petition – Amherst/Portland Road
- 12 023 NationalGrid: Petition – Summer Street
- 12 024 NationalGrid: Petition – Washington Street