

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 21, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, May 21, 2013 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 Ryan
John Mullaney
Henry Joyce

Not Present: Paul Dan Clifford
Ronald DeNapoli

Others: Joseph Sullivan, Mayor
Peter Morin, Chief of Staff
Edward Spellman, Finance Director
Peter Kurzberg, Superintendent of Schools
Peter Kurzberg, Superintendent of Schools
Maureen Murray, Assistant Superintendent of Schools
Thomas Devin, School Committee
Pamela Kiley, School Committee
Lisa Heger, School Committee
Peter Kress, Business Manager Schools
Paul Mc Soley, Finance Director Police Department
Debra Starr Helbig, Assistant Town Clerk
Eric Kinsherf, Town Auditor

CORRESPONDENCE

None

ANNOUNCEMENTS

- 018 13 Council President: Notification of Late Evening Aerosol (ULV) Applications
Councilor Powers: Mr. Bruno "Z" Zoltowski Memorial Scholarship Fundraiser
Councilor Ryan: Kyleigh's Cure Road Race
Councilor Ryan: Charlotte Swings Fundraiser
Councilor Ryan: SEPAC Inclusion Awards

APPROVAL OF MINUTES

- **May 1, 2013**

Motion: by Councilor Bowes to approve minutes of May 1, 2013

Second: by Councilor Ryan

Vote: For (6), Against (0), Abstain (1-Bowes), Absent (2-Clifford, DeNapoli)

CITIZEN CONCERNS/COUNCIL RESPONSE

- **017 13 Council President: 1528 Liberty Street**

Ms. Showstack requested that concern be rescheduled to a later date.

OLD BUSINESS

Committee on Ways & Means

- **13 008 Councilor Mullaney: Adoption of MGL Chapter 64L - Local Option Meals Tax**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Council President Kokoros reported that the Committee on Ways & Means recommended favorable action on a vote of two for, one against, one present and one absent.

Mayor Sullivan commented that the local meals tax was an appropriate revenue stream towards capital improvements.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 008. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the following motion:

“That the Town vote to accept the provisions of General Laws Chapter 64L, Section 2(a) to impose a local meals excise tax beginning July 1, 2013, and further, that all proceeds derived from said excise tax shall be used solely to fund capital improvements, including but not limited to, equipment purchases and/or leases.”

- Motion:** by Councilor Bowes to approve Order 13 008
- Second:** by Councilor Ryan
- Vote:** For (7), Against (0), Absent (2-Clifford, DeNapoli)

- **13 005 Mayor: FY2013 Capital Plan and Bonding**

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

Council President Kokoros reported that the Committee on Ways & Means recommended favorable action.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 005. No one came forward.

- Motion:** by Councilor Bowes to close public hearing
- Second:** by Councilor Ryan
- Vote:** For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the first of four motions:

(A): That the Town of Braintree appropriates the sum of Four Million One Hundred – Thirty-Nine Thousand Dollars (\$4,139,000) to pay costs of the following capital projects:

(A1) Roadway Resurfacing	\$ 349,000	Ch. 44, s. 7(6)
(A2) Roadway Reconstruction	\$1,351,000	Ch. 44, s. 7(5)
(A3) School Remodeling Projects	\$ 700,000	Ch 44, s 7(3A)
(A4) School Roadway Resurfacing	\$ 300,000	Ch. 44, s. 7(6)
(A5) School Security Upgrades	\$ 279,000	Ch. 44, s. 7(3A)
(A6) Library Building Repairs	\$ 100,000	Ch. 44, s. 7(3A)
(A7) Police Building Improvements	\$ 140,000	Ch. 44, s. 7(3A)
(A8) Fire Building Improvements	\$ 268,000	Ch. 44, s 7(3A)
(A9) DPW Drainage Construction	\$ 180,000	Ch. 44, s 7(9)
(A10) DPW Engineering Signals	\$ 100,000	Ch. 44, s 7(9)
(A11) DPW Building Improvement	\$ 107,000	Ch. 44, s. 7(3A)
(A12) DPW Grounds Dump Truck	\$ 100,000	Ch. 44, s 7(9)
(A13) DPW Highway Dump Truck & Plow	\$ 165,000	Ch. 44, s 7(9)

and for the payment of all other costs incidental and related thereto; that the amounts indicated above for each project are estimates and that the Mayor may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Mayor, each of the projects described above can be completed within the total appropriation made by this Order; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to the authorizing statutes described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion: by Councilor Bowes to approve Order 13 005(A)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the second of four motions:

- (B)** That the Town of Braintree appropriates the sum of Seven Hundred and Thirty-Eight Thousand Dollars (\$738,000) to pay costs of wastewater system rehabilitation projects, 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 44,s7(1) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

Motion: by Councilor Bowes to approve Order 13 005(B)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the third of four motions:

- (C)** That the Town of Braintree appropriates the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) to pay costs of Town-wide water distribution system improvements, 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 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion: by Councilor Bowes to approve Order 13 005(C)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the last of four motions:

- (D)** That the Town of Braintree appropriates the sum of One Hundred Thirty Thousand Dollars (\$130,000) to pay costs of the following capital projects:

W/S Backhoe w 4way bucket \$ 130,000 Ch 44, s 7(9)

and for the payment of all other costs incidental and related thereto; that the amounts indicated above for each project are estimates and that the Mayor may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Mayor, each of the projects described above can be completed within the total appropriation made by this Order; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to the authorizing statutes described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion: by Councilor Bowes to approve Order 13 005(D)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

- **13 011 Mayor: FY2013 Line Item Transfers – Various Departments**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Council President Kokoros reported that the Committee on Ways & Means recommended favorable action.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 011. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the first of fourteen motions:

1. That the sum of \$66,367 be transferred from the Finance Department / Program 01-Administration /9C Reduction Reserve account, to the Blue Hills Regional School Assessment account 01-35501-5690.

Motion: by Councilor Bowes to approve Order 13 011(1)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the second of fourteen motions:

2. That the sum of \$1,800 be transferred from the Finance Department / Program 60-Fixed Assets account and the sum of \$2,100 be transferred from the Finance Department Auction account / Program 61 for a total of \$3,900 to be transferred to the Town Clerk Census listing account 01-16105-5383.

Motion: by Councilor Bowes to approve Order 13 011(2)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the third of fourteen motions:

3. That the sum of \$29,875 be transferred from the Town Council / Program 02–Reserve Fund to the Town Clerk Department / Program 04 –Special Elections Account 01-16104-5790.

Motion: by Councilor Bowes to approve Order 13 011(3)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the fourth of fourteen motions:

4. That the sum of \$16,000 be transferred from the Finance Department / Program 01-Administration / 9C Reduction Reserve account to the Police Department/Program 04 – Patrol Bureau / Overtime account 01-22004-5130.

Motion: by Councilor Bowes to approve Order 13 011(4)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the fifth of fourteen motions:

- 5A. That the sum of \$2,750 be transferred from the Finance Department/ Program 62-Actuary Valuation and the sum of \$1,990 be transferred Finance Department / program 01-Administration / 9C Reduction Reserve account, for a total of \$4,740 to the Finance Department / Program 01 – Department Head / Salary account 01-13301-5101.

Motion: by Councilor Bowes to approve Order 13 011(5A)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the sixth of fourteen motions:

- 5B. That the sum of \$20,000 be transferred from the Finance Department / Program 01-Administration / 9C Reduction Reserve Account to the Finance Department/ Program 08-Information Technology Other Equipment account 01-13308-5875.

- Motion:** by Councilor Bowes to approve Order 13 011(5B)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the seventh of fourteen motions:

- 6 That the sum of \$100,000 be transferred from Finance Department Assessors Overlay Surplus account to the Finance Department / Program 07-Assessors / Appellate Tax Board interest account 01-13307-5921.

- Motion:** by Councilor Bowes to approve Order 13 011(6)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the eighth of fourteen motions:

- 7 That the sum of \$20,000 be transferred from the Finance Department / Program 01-Administration / 9C Reduction Reserve Account to the Department of Public Works /Program 06 – Highway / Overtime Account 01-40006-5130.

- Motion:** by Councilor Bowes to approve Order 13 011(7)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the ninth of fourteen motions:

- 8 That the sum of \$100,000 be transferred from the Finance Department / Program 01-Administration / 9C Reduction Reserve Account and that the sum of \$100,000 be transferred from Finance Department Assessors Overlay Surplus Account and that the sum of \$35,000 be transferred from the Human Resources Department Employee Benefits Program 04 / Salary Reserve account for a total \$235,000 to be transferred to the Fire Department/ Program 04 –Fire Suppression / Overtime account 01-22004-5130.

- Motion:** by Councilor Bowes to approve Order 13 011(8)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the tenth of fourteen motions:

- 9 That the sum of \$2,275 be transferred from the Town Council /Program 02–Reserve Fund and the sum of \$92,725 be transferred from the Department of Public Works / Program 02 Faculties and Equipment Maintenance Department / Department Head Account for a total of \$95,000 to the Police Department / Program 04 –Patrol Bureau / Overtime account 01-21004-5130.

Motion: by Councilor Bowes to approve Order 13 011(9)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the eleventh of fourteen motions:

10 That the sum of \$5,000 be transferred from the Town Council / Program 02–Reserve Fund Account and that the sum of \$5,000 be transferred from the Finance / Program 08– Information Technology for a total of \$10,000 to the Law Department / Program 01 – Legal Services account 01-15101-5301

Motion: by Councilor Bowes to approve Order 13 011(10)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the twelfth of fourteen motions:

11 That the sum of \$20,000 be transferred from the Finance Department / Program 01- Administration / 9C Reduction Reserve Account to the Municipal Licenses and Inspections Department / Program 01 – Administration / Administrative/Clerical account 01-24101-5103.

Motion: by Councilor Bowes to approve Order 13 011(11)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the thirteenth of fourteen motions:

12 That the sum of \$385 be transferred from the Finance Department / Program 01- Administration / 9C Reduction Reserve Account and that the sum of \$2,850 be transferred from the Town Council / Program 02–Reserve Fund for a total of \$3,235 to be transferred to the Town Clerk / Program 01- Dog License Software account.

Motion: by Councilor Bowes to approve Order 13 011(12)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the last of fourteen motions:

13 That the sum of \$128,000 be transferred from the Stabilization fund to the Department of Public Works /Capital Project Fund Building Improvement Account 30-01205-6109.

Motion: by Councilor Bowes to approve Order 13 011(13)
Second: by Councilor Ryan
Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

- **13 014 Mayor: FY2013 Capital Plan Supplemental Appropriation/Re-Appropriation – General Government**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Council President Kokoros reported that the Committee on Ways & Means recommended favorable action.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 014. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the first of four motions:

(1) Fire Department That the sum of \$32,000 be transferred from Free Cash for the purpose of purchasing a vehicle for the fire department, as outlined in the fiscal year 2013 Capital Plan.

Motion: by Councilor Bowes to approve Order 13 014(1)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the second of four motions:

(2) Police Department That the sum of \$243,500 be transferred be transferred from Free Cash for the purposes of purchasing data processing equipment, radio replacement and vehicle replacement, as outlined in the fiscal year 2013 Capital Plan.

Motion: by Councilor Bowes to approve Order 13 014(2)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the third of four motions:

(3) Public Works Department That the sum of \$91,500 be transferred be transferred from Free Cash for the purposes of purchasing vehicles and lawn moving equipment as outlined in the fiscal year 2013 Capital Plan.

Motion: by Councilor Bowes to approve Order 13 014(3)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the last of four motions:

(4) Planning and community Development Department That the sum of \$125,000 be transferred from Free Cash for the purpose of updating and revision of the current zoning ordinances, as outlined in the fiscal year 2013 Capital Plan.

Motion: by Councilor Bowes to approve Order 13 014(4)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

- **13 015 Mayor: FY2013 Capital Plan Supplemental Appropriation/Re-Appropriation – Water/Sewer**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Council President Kokoros reported that the Committee on Ways & Means recommended favorable action.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 015. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the first of two motions:

(1) Water Treatment Plant That the sum of \$35,000 be transferred from Retained Earnings for the purpose of purchasing a 4x4 pickup truck for the treatment plant, as outlined in the fiscal year 2013 Capital Plan.

Motion: by Councilor Bowes to approve Order 13 015(1)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the last of two motions:

(2) Water System Maintenance That the sum of \$30,000 be transferred be transferred from Retained Earnings for the purposes of purchasing a 4x4 pickup truck for the system maintenance replacement, as outlined in the fiscal year 2013 Capital Plan.

Motion: by Councilor Bowes to approve Order 13 015(2)

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

- **13 016 Mayor: CPA Supplemental Funding Request – Town Clerk Vital Records: Phase I and II**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Council President Kokoros reported that the Committee on Ways & Means recommended favorable action.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 016. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Councilor Bowes read the following motion:

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 \$15,000.00 be appropriated from the Community Preservation Act Unreserved Fund for the purpose of providing supplemental funding for Phase I and II of the Braintree Historical Vital Records Project proposed by the Town Clerk, with said appropriation subject to quarterly reports of progress to the Community Preservation Committee.

Motion: by Councilor Bowes to approve Order 13 016

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

- **12 050 Blue Hills Regional Vocational School: Creation of Stabilization Fund**

Council President Kokoros reported that the Committee on Ways & Means recommended unfavorable action on a vote of 1 for, 3 against and 1 absent.

Councilor Dingee asked if there is a limit on the amount of money that could build in the account.

Eric Kinsherf, Town Auditor, commented that the Excess/Deficiency Account has a limit which the school is required to give back to the member communities. The Stabilization Fund has no limit and they do not have to return to member communities.

Councilor Ryan made a motion to table until the next Council Meeting; May 28, 2013.

Motion: by Councilor Ryan to table Order 12 050

Second: by Councilor Dingee

Vote: For (5), Against (2-Bowes, Kokoros), Absent (2-Clifford, DeNapoli)

NEW BUSINESS

Refer to Committee on Public Works

- 13 019 NationalGrid: Petition – 16 Washington Street
- 13 020 NationalGrid: Petition – 944 Washington Street
- 13 021 NationalGrid: Petition – 195 Elm Street
- 13 022 NationalGrid: Petition – 2 Bellevue Avenue

Motion: by Councilor Bowes to refer the above Orders to Committee

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Refer to Committee on Ways & Means

- 13 023 Mayor: Line Item Transfers #2 for Various Departments FY2013
- 13 024 Mayor: Line Item Transfers Golf Course FY2013

Motion: by Councilor Bowes to refer the above Orders to Committee

Second: by Councilor Ryan

Vote: For (7), Against (0), Absent (2-Clifford, DeNapoli)

Prior to adjournment the Council President announced that the Council meetings scheduled for June 4th and 18th will be combined into a single meeting on June 11th. On June 18th, the Council will post a meeting to host a recognition gathering for Project Prove.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:30p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- May 1, 2013 Minutes
- 017 13 Council President: 1528 Liberty Street
- 13 008 Councilor Mullaney: Adoption of MGL Chapter 64L - Local Option Meals Tax
- 13 005 Mayor: FY2013 Capital Plan and Bonding
- 13 011 Mayor: FY2013 Line Item Transfers – Various Departments
- 13 014 Mayor: FY2013 Capital Plan Supplemental Appropriation/Re-Appropriation – General Government
- 13 015 Mayor: FY2013 Capital Plan Supplemental Appropriation/Re-Appropriation – Water/Sewer
- 13 016 Mayor: CPA Supplemental Funding Request – Town Clerk Vital Records: Phase I and II
- 12 050 Blue Hills Regional Vocational School: Creation of Stabilization Fund
- 13 019 NationalGrid: Petition – 16 Washington Street
- 13 020 NationalGrid: Petition – 944 Washington Street
- 13 021 NationalGrid: Petition – 195 Elm Street
- 13 022 NationalGrid: Petition – 2 Bellevue Avenue
- 13 023 Mayor: Line Item Transfers #2 for Various Departments FY2013
- 13 024 Mayor: Line Item Transfers Golf Course FY2013