

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 28, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, May 28, 2013 beginning at 7:00p.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
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Joseph Sullivan, Mayor
Peter Morin, Chief of Staff
Various Department Heads
Peter Kurzberg, Superintendent of Schools
Various School Committee/Staff Members
Terry Longley, Assistant Business Manager, Blue Hill Regional School
Germano Silveira, Braintree Representative to Blue Hill Regional School
Joseph Powers, Town Clerk
Eric Kinsherf, Town Auditor

CORRESPONDENCE

None

ANNOUNCEMENTS

- 013 13 Council President: Town Meeting Citizen Recognition
Councilor Powers: Braintree July 4th Pizza Palooza Event

APPROVAL OF MINUTES

- **May 21, 2013**

Motion: by Councilor Bowes to approve minutes of May 21, 2013

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

CITIZEN CONCERNS/COUNCIL RESPONSE

OLD BUSINESS

Committee on Ways & Means

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

Motion: by Councilor Bowes to take Order 12 050 off the Table

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended unfavorable action on the creation of a stabilization fund on a vote of 1 for, 3 against and 1 absent.

Councilor Joyce asked why the creation of a stabilization fund would benefit the school. Germano Silveira, Braintree Representative to Blue Hill Regional School, commented that it would help improve the bond rating and enables the school to better plan for multi-year building projects; reducing the need to borrow funds.

Councilor Dingee asked if any funds would be appropriated to this account for the new fiscal year and is there a cap on how much can build in the account. Terry Longley, Assistant Business Manager for Blue Hills Regional School, stated the school is only seeking to establish the fund and no funds are budgeted for FY2014. The amount budgeted in a stabilization fund is a fixed amount set through the operating budget and cannot exceed 5% of the aggregate amount assessed to member towns.

Councilor Clifford commented that a stabilization fund was not necessary in the past and the member towns would lose control while Blue Hills would gain control. Germano Silveira responded that the member towns would not lose control as Blue Hills has to present to the towns the need to place money into the stabilization fund.

Councilor Ryan asked if Braintree did not vote within a certain time frame would this be approved by default. Eric Kinsharf, Town Auditor, responded that six of the nine member towns have already approved the creation of the stabilization fund. He does not see a need for the creation of

this fund. When past capital funds were not used the school would be required to return the funds back to the member towns.

Motion: by Councilor Bowes to approve Order 12 050

Second: by Councilor Mullaney

Vote: For (3-Dingee, Joyce, Mullaney), Against (5), Absent (1-DeNapoli)

- **13 012 FY2014 Operating Budget**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action on the FY2014 Operating Budget.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 012.

Mayor Sullivan commented that the budget is a good strong document that would allow Braintree to provide spending for public safety, education and capital that would be the envy of a lot of other communities.

No others came forward to comment.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the first of five motions:

(1) That the Town of Braintree raise and appropriate the sum of \$106,663,339 to provide for all of the expenses for the maintenance and operation of the Town's several departments and programs for the fiscal year 2014 and that the several sums herein set forth are hereby approved for the several purposes and are subject to the source of funding for said expenditures as outlined on the attached Exhibit A, specifically, that the sum of \$71,275 be transferred from Golf Course receipts, the sum of \$225,000 be transferred from the Overlay Surplus account , the sum of \$4,350 be transferred from the Waterways Improvement fund, the sum of \$22,000 be transferred from the Sale of Cemetery Lots, the sum of \$461,678 be transferred from Water and Sewer receipts, the sum of \$100,000 be transferred from the Municipal Building Insurance Fund and the balance to be raised in the tax levy.

Motion: by Councilor Bowes to approve Order 13 012(1)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the second of five motions:

(2) That the Town of Braintree appropriate the sum of \$1,479,006 to provide for all of the expenses for the maintenance and operation of the Town's Golf Course and related programs for the fiscal year 2014 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$1,479,006 be raised in the Golf Course receipts.

Motion: by Councilor Bowes to approve Order 13 012(2)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the third of five motions:

(3) That the Town of Braintree appropriate the sum of \$15,730,333 to provide for all of the expenses for the maintenance and operation of the Town's Water and Sewer Division and related programs for the fiscal year 2014 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$400,000 be transferred from Water and Sewer Retained Earnings, that the sum of \$68,846 be transferred from the Water Sewer Rehabilitation Fund and the balance of \$15,261,487 be raised in the Water and Sewer receipts.

Motion: by Councilor Bowes to approve Order 13 012(3)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the fourth of five motions:

(4) Pursuant to General Law Chapter 44, Section 31D, the town is authorized to incur a liability in excess of the amount appropriated for snow and ice for fiscal year 2014.

Motion: by Councilor Bowes to approve Order 13 012(4)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the last of five motions:

(5) That the Town of Braintree vote to accept the provisions of General Laws Chapter 64L, Section 2(a) to impose a local meals excise.

Motion: by Councilor Bowes to approve Order 13 012(5)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

- **13 013 FY2014 Revolving Accounts**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action on each of the Revolving Accounts.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 013. No one came forward.

Motion: by Councilor Bowes to close public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the first of eight motions:

1. THAT THE DEPARTMENT OF ELDER AFFAIRS BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE DEPARTMENT OF ELDER AFFAIRS WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, TO PAY SALARIES, EXPENSES, AND CONTRACTUAL SERVICES REQUIRED TO PROVIDE SERVICES AND ACTIVITIES FOR THE TOWN'S ELDERLY RESIDENTS. THE DEPARTMENT OF ELDER AFFAIRS REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES RECEIVED DURING FISCAL YEAR 2014 FROM PERSONS USING SAID PROGRAMS. THE DEPARTMENT OF ELDER AFFAIRS MAY SPEND UP TO \$30,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(1)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the second of eight motions:

2. THAT THE BOARD OF HEALTH BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E 1/2 THAT MAY BE SPENT BY THE BOARD OF HEALTH WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH PURCHASING, PROMOTING, AND ADMINISTERING PUBLIC HEALTH IMMUNIZATIONS AND FOR PUBLIC HEALTH EDUCATION PROGRAMS. THE BOARD OF HEALTH REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES COLLECTED DURING FISCAL YEAR 2014 FOR IMMUNIZATIONS ADMINISTERED UNDER THE DEPARTMENT OF PUBLIC HEALTH. THE BOARD OF HEALTH MAY SPEND UP TO \$50,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(2)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the third of eight motions:

3. THAT THE LIBRARY TRUSTEES BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE LIBRARY TRUSTEES WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, FOR THE PURCHASE OF LIBRARY BOOKS AND AUDIOVISUAL MATERIALS. THE LIBRARY TRUSTEES REVOLVING FUND IS TO BE CREDITED WITH ALL FINES AND FEES COLLECTED DURING FISCAL YEAR 2014 FOR LOST OR OVERDUE LIBRARY MATERIALS. THE LIBRARY TRUSTEES MAY SPEND UP TO \$40,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(3)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the fourth of eight motions:

4. THAT THE LIBRARY TRUSTEES BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE LIBRARY TRUSTEES WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, FOR THE COSTS ASSOCIATED WITH THE SUPPORT AND PROMOTION OF SPECIAL PROGRAMS, INCLUDING SALARIES RELATED THERETO. THE LIBRARY TRUSTEES REVOLVING FUND IS TO BE CREDITED WITH ALL REVENUE FROM THE RENTAL OF MEETING ROOMS COLLECTED

DURING FISCAL YEAR 2014. THE LIBRARY TRUSTEES MAY SPEND UP TO \$5,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(4)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the fifth of eight motions:

5. THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE RECYCLING COORDINATOR, WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, FOR THE PURCHASE OF HOME COMPOSTING BINS, CURBSIDE RECYCLING BINS, RECYCLING BAGS AND FOR THE COLLECTION OF FEES AND PAYMENTS FOR RECYCLING MATERIALS, INCLUDING HAZARDOUS WASTE. THE RECYCLING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR 2014. THE MAYOR MAY SPEND UP TO \$3,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(5)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the sixth of eight motions:

6. THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE RECYCLING COORDINATOR WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, FOR THE COLLECTION OF FEES AND PAYMENTS FROM THE COLLECTION OF REVENUE-GENERATING MATERIALS AND TO USE THE INCOME TO PROMOTE TOWN RECYCLING INITIATIVES AND EVENTS, INCLUDING HOUSEHOLD HAZARDOUS WASTE EVENTS. THE RECYCLING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR 2014. THE MAYOR MAY SPEND UP TO \$45,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(6)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the seventh of eight motions:

7. THAT THE SCHOOL COMMITTEE BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE SCHOOL COMMITTEE WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013 TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH THE OPERATION OF EXTRA CURRICULAR ACTIVITIES. THE SCHOOL DEPARTMENT REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES FROM ALL EXTRA CURRICULAR ACTIVITIES COLLECTED DURING FISCAL YEAR 2014 FROM STUDENTS ENGAGING IN SUCH ACTIVITIES. THE SCHOOL COMMITTEE MAY SPEND UP TO \$225,000 IN REVOLVING FUND MONIES IN FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(7)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the last of eight motions:

8. THAT THE SCHOOL COMMITTEE BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE SCHOOL COMMITTEE WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2013, TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH THE OPERATION OF FULL DAY KINDERGARTEN. THE REVOLVING FUND IS TO BE CREDITED WITH ALL FULL DAY KINDERGARTEN FEES AND CHARGES COLLECTED DURING FISCAL YEAR 2014. THE SCHOOL COMMITTEE MAY SPEND UP TO \$480,000 IN REVOLVING FUND MONIES IN FISCAL YEAR 2014.

Motion: by Councilor Bowes to approve Order 13 013(8)

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

- **13 018 FY2014 Community Preservation Committee Budget**

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action on each of the Community Preservation Budget requests.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 018. No one came forward.

Motion: by Councilor Bowes to close public hearing
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the first of five motions:

1. IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$90,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE COMMUNITY HOUSING RESERVE FOR ACQUISITION, CREATION, PRESERVATION, OR SUPPORT OF **COMMUNITY HOUSING** OR THE REHABILITATION OR RESTORATION OF COMMUNITY HOUSING THAT IS ACQUIRED OR CREATED AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.

Motion: by Councilor Bowes to approve Order 13 018(1)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the second of five motions:

2. IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$90,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE OPEN SPACE RESERVE FOR THE ACQUISITION, CREATION, OR PRESERVATION OF **OPEN SPACE** OR THE REHABILITATION OR RESTORATION OF OPEN SPACE THAT IS ACQUIRED OR CREATED AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.

Motion: by Councilor Bowes to approve Order 13 018(2)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the third of five motions:

3. IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$90,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE HISTORIC RESOURCES RESERVE FOR THE ACQUISITION, PRESERVATION, REHABILITATION, OR RESTORATION OF **HISTORIC RESOURCES** AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.

Motion: by Councilor Bowes to approve Order 13 018(3)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the fourth of five motions:

4. IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$400,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE COMMUNITY PRESERVATION **BUDGETED RESERVE** AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.

Motion: by Councilor Bowes to approve Order 13 018(4)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Councilor Bowes read the last of five motions:

5. IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$35,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO FOR FISCAL YEAR 2014 ADMINISTRATIVE OPERATING FUND AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS. SAID FUNDS TO BE EXPENDED UNDER THE DIRECTION OF COMMUNITY PRESERVATION COMMITTEE AND BY THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT.

Motion: by Councilor Bowes to approve Order 13 018(5)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Joseph Powers, Town Clerk, informed the Council President that Order 13 012(5) was previously voted by the Council at their last meeting on May 21st. The two motions were different in that the May 21st motion required that the funds be used for capital projects while the motion read this evening did not include this requirement. The motion made this evening would supersede the May 21st vote. If the intention of the Council was to require revenue be used for capital projects he would recommend that the Council vote to reconsider and then rescind the vote taken earlier in the evening.

Motion: by Councilor Bowes to reconsider Order 12 012(5)
Second: by Councilor Ryan
Vote: For (8), Against (0), Absent (1- DeNapoli)

Members all agreed that the revenue from the meals excise was to be used as stipulated in the May 21, 2013 vote of the Council.

Motion: by Councilor Clifford to rescind Order 12 012(5)
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1- DeNapoli)

NEW BUSINESS

None

Prior to adjournment Councilor Dingee informed members of the Council that the 6th Annual Town Meeting would be his last and he will not be seeking reelection to the Council this upcoming November.

ADJOURNMENT

Members of the School Committee voted to adjourn the joint meeting with the Council.

It was unanimously voted to adjourn the meeting at 8:35p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- May 21, 2013 Minutes
- 13 012 FY2014 Operating Budget
- 13 013 FY2014 Revolving Accounts
- 13 018 FY2014 Community Preservation Committee Budget
- 12 050 Blue Hills Regional Vocational School: Creation of Stabilization Fund