

Sean E. Powers  
President  
At Large

Shannon L. Hume  
At Large

CHARLES C. Kokoros  
District 1

John C. Mullaney  
District 2

Thomas M. Bowes  
District 3



Charles B. Ryan  
Vice President  
At Large

Stephen C. O'Brien  
District 4

Michael J. Owens  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

# OCTOBER 18, 2016

## MINUTES

A meeting of the Town Council, was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on October 18, 2016 beginning at 7:30p.m.

Council President Powers was in the chair.

Present: Sean Powers, President  
Charles Ryan, Vice President  
Thomas Bowes  
Paul Dan Clifford  
Shannon Hume  
Charles Kokoros  
John Mullaney  
Stephen C. O'Brien

Not Present Michael Owens

Also Present: Ed Spellman, Director of Finance  
James M. Casey, Town Clerk  
James O'Brien, Fire Chief  
James Arsenault, DPW Director  
Laurie Melchionda, Board of Health  
Joyce Albrecht, Conservation Commission  
Wesley Rea, BCAM-TV  
Bill Needham, BCAM-TV  
Gerald Commock, BCAM-TV  
Genevieve Bregoli, BCAM-TV  
Janelle Snarsky, BCAM-TV  
Paul Agnew, BCAM-TV

### ANNOUNCEMENTS

- 117 16 Council President: Recognition – BCAM-TV  
BCAM-TV was recognized for their dedication and hard work in making great community television. Council President Powers stated thank you to Wesley Rea for you and your staff do a tremendous job. Thank you for making us look good.

## APPROVAL OF MINUTES

- None

## OLD BUSINESS

Council President Powers referred to Councilor O'Brien (Committee Chair) for Committee on Ways & Means for recommendations. Councilor O'Brien stated all items were voted for favorable recommendation to the full Council.

- **16 053 Mayor: Appointment Board of Health - Laurie Melchionda or take up any action relative thereto**

MOTION: TO APPROVE THE APPOINTMENT OF LAURIE MELCHIONDA TO THE BOARD OF HEALTH IN ACCORDANCE WITH SECTIONS 3-3 OF THE TOWN CHARTER.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

- **16 054 Mayor: Appointment Conservation Commission - Joyce Albrecht or take up any action relative thereto**

MOTION: TO APPROVE THE APPOINTMENT OF JOYCE ALBRECHT TO THE CONSERVATION COMMISSION IN ACCORDANCE WITH SECTIONS 3-3 OF THE TOWN CHARTER.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

- **16 055 Mayor: Appointment Community Preservation Committee - Thomas Whalen or take up any action relative thereto**

MOTION: TO APPROVE THE APPOINTMENT OF THOMAS WHALEN TO THE COMMUNITY PRESERVATION COMMITTEE IN ACCORDANCE WITH SECTIONS 3-3 OF THE TOWN CHARTER.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

- **16 056 Mayor: Appointment Department of Public Works Director – James Arsenault or take up any action relative thereto**

MOTION: TO APPROVE THE APPOINTMENT OF JAMES ARSENAULT TO THE DEPARTMENT OF PUBLIC WORKS DIRECTOR IN ACCORDANCE WITH SECTIONS 3-3 OF THE TOWN CHARTER.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

- **16 057 Mayor: Federal Port Security Grant Matching Funds Capital Request or take up any action relative thereto (PUBLIC HEARING)**

**Motion:** by Councilor Ryan to Open Public Hearing on Order 16 057

**Second:** by Councilor Bowes

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

Council President Powers asked if any member of the Council or anyone from the public would like to speak on Order 16 057.

Chief O'Brien stated he would like to thank many people for over 1 ½ years of hard work to get this fire boat. I would especially like to thank Ed Spellman, Richard McDermott, Bob Leone, Dan Cross, Barbara Mello, the Ways & Means Committee, Mayor Sullivan and Congressman Lynch.

Councilor Bowes stated he will support this especially with 3 vulnerable locations near East Braintree.

**Motion:** by Councilor Ryan to Close Public Hearing on Order 16 057

**Second:** by Councilor Bowes

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

Councilor Ryan read the following Motion:

That the sum of \$675,000 be appropriated for the purpose of purchasing a fire boat to meet said appropriation funding to come from the federal government Department of Homeland Security grant in the amount of \$506,250 (75%) and the Town's match of \$168,750 (25%) to be transferred from the town's stabilization fund for the purchase of a Firefighting boat and any other costs related thereto.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

#### **NEW BUSINESS** (Same Night Action Required)

• **16 059 Town Clerk: Call to the November 8, 2016 State General Election or take up any action relative thereto**

Town Clerk, James Casey stated November 8th is Election Day. This is the first time in Massachusetts we have the option of Early Voting. It will take place October 24th through November 4th at Braintree Town Hall. There will be two Tuesday evenings open until 7:30pm and Saturday, October 29 we will be open 9am to 1pm.

Council President stated if there are no objections for SAME NIGHT ACTION, we will take Order 16 059 Town Clerk: Call of the State Election, November 8, 2016. Hearing none Councilor Ryan read the following Motion:

### **Call of the State General Election, November 8, 2016**

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, NOVEMBER 8, 2016 FROM 7:00 AM TO 8:00 PM, TO VOTE AT THE POLLING PLACES IN THEIR RESPECTIVE PRECINCTS TO CAST THEIR VOTES FOR THE FOLLOWING PURPOSES:

**To cast their votes in the State General Election for the candidates of the following offices: President and Vice President; Representative in Congress, Eighth District; Councillor, Second and Fourth District; Senator in General Court, Norfolk and Plymouth Districts and Norfolk, Bristol and Plymouth Districts; Representative in General Court, Fifth Norfolk District; Sheriff,**

**Norfolk County; County Commissioners, Norfolk County; Blue Hills Regional Vocational School District and four Initiative Petitions.**

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

• **116 16 Council President: RESOLUTION - Regulation and Taxation of Marijuana Act**

Councilor Hume read the proposed Resolution:

*A Resolution to Oppose “The Regulation and Taxation of Marijuana Act” And the Creation of a Commercial Marijuana Industry in the Commonwealth and This Community*

*Whereas: “The Regulation and Taxation of Marijuana Act,” an initiative petition to be placed upon the November 2016 ballot, would create a billion-dollar commercial marijuana industry in Massachusetts to promote and support the consumption of so-called “recreational” marijuana by residents and visitors to the Commonwealth and its 351 cities and towns.*

*Whereas: The Act would authorize to be located in the Commonwealth and its cities and towns an unlimited number of marijuana retail stores, wholesale growers and manufacturers, to produce and distribute marijuana and marijuana products, including specifically marijuana candy and other edibles and highly potent marijuana concentrates.*

*Whereas: The states of Colorado and Washington that have been the earliest adopters of commercial marijuana are already experiencing highest-in-the-nation teenage use and a doubling of marijuana impaired driving fatalities.*

*Whereas: The Act severely limits the right and ability of cities and towns and their elected governments to impose reasonable and meaningful restrictions on the marijuana industry, including impediments to local rules around the number, type and location of marijuana retail stores, growers and manufacturers and on “home grows.”*

*Whereas: The Act would introduce new and additional drug-based activity into cities and towns at a time when so many residents, families and communities are struggling with the human and social consequences of addiction and the Commonwealth faces an unprecedented opioid crisis.*

*Whereas: The Act risks creating a new industry that, much like Big Tobacco, subverts public health for private gain, even as so many questions about its consequences remain unanswered and so much information that is available casts grave doubt on its merits and desirability.*

*Therefore: Be it resolved, that the Town Council of the Town of Braintree places itself on record as opposing adoption of the initiative petition known as “The Regulation and Taxation of Marijuana Act.”*

Senator Keenan came to the podium to give information to Oppose “The Regulation and Taxation of Marijuana Act”. Senator Keenan stated the financial argument does not add up. The potency is much stronger than it was many years ago. Colorado did not have base-line data to measure consequences prior

to legalization. There is still the black market in Colorado. In fact they offer lower costs than the legalized locations. If this passes residents can grow 6 plants in their residents with a maximum of 12 depending on the number of people living there. It is known to reduce cognitive development. We do not know enough about this and we should not move forward with this. I am a NO on Question 4.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (1-Mullaney), Absent (1-Owens), Abstain (0)

Councilor Ryan made a MOTION to refer the following to committees:

**Refer to the Committee on Ways & Means**

- 16 058 Mayor: Fiscal Year 2017 Supplemental Appropriations #1 or take up any action relative thereto

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (8), Against (0), Absent (1-Owens), Abstain (0)

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

**UPCOMING MEETINGS:**

Next Council Meeting is - **TUESDAY, November 1, 2016@ 7:30pm**

**ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:02p.m.

Respectfully submitted,

Susan M. Cimino  
Clerk of the Council

**Documents provided for Meeting**

- 16 053 Mayor: Appointment Board of Health - Laurie Melchionda or take up any action relative thereto
- 16 054 Mayor: Appointment Conservation Commission - Joyce Albrecht or take up any action relative thereto
- 16 055 Mayor: Appointment Community Preservation Committee - Thomas Whalen or take up any action relative thereto
- 16 056 Mayor: Appointment Department of Public Works Director – James Arsenault or take up any action relative thereto
- 16 057 Mayor: Federal Port Security Grant Matching Funds Capital Request or take up any action relative thereto
- 16 059 Town Clerk: Call to the November 8, 2016 State General Election
- 116 16 Council President: RESOLUTION - Regulation and Taxation of Marijuana Act