

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

NOVEMBER 8, 2017

MINUTES

The meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on Wednesday, November 8, 2017 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
Stephen C. O'Brien
John Mullaney
Michael Owens

Also Present: Ed Spellman, Finance Director
Dr. Frank Hackett, Superintendent of Braintree Schools
James Arsenault, DPW Director
Barbara Kelleher, National Grid Representative
Neil Carroll, Comcast contractor

APPROVAL OF MINUTES

• October 4, 2017

Motion: by Councilor Ryan to Approve minutes of October 4, 2017

Second: by Councilor Bowes

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

COMMUNICATIONS

- 085 17 Council President: 2018 Council Meeting Calendar (To Approve)
Councilor Hume asked if this item needs to be voted on tonight. Can we wait for the new membership in January to approve the 2018 Council Meeting Calendar.
Council President Powers stated we should at least approve the January meetings.
Motion: by Councilor Ryan to Approve January 2 and January 16 meetings on the 2018 Council Meeting Calendar
Second: by Councilor Bowes
Vote: For (7), Against (0), Absent (2-Clifford, Owens), Abstain (0)

OLD BUSINESS

- 17 061 Councilor Mullaney: Request to Increase Mayor's Salary or take up any action relative thereto (Public Hearing) (**TABLED waiting on committee recommendations**)

Motion by Councilor Ryan to Open Public Hearing for Order 17 061

- Motion:** by Councilor Ryan
Second: by Councilor Bowes
Vote: For (7), Against (0), Absent (2-Clifford, Owens), Abstain (0)

Motion by Councilor Ryan to TABLE and CONTINUE to the next Council meeting on November 21, 2017.

- Motion:** by Councilor Ryan
Second: by Councilor Bowes
Vote: For (7), Against (0), Absent (2-Clifford, Owens), Abstain (0)

- 17 059 Comcast Petition: Forbes Road or take up any action relative thereto
Council President referred to the Chairman of the Committee on the Department of Public Works, Councilor Mullaney. Councilor Mullaney stated we met and recommend favorable action to the full Council.

Motion read by Councilor Ryan:

17-059- Forbes Road, install and maintain approximately 1,769 feet of communications cable 24 inches deep in Forbes Road and 3 new vaults and 3 new manholes, from a new vault near the intersection of Grandview Drive, to the west end of number 220 Forbes Road, in order to provide cable communication service to the businesses along this section of Forbes Road, and also to extend lateral communication cables in conduits from existing cable runs in Forbes Road to service numbers 30 and 60 Forbes Road to include the following Staff Recommendations from BELD and Town Engineer:

BELD: The Engineering Department has reviewed the permit application and plans for Communication Construction Group #17-059 to install conduit on Forbes Rd.

The proposed plan and scope of work **does** impact existing BELD electric or communication utilities on this road. BELD has a 13,800 volt underground system on the road. This is a concrete encased duct bank to be identified through the **Dig safe** process.

The new plan submitted is approved with conditions: Comcast to notify BELD of any utility conflicts or scope of work changes.

DPW: has reviewed the revised plan for the subject petition for the new communications cable location and have the following recommendations:

Forbes Road itself is not under the moratorium but sidewalk segments along both sides from Grandview Drive to the west end of number 180 Forbes Road were just completed this year (2017.) The current plan shows the conduit run being installed along the north side of Forbes Road, opposite the new sidewalk but with individual building services ending at the new sidewalk at two locations. The plan will be revised to show that they would be constructed by jacking or pushing the conduit through without excavation of the curbing or of the sidewalk surface at these two locations. We also note that the proposed conduit runs through a parking lot that is not part of the Town-accepted portions of Forbes Road.

Since the plan is to install the conduit and cable WITHOUT disturbing the new sidewalks we'd recommend that the permit be granted with the normal conditions imposed by the DPW Highway Division plus that:

1. any work outside of the accepted Public Way be located within a properly acquired easement, recorded copies of which must be presented to the Town prior to the start of the work;
2. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town, in consultation with the abutters;
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 cable 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;
5. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
6. 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 of its contractors 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 Ryan

Second: by Councilor Bowes

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

- 17 066 National Grid Petition: Conrad Street or take up any action relative thereto
Council President referred to the Chairman of the Committee on the Department of Public Works, Councilor Mullaney. Councilor Mullaney stated we met and recommend favorable action to the full Council.

Councilor Ryan stated National Grid has replaced hi pressure gas mains on Commercial Street and need to take care of tying into new hi pressure gas mains on Conrad Street. They agreed to reconstruction of the entire roadway.

Motion read by Councilor Ryan:

17-066- To install and maintain approximately 70 feet of 2 inch gas main in Conrad Street, from the existing 2 inch main at house #4 Conrad Street to the Quincy City Line in order to tie together the high pressure mains with staff recommendations:

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

DPW: has reviewed the subject petition for the street opening location and have the following recommendations

17-066- To install and maintain approximately 70 feet of 2 inch gas main in Conrad Street, from the existing 2 inch main at house #4 Conrad Street to the Quincy City Line in order to tie together the high pressure mains.

Conrad Street was totally reconstructed in 2013 and so predates the current moratorium but is governed by the prior moratorium through 2018. If the Council finds circumstances warranting approval, in addition to the standard conditions we'd recommend that the approval be conditioned upon the petitioner 1.) laying the gas main outside of the trench of the water and sewer mains in service; 2.) not leaving the trench pavement low for any length of time; 3.) after maintaining the trenches 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 length of the excavation along the road; 4.) repair or replace curbs and sidewalk areas disturbed each to the satisfaction of the Highway Superintendent; and 5.) provide for infrared treatment of seams at the discretion of the Highway Superintendent. We also recommend that the following requirement be added to the permit, if it is to be granted:

"Neither National Grid nor any of its contractors 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 Ryan

Second: by Councilor Bowes

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

- 17 068 Mayor: FY18 Supplemental Appropriation #2 or take up any action relative thereto (Public Hearing)
Motion by Councilor Ryan to Open Public Hearing for Order 17 068

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Council President Powers referred to Councilor O'Brien (Committee Chair) for Committee of Ways & Means recommendation. Chairman O'Brien stated the committee brought a favorable motion to the full Council.

Council President Powers asked if any member of the Council or General Public want to speak on Order 17 068?

Motion by Councilor Ryan to Close Public Hearing for Order 17 068

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Councilor Ryan read the following MOTION:

ORDERED:

School Department Capital - High School Bleacher Repairs

That the sum of \$98,212 be appropriated to the School Department bleacher repair capital account with \$78,819 to be transferred from the Town's building capital stabilization fund and the balance of \$19,393 from the tax levy (state aid including Chapter 70 account).

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

FYI - (In accordance with M.G.L. c. 44, §1, approval requires the affirmative **vote of two-thirds** of all members of the Town Council – 6 votes required.)

- 17 069 Mayor: South Middle School Feasibility Study or take up any action relative thereto (PH)

Motion by Councilor Ryan to Open Public Hearing for Order 17 069

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Council President Powers referred to Councilor O'Brien (Committee Chair) for Committee of Ways & Means recommendation. Chairman O'Brien stated the committee brought a favorable motion to the full Council. Chairman O'Brien stated he asked with the feasibility study that the focus on a new building be part of the study and not just focus on renovations.

Council President Powers stated Braintree is always a good partner with MSBA. We are responsible and thorough with our schools and renovations.

Councilor Kokoros said thank you to those who have worked for years to address the needs of our students.

Council President Powers asked if any member of the Council or General Public want to speak on Order 17 069?

Motion by Councilor Ryan to Close Public Hearing for Order 17 069

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Councilor Ryan read the following MOTION:

ORDERED:

That the Town of Braintree (“Town”) appropriate the amount of six hundred and fifty – thousand dollars (\$650,000) Dollars for the purpose of paying costs of conducting a feasibility study to evaluate existing conditions, establish design parameters, develop and evaluate preliminary and final alternatives for the most cost effective and educationally appropriate solution for South Middle School, located at 232 Peach Street, in Braintree, Massachusetts, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Town’s School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

Any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

FYI - (In accordance with M.G.L. c. 44, §1, approval requires the affirmative vote of two-thirds of all members of the Town Council – 6 votes required.)

- 17 070 Mayor: Re-Appointment Board of Registrars - Margaret Johnson or take up any action relative thereto

Councilor Ryan read the following Motion:

To Approve the Re-Appointment to the Board of Registrars for Margaret Johnson in accordance with sections 3-3 of the Town Charter.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

NEW BUSINESS

- NONE

Councilor Ryan read the following Motions for referrals to committee(s):

Refer to the Committee on Ordinance & Rules

- 17 073 Town Clerk: Adoption of Code or take up any action relative thereto

- 087 17 Councilor Mullaney: Request to Amend Town By-Law Chapter 6.04 Dogs and Other Animals or take up any action relative thereto
- 088 17 Councilor Mullaney: Request to Amend Age to Purchase Items for Vaping or take up any action relative thereto (**WITHDRAWN**)

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Refer to the Committee on Ways & Means

- 17 072 Mayor: Request for Funding CPA Restoration Project Union School aka American Legion or take up any action relative thereto
- 17 074 Mayor: Request for Funding CPA Architectural Services Union School aka American Legion or take up any action relative thereto
- 17 075 Mayor: Police Department Prior Fiscal Year Unpaid Bills or take up any action relative thereto

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:18p.m.

Respectfully submitted,

Susan M. Cimino

Clerk of the Council

Documents provided for Meeting

- Minutes October 4, 2017
- 17 061 Councilor Mullaney: Request to Increase Mayor’s Salary or take up any action relative thereto
- 17 059 Comcast Petition: Forbes Road or take up any action relative thereto
- 17 066 National Grid Petition: Conrad Street or take up any action relative thereto
- 17 068 Mayor: FY18 Supplemental Appropriation #2 or take up any action relative thereto
- 17 069 Mayor: South Middle School Feasibility Study or take up any action relative thereto
- 17 070 Mayor: Re-Appointment Board of Registrars - Margaret Johnson or take up any action relative thereto