

BRAINTREE BOARD OF SELECTMEN

MINUTES

August 28, 2006

IN ATTENDANCE: Charles B. Ryan, Chairman; Joseph W. Hubbard, Vice Chairman; Darrin M. McAuliffe, Clerk; Charles Kokoros

ABSENT: Joseph Powers

ALSO PRESENT: Sue Kay, Interim Executive Secretary; Barbara Saint Andre, Town Counsel; Deborah Carlino, Recording Secretary; members of the press and public

Chairman Ryan opened the meeting at 7:00 p.m.; all members of the Board who were present answered to a roll call. Chairman Ryan then led those present in a moment of silence and the Pledge of Allegiance.

Chairman Ryan read the announcements:

-There are several vacancies: Fair Housing Committee (several vacancies); Conservation Commission (1 vacancy).

-Saturday, September 9, 2006, a Household Hazardous Waste Collection Day will be held from 9 a.m. to 1 p.m. at the Ivory Street Recycling Center. This event has participates volunteering from many town depts. as well as some student involvement. Our collection of Mercury includes an exchange of mercury thermometers for safe, free digital thermometers and mercury thermostat for a one dollar discount coupon from Dunkin Donuts. Any questions call 781-794-8088.

-Help Thayer Public Library Expand Patron Parking – join the Friends of Thayer Public Library for a fabulous night out. All proceeds will be used to purchase property for more parking. Friday, October 13, 2006, 6-10 p.m. at F1 Boston, Wood Road, Braintree. For more information call 781-848-1489.

-there will be a September 11th ceremony starting at 10:00 a.m.

APPROVAL OF MINUTES:

MOTION: by Mr. Hubbard to approve the minutes of August 14, 2006

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

NEW BUSINESS:

RE: Discussion with Marybeth McGrath, Executive Health Officer on Emergency Preparedness Plans

IN ATTENDANCE: Marybeth McGrath, Executive Health Officer

Ms. McGrath updated the Board re: the Town's Emergency Preparedness Plans. Through the Mass. Dept. of Public Health directives, the Braintree Health Dept. has been actively involved in the preparation of emergency preparedness plans for the Town. Specifically:

-the Emergency Dispensing Site Action Plan which would be activated in response to public health emergency (i.e. mass vaccination clinic, etc.);

-the Local Infectious Disease and Emergency Planning and Response Plan which would provide a coordinated response to address an infectious disease emergency;

-the Continuity of Operations Plan which establishes procedures for continuation of essential functions of the health Dept.;

-the Risk Communication Plan which conveys information to residents and stakeholders re: the emergency.

Ms. McGrath advised that in order to implement these plans, she has sought review and approval of said plans by the Board of Health, the Superintendent of Schools and the Local Emergency Planning Committee.

The Board of Health at their April 13, 2006 meeting approved these emergency plans. At their meeting of May 2, 2006, Dr. Peter Kurzberg, Superintendent to Schools approved the Emergency Dispensing Site plan, as the Braintree High School is one of the designated emergency dispensing sites in the Town. At their meetings of May 18, 2006 and July 6, 2006, the Local Emergency Planning Committee approved the request for annexation of these plans into the Town's Comprehensive Emergency Management Plan.

This evening, Ms. McGrath is before the BOS asking for the Board's approval for annexation of these emergency preparedness plans into the Town's Comprehensive Emergency Management Plan.

MOTION: by Mr. Kokoros to move approval of the annexation of these emergency preparedness plans into the Town's Comprehensive Emergency Management Plan

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Request for Approval of (3) Keyspan Energy Petitions:

-Academy Street
-Weston Court
-Miller Street

IN ATTENDANCE: Francis O'Leary

The Board received three petitions from Keyspan:

1. Install and maintain approximately 450' more or less, of 2" gas main in Academy Street from the existing 2" gas main in Hollingsworth Avenue at Academy Street southeasterly to the existing 2" gas main in Tremont Street at Academy Street. All of which is to replace the existing 1 1/2" gas main in Academy Street which is to be abandoned.
2. Install and maintain approximately 205' more or less, of 2" gas main in Weston Court from the existing 2" gas main in Weston Avenue at Weston Court northerly to house no. 15 Weston Court. All of which is to replace the existing 1 1/2" gas main in Weston Court which is to be abandoned.
3. Install and maintain approximately 410' more or less, of 2" gas main in Miller Street from the existing 2" gas main in Miller Street at Hamilton Street northwesterly to the existing 2" gas main in Miller Street at house no. 15. All of which is to replace the existing 2" gas main in Miller Street which is to be abandoned.

The Board received memos from: Engineering Dept. (no objection to approvals with the standard conditions); Highway Dept. (no objections; as always, Street Opening Permits along with required specifications must be in place prior to the start of any work); Water/Sewer Dept. (no objection as long as the gas main is at least 3' distant horizontally from the existing water and sewer mains. Also they ask that Keyspan be required to schedule a pre-construction meeting to discuss and confirm the final location of the main. Also, Keyspan needs to be aware that we have a water main construction contract that is scheduled to start at the lower end of Weston Avenue on Monday, August 28th, 2006 or Tuesday, August 29th. Our contractor should be past Weston Court within a week however, to ensure that there is no conflict it may be best to do the other two streets before doing Weston Court); BELD (no objection).

MOTION: by Mr. Kokoros to move approval of three Keyspan petitions subject to staff's recommendation and that police details are paid up to date

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Request from Engineering for Approval of two Change Orders:
1. **Change Order #1 – Contract #06-1 Hillside Road Project**
2. **Change Order #1 – Contract #06-2 Central Avenue Project**

IN ATTENDANCE: Robert Campbell, Town Engineer

MOTION: by Mr. Kokoros to approval Change Order #1 – Contract #06-1 Hillside Road Project in the amount of \$49,589.18; and Change Order #1 – Contract #06-2 Central Avenue Project in the amount of \$55,778.97

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Request from Bayshore Athletic Club, 14 Plain Street for Approval of:

1. **5th Annual 5K/10K Road Race**
2. **One Day Special Wine and Malt License**

IN ATTENDANCE: John Bartkow

The Board received a request from Bayshore Athletic Club to hold their 5th Annual 5K/10K Road Race to be held on Saturday, October 21, 2006, to benefit academic and athletic programs at Braintree High School. The race will start at 9 a.m. and last approximately 2 hours and conclude with a block party in front of the Bay Shore Athletic Club.

The Board received memos from: Police Dept. (no objection; 2 officers will be assigned); Fire Dept. (no objection as long as proper fire lanes are maintained); Board of Health (no objection; dept. is working with applicant).

MOTION: by Mr. Kokoros to approval this request subject to recommendations

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Interview for Appointment to Conservation Commission – Donald Murphy to fulfill term to expire 5/3/07

MOTION: by Mr. McAuliffe to appoint Donald (Gus) Murphy to the Conservation Commission

SECOND: by Mr. Kokoros
UNANIMOUSLY VOTED

RE: Vote to Accept Refund Check from the Norfolk County Dog Fund

MOTION: by Mr. Kokoros to accept a refund check in the amount of \$3622.50 from the Norfolk County Dog Fund

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Close Warrant for Special Town Meeting

Tom Reynolds, Interim Water/Sewer Director asked to add another article to the Warrant prior to the Board closing same. Additional funds (\$125,000) was needed to replenish an article to continue with construction within the construction season to pay for police detail. Further, at the May Town Meeting, the recommendation of hiring a Delinquent Accounts Clerk (\$39,000) was defeated; however, the cost of that clerk was taken out of the budget and that amount is needed in order to cover the costs for part time clerical and overtime.

It was noted that these requests are covered under Article 3 of the Warrant.

**This matter was tabled to later in the meeting
in order to start a public hearing
that was scheduled for 7:30 p.m.**

RE: PUBLIC HEARING: Request for All Alcoholic Package Store License from Deep Convenience Inc. d/b/a Resendes Market located at 960 Washington Street

IN ATTENDANCE: Arthur Pearlman, Esq.

MOTION: by Mr. Hubbard to open the public hearing

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

The Board received an application from Deep Convenience, Inc. d/b/a Resendes Market, holder of a Wine and Malt Package Store License, for an All Alcoholic Package Store License to be operated on the premises consisting of first floor retail area, basement used for storage, one entrance onto Washington Street and one rear exit onto rear alley located at 960 Washington Street.

The Board received memos from:

1. Building Dept. (at this time the Building Dept. has several objections to the above cited application as presented. There is no indication as to how and where the additional stock would be merchandised. Will it replace current stock or would the building need to be expanded to accommodate the additional stock? How would the anticipated deliveries impact the traffic and parking situation in the square? Would there be adequate parking for the anticipated increase in customers? The Building Dept. would request that the BOS delay approval of this application until clarification of the above issues is presented.);
2. Police Dept. (favorable action on the issuance of the license);
3. Fire Dept. (no objection to this license);
4. Board of Health (In May, 2006, this Dept. conducted an inspection of the above referenced establishment and issued permits for the operation of the food establishment and sale of tobacco products, as relates to the transfer of ownership to Ramila Patel);
5. Planning Board (it was voted to recommend that the BOS deny the request for said license based on congestion in South Braintree Square and the lack of dedicated parking for the establishment);
6. Water/Sewer Dept. (normally we would say that this change has no impact on the water and sewer system. However, we are aware that this establishment has changed hands this past spring. When that occurred a final inspection of the water meter as well as a final meter reading was not scheduled as required. Therefore, we recommend that the request be denied due to lack of conformance with Town Rules. Furthermore, they should be directed to contact our office in order to comply with our real estate transfer requirements.

Atty. Pearlman advised that the final water reading will be done on Thursday and paid at that time. With re: to the Building Inspector's comments re: plans (a new plan was submitted showing the layout of the store). The store no longer rents videos and if approved will carry "hard" alcohol and not just wine and beer. The proposed location of the liquor is behind the counter in a secure area and they have moved the snacks to a new area as well. Deliveries of alcohol will be the same; just a few more minutes as there will be more inventory; however, using the same delivery company.

Mr. Kokoros stated that this new license will change the type of business/customers with these new items. This will draw additional people thereby increasing the impact of traffic in the square. There will be a change of cliental from video rentals to alcohol sales.

Mr. Hubbard stated that he was concerned that there will be a change due to the sale of liquor. To their credit they have done a good job for the six months that this business changed hands; however, he is not convinced that this will not attract more people and become a negative impact on the Square.

Atty. Pearlman stated that there may be a loss of customers due to the lack of video rentals.

Mr. Hubbard advised that he would rather have a longer period of time to review the impact prior to moving on this.

MOTION: by Mr. Kokoros to close the public hearing
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

MOTION: by Mr. Hubbard to deny the request for said license based on congestion in South Braintree Square and the lack of dedicated parking for the establishment
SECOND: by Mr. McAuliffe
UNANIMOUSLY VOTED

RE: PUBLIC HEARING: Petition from Verizon New England Inc. and BELD for Joint Pole Relocation

IN ATTENDANCE: Penny Kane, Manager Right of Way

MOTION: by Mr. Kokoros to open the public hearing
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

The Board received a joint petition from Verizon New England, Inc. and BELD to relocate one pole on Granite Street. This petition is necessary in order to provide clearance and access for a new driveway to the new Sunrise Assisted Living facility.

The Board received memos from: Engineering Dept. (no objection, provided that the pole is set in conformity with ADA requirements (36" minimum clear sidewalk space, for a wheelchair to pass, at all locations), and to avoid obstructing sidewalk snow removal operations (42" minimum width fro sidewalk plow to pass, where possible); BELD (no objection); Water/Sewer Dept. (no objection as long as the pole is at least 3' distant horizontally, from the existing water/sewer services. Be aware that the developer has just installed a water main into the property which may be close to the proposed location of the pole).

MOTION: by Mr. Kokoros to close the public hearing
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to approve the request subject to staff's recommendations
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: RE: Review of Several Reports from the Commercial Truck Review Committee

IN ATTENDANCE: Rusty Miller; George Morse

Mr. Miller provided the Board with two reports for their review: the Commercial Vehicle Exclusion Study, Howard Street, Braintree, MA; prepared by the Commercial Traffic Review Committee dated August 10, 2006; Commercial Vehicle Exclusion Study, Hayward Street, Braintree, MA; prepared by the Commercial Traffic Review Committee dated August 10, 2006; as well as a copy of the Braintree Zoning ByLaws Article XI re: Environmental Performance Standards.

Mr. Miller wanted to address the Board re: the dangers that are around that area re: the trucks traveling on Braintree's roads. There is the Ross School, which is a walking school and there are large full trucks traveling by that school many, many times each day. What will Braintree do when the Hingham Shipyard is developed, the Quincy Shipyard is developed; what benefit will Braintree get from that – increased commercial traffic. What are we going to do to protect our residents? The Ross School is a walking school with over 300 students and faculty within yards of these trucks. What about the noise level,

exhaust, hazardous materials that they are carrying; not only the school, but the resident in this area. (the Board was shown pictures of accidents that occurred in this area involving tanker trucks, etc.).

The CTRC is before the Board asking for appropriate action on the following:

1. Move forward a report to the Mass. Highway Dept. requesting that the Town be able to impose a commercial vehicle exclusion on Hayward Street between the hours of 7 a.m. and 6 p.m.;
2. Move forward a report to the Mass. Highway Dept. requesting that the Town be able to impose a commercial vehicle exclusion on Howard Street;
3. Requested that the Braintree Police Dept. enforce the Town ByLaws concerning decibel levels within the Town;
4. Request that the Town impose "No Parking" and post a sign in front of the Hayward Market/Dunkin Donuts across from the Ross School;
5. The State Truck Team offers at no cost, a course to instruct local law enforcement what they can do to enhance the safety of commercial vehicles as they travel through the town of Braintree. The CTRC strongly encourages the Town to take advantage of this course.

The BOS thanked the CTRC for all their hard work and dedication to this matter over the few years that this Committee has been formed. However, there was some concern re: the restriction time of 7 a.m. to 6 p.m.; perhaps this was too long of a time frame.

Mr. Miller advised that the State will review the reports, and if they have any amendments to same the State would advise the CTRC re: same. For instance, they may agree to the entire report, however, may ask that Braintree alter the times slightly. Or the State could approve the reports and the BOS would ultimately decide the time frame of restriction.

Town Engineer Robert Campbell and the Police Dept. had only received the reports and information today, and although the "No Parking" sign request was going before the TASC at their September meeting; there was a request from the Police Chief to table this matter until there was a full review of the report.

There was discussion by the Board to not delay this matter any further, and instead of having the CTRC come back for another meeting, this matter could be approved subject to review by Chief Frazier and TASC.

MOTION: by Mr. Kokoros to move forward with the recommendations of the CTRC subject to TASC and Chief Frazier's review and any amendments that they may make

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Request from Granite SFX LLC, 703 Granite Street for the following:

- 1. Change of Manager to Michael F. Richardi**
- 2. Change of d/b/a**

IN ATTENDANCE: Carl Johnson, Esq.

MOTION: by Mr. Kokoros to approve the Change of Manager to Michael F. Richardi

SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to approve the change in d/b/a of the Granite SFX LLC, d/b/a SFX Restaurant & Bar to d/b/a Spazio FX
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Discussion with Finance Director – FY06 Year End Revenue Report

IN ATTENDANCE: Brian Connolly, Finance Director

Mr. Connolly made a presentation re: his report entitled, "FY06 Local Receipts Revenue Report" (see report for full detail attached hereto).

RE: Request from Highway Dept. for Approval of Contract – J.M. Cook Co. for Leaf Compost Grinding Services

MOTION: by Mr. Kokoros to award the contract to J.M. Cook Co. for leaf compost grinding services in the amount of \$19,200
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Request from Water/Sewer for Approval of Contract – Shannon Chemical Corp. (Polyphosphate)

IN ATTENDANCE: Tom Reynolds, Interim Water/Sewer Director

MOTION: by Mr. Kokoros to award the contract to Shannon Chemical Corp. for Polyphosphate in the amount of \$8.39 per gallon
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Request from Water/Sewer Dept. for Reserve Fund Transfer to Supplement Vehicles

IN ATTENDANCE: Tom Reynolds, Interim Water/Sewer Director

Mr. Reynolds advised that the DPW Director's request to purchase two 6 wheel dump trucks rather than one 10 wheel dump truck that was originally budgeted for. We need the \$30,000 difference between the two and also to purchase a roller and trailer as originally budgeted. A place has been held for the orders so we can receive delivery in November. If we wait we will be charged an additional \$10,000 per truck due to emission control standards that will change in January, 2007.

MOTION: by Mr. Kokoros to recommend favorable action for the reserve fund transfer of \$30,000
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

RE: Close Warrant for Special Town Meeting (cont)

Brian Connolly, Finance Director stated that he would recommend that these requests (the police detail, etc.) be separate line items every year.

MOTION: by Mr. McAuliffe to close the Special Town Meeting Warrant for October 3rd, 2006
SECOND: by Mr. Hubbard
UNANIMOUSLY VOTED

OTHER BUSINESS:

Mr. Kokoros spoke re: the petition that was sent to the Board re: 1134 Liberty Street and wanted to acknowledge that it has been received and he shares in their concerns.

Mr. Kokoros would ask the Ms. Kay to see if there is anything else that the Board or Town can do re: any additional mosquito spraying that may be taking place; perhaps the State Mosquito Control could be contacted to see what that may be if anything.

RE: Executive Session

MOTION: by Mr. Hubbard to go into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel.

SECOND: by Mr. McAuliffe

ROLL CALL VOTE: 4:0 (Mr. McAuliffe; Mr. Hubbard; Mr. Ryan; Mr. Kokoros)

MOTION: by Mr. Hubbard to come out of Executive Session to adjourn

SECOND: by Mr. Kokoros

ROLL CALL VOTE: 4:0 (Mr. Hubbard; Mr. Ryan; Mr. Kokoros; Mr. McAuliffe)

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,
Deborah Carlino
Recording Secretary