

## BRAINTREE BOARD OF SELECTMEN

### MINUTES

December 18, 2006

Regular meeting of the Braintree Board of Selectmen, held on Monday, December 18, 2006, at 7:00 p.m. at Braintree Town Hall, in the Carl R. Johnson, Jr. Chambers, One JFK Memorial Drive, Braintree, Massachusetts

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

**ABSENT:** Sue Kay, Interim Executive Secretary; Joseph Powers

**ALSO PRESENT:** Carolyn Murray, 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.

#### **ANNOUNCEMENTS:**

--There are several vacancies: Fair Housing Committee (several vacancies); Community Preservation Commission (1 vacancy); Contributory Retirement Board (1 vacancy).

-South Middle School will be having a brief ceremony at 1:45 p.m. on Thursday, December 21<sup>st</sup>, in honor of celebrating its 50<sup>th</sup> year. This will be a first of many activities this year in honor celebrating the school's 50<sup>th</sup> year.

-Firefighter Entrance Exam – the Town of Braintree will administer a written Firefighter Entrance Examination for the position of Firefighter on Saturday, February 24, 2007 (snow date: March 3 2007) in the Cafeteria of Braintree High School. Applications may be obtained at the Braintree Personnel Dept., Town Hall, One JFK Memorial Drive, Braintree, MA 02184. A \$40 processing fee (no personal checks), driver's license and a copy of your birth certificate must be submitted with the application. Completed applications must be returned to the Personnel Dept. no later than 4:30 p.m. on February 2 2007.

-Christmas Tree pickup will be conducted by Waste Management for two weeks the same day as trash pickup. January 8<sup>th</sup> through January 12<sup>th</sup>; January 16<sup>th</sup> through January 20<sup>th</sup>; no pickup January 15<sup>th</sup> due to holiday. Trees must be curbside by 7:00 a.m. After these dates, residents must dispose of trees at the Plain Street Cemetery Compost site Wednesday through Sunday 7:30 a.m. to 12:00 p.m. and 1 p.m. to 3 p.m. until January 31<sup>st</sup>, 2007 when the site closes for the season. For more information contact Waste Management at 1-800-262-5633 or after 5 p.m. 508-337-1287; or the Highway Dept. at 781-794-8950.

-the Braintree Police and Highway Dept. wish to remind all residents there is no on street or sidewalk parking during all snow emergencies. Any snowfall results in a snow emergency, in which a parking ban is in effect immediately. Violators will be subject to fines, as well as towing at owner's expense. Also, please be aware that snow blowing, shoveling or otherwise dispensing snow, water or any other debris onto the public way is a violation of Town ByLaws and violators will be subject to fines.

-The Parish of Saint Clare has serviced the needs of the residents of Fr. Bill's Place, Quincy, MA from 1996-2006. The volunteers have been coordinated by Mary Glynn of Braintree. The meals have been financed through the weekly donations of St. Clare Parish members. These meals have been served monthly during this time on Tuesday evening. Since the beginning of these services St. Clare volunteers to Fr. Bill's Place have estimated serving over 10,000 meals. Clearly this represents a significant milestone in Christian service for St. Clare Parish. This commendation reminds us all that the needs of the hungry sadly persist, while the majority of us find ample food and shelter. May we all remember the needed and applaud those whose service to the residents of Fr. Bill's Place is most vital and necessary.

The Board received a memo from John Polio, Chairman of the Braintree Council of Aging advising that a Certificate of Commendation has been awarded to COA Services Coordinator Jane Hanley for her commitment to the COA.

MOTION: by Mr. McAuliffe to ask that this Certificate of Commendation be placed in the personnel file of Jane Hanley  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**APPROVAL OF MINUTES:**

MOTION: by Mr. Hubbard to approve the minutes of December 4, 2006  
SECOND: by Mr. McAuliffe  
UNANIMOUSLY VOTED

MOTION: by Mr. Hubbard to approve the Executive Session minutes of November 7, 2005  
SECOND: by Mr. Kokoros  
VOTE: 2:0:2 (abstaining: Mr. Ryan; Mr. McAuliffe)

MOTION: by Mr. Hubbard to approve the Executive Session minutes of February 27, 2006  
SEOND: by Mr. McAuliffe  
VOTE: 3:0:1 (abstaining: Mr. Kokoros)

MOTION: by Mr. Hubbard to approve the Executive Session minutes of May 22, 2006  
SEOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

MOTION: by Mr. Hubbard to approve the Executive Session minutes of June 12, 2006  
SEOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

MOTION: by Mr. Hubbard to approve the Executive Session minutes of December 4, 2006  
SEOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

**NEW BUSINESS:**

**RE: Request for Keno License – Emerald Hall, 120 Baystate Drive**

IN ATTENDANCE: Lisa DeAngelo

The Board received a memo advising that the BOS has been notified by the Massachusetts State Lottery Commission that an application for a Keno License has been received by Emerald Hall, located at 120 Baystate Drive.

The Board received memos from: Police Dept. (no objections); Fire Dept. (no objections); Building Inspections Dept. (no objection; however any Keno machine(s) and related equipment cannot block emergency exits or compromise any life safety issues); Planning Dept. (no recommendation as they have not met).

MOTION: by Mr. Kokoros to move approval  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from Legal Seafood's, Inc., 250 Granite Street, for Change of Manager**

IN ATTENDANCE: Jeff Laureanno

The Board received a request to change in manager of record for its all alcoholic beverages restaurant license located at South Shore Plaza, from Mark Levine to Jeffrey J. Laureanno.

MOTION: by Mr. Hubbard to move approval  
SECOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

**RE: Interview and Appoint New Constable for the Town of Braintree – Tracey Stedman**  
IN ATTENDANCE: Tracey Stedman

MOTION: by Mr. McAuliffe to appoint Tracey Stedman a Constable in the Town of Braintree  
SECOND: by Mr. Hubbard  
VOTE: 3:0:1 (abstaining: Mr. Kokoros)

**RE: Request from Water/Sewer for Approval of Hollingsworth Avenue Water Main Contract – Change Order No. 2 (Tornare Construction Corp.)**  
IN ATTENDANCE: Ben Fehan, Senior Engineer

Mr. Fehan advised that Change Order No. 2 (in the amount of \$16,640) provides for additional compensation to the contractor for a number of different extra work items. The extra work includes the addition of 115' of main for Academy Street. There was also significant amount of unsuitable material which had to be discarded during the course of the work. The unsuitable material then had to be replaced with clean gravel. Other extras generally involved miss marked utilities. The Change Order also includes the final balancing of the unit price items as is required. The total amount of money authorized for payment under the change order is \$16,640, however, due to the under runs the change order only increases the contract by \$2,564.63 which represents a miniscule increase in the contract total.

MOTION: by Mr. Kokoros to approve Change Order No. 2 in the amount of \$16,640  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from Water/Sewer for Approval of Liberty/Middle Streets Water Main Contract – Change Order No. 2 (Blue Diamond Equipment Co.)**  
IN ATTENDANCE: Ben Fehan, Senior Engineer

Mr. Fehan advised that Change Order No. 2 (in the amount of \$15,366.50) provides for additional compensation to the contractor for a number of different extra work items. The most expensive item was related to a significant amount of ledge encountered at the entrance to Marinelli Lane. Other extras generally involved miss marked utilities and the removal and replacement of drains. The Change Order also includes the final balancing of the unit price items as is required. The total amount of money authorized for payment under the change order is \$15,366.50, however, due to the under runs the change order reduces the contract by \$56,620.89.

MOTION: by Mr. Hubbard to approve Change Order No. 2 in the amount of \$15,366.50  
SECOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

**Mr. McAuliffe recused himself from this discussion and left the room**

**RE: Discussion: Request by the MBTA for Approval of Later Train Service from Boston to the Communities served by the Old Colony Line including Braintree**

The Board received a letter dated December 7, 2006, from Daniel Grabauskas, General Manager of the MBTA asking that the BOS consider train schedules that are in use at the MBTA commuter rail station in Braintree. The MBTA has received numerous requests to add later train service from Boston to the communities served by the MBTA's Old Colony Lines. The typical reason for the request is to have the ability to use commuter rail as transportation home from nighttime events in Boston. Currently, the trains

do not run after approximately 10:30 p.m. This request is being sent to officials from towns that would be impacted by this change.

Mr. Hubbard stated that although there would be somewhat of a negative impact to the neighbors in the immediate area, he would be open minded to reviewing this request. It is a matter of convenience for those who work in Boston. Later hours would be a benefit to the community. He would suggest expanding to 12 midnight, however not any later. We want to encourage people to take the train and having a later train schedule would be helpful.

Mr. Kokoros stated that he too would be open minded to expanding the hours up to 12 midnight.

It was suggested that the Town's MBTA Representative, Dorothy Veronica White, be asked to find out the turnaround timeframe that the MBTA needed a response re: this matter. If there was enough time, it was suggested that a public hearing be held in order to hear from those residents that would be most affected by this change.

#### **Mr. McAuliffe returned to the meeting**

**RE: Vote to Award Contract to Stone Consulting for Actuarial Study Services Pursuant to GASB45**

MOTION: by Mr. Kokoros to award the contract to Stone Consulting for Actuarial Study Services pursuant to GASB45, as recommended by Staff

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request for Approval by the Conservation Commission to Accept Donation of Land – Cranberry Pond Conservation Area (Map 1115, Plot 7)**

The Board received a memo from Peter Lapolla, Director of Planning and Conservation advising that Robert Cullinane has offered an approximately one acre parcel of land to the ConComm. The parcel is adjacent to the 212 acre Devon Woods Conservation Restriction area, which surrounds the Cranberry Pond Conservation Area. Mr. Cullinane's gift is contingent upon the transfer to the town being completed and recorded at the Registry of Deeds on or before December 31, 2006. The ConComm voted to accept the donation at their November 16, 2006 meeting. Town Counsel is currently working on preparation of the deed.

MOTION: by Mr. Kokoros to accept the donation of land, contingent upon a deed as approved by Town Counsel

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Yearly Renewal of 2007 Liquor Licenses**

The Board received memos from:

-the Police Dept. (all establishment were found to be in compliance. As the Board knows, there currently are two inactive licenses (Bickford's Restaurant and The Ridge Athletic Club)

-the Fire Dept. (during the past month all establishments have been visited, and find they all meet applicable fire and safety codes at this time);

-the Building Dept. (all establishments are now in full conformity with all applicable regulations).

-the Board of Health (all in compliance, additionally, the following establishments are either closed or not in operation: Ridge Racquet Club (Innholder) and Bickford's Grille (wine and malt common Victualler).

#### **Innholder:**

1. Ridge Racquet Club, 710 West Street
2. Holiday Inn Express, 190 Wood Road
3. Sheraton Tara Hotel, 37 Forbes Road

**Restaurant:**

4. Applebee's Neighborhood Grill & Bar, 755 Granite Street
5. Joe's American Bar and Grill, 250 Granite Street
6. Bertucci's Brick Oven Ristorante, 400 Franklin St
1. Giomatti Ristorante & Bar, 462 Quincy Avenue
2. Rock Bottom Restaurant and Brewery, 250 Granite Street
3. Chili's Grill & Bar, 170 Pearl Street
10. Bugaboo Creek Steak House, 551 John W. Mahar Highway
12. El Sarape, 5 Commercial Street
13. Ascari at F1 Boston, 290 Wood Road
14. J.J. Mulligan's Sports Pub & Grille, 941 Washington St
15. SFX Restaurant & Bar, 695 Granite Street
16. Helen's Restaurant Inc., 16 Commercial St
17. Hilltop Steak House, 210 Union St
18. Maria's Restaurant, 240 Quincy St
19. Legal Sea Foods, 250 Granite St
20. Jamie's of Braintree, 63 Columbian St
21. Famous Dave's, 535 Mahar Highway
22. 99 Restaurant-Pub, 250 Granite Street
23. Spazio's, 200 Quincy Avenue
24. The Landing Pub, 2 Commercial Street
1. The Peiking Duck Co. Inc., 731 Granite St
2. TGI Friday's, 37 Forbes Road
3. Tiki Palace, 1177 Washington St
4. Campanale's, 88 Pearl St
5. Uno Chicago Grill, 250 Granite St
6. Jimbo's South, 405 Franklin Street

**All Alcoholic Clubs:**

30. Braintree Columbus Club Bldg. Assn. Inc., 875 Washington Street
7. Braintree Lodge #760, Sons of Italy, 161 King Hill Road
8. Braintree Lodge No. 413, Loyal Order of Moose, 175 W. Howard Street
9. Braintree Lodge of Elks #2622 d/b/a Braintree Elks
34. Local #369 Building Fund Inc. d/b/a Majestic Hall, 120 Bay State Drive
35. South Shore Viking Assoc. d/b/a Viking Club, 410 Quincy Avenue

**All Alcoholic Package Goods Stores:**

1. Liberty Wine & Spirits, 300 Grove Street
2. Braintree Package Store, 396 Washington St
3. Granite Package Store Inc., 729 Granite St
4. Red Apple Food & Liquor, 267 Quincy Avenue
5. Pearl Wine & Spirits Co. Inc., 96 Pearl St

**Wine and Malt Common Victualler:**

1. Bickford's Grille, 135 Union Street
2. Pan-Asia Café & Grill, 211 Quincy Avenue
3. Olympian Diner, 17 Hancock Street
4. Sintra, 906 Washington Street
5. Tennessee's BBQ, 173 Pearl Street
6. Café Asiana, 25-27 Pearl St

**Wine and Malt Package Goods Store:**

1. Pond Street Variety, 305 Pond Street

2. Resendes Provisions Inc., 960 Washington St

**Veterans Organizations:**

1. Braintree Post #1702 VFW of the U.S. Inc., 356 Washington St
2. DAV of Braintree Chapter 29 Inc., 788 Liberty Street

MOTION: by Mr. Kokoros to renew all liquor licenses for 2007 as presented  
SECOND: by Mr. Hubbard

**DISCUSSION:**

Mr. Hubbard stated that he was concerned re: the two establishments that are currently closed, however still maintain their licenses. The Board has discussed its concern re: pocket licenses.

Mr. Kokoros stated that it has been our past practice to renew the licenses. One or both may be trying to relocate within Town.

Mr. Hubbard would ask that Staff follow up on the status of the license holders and find out what is happening re: same.

UNANIMOUSLY VOTED

**RE: Yearly Renewal of Fortune Teller's License – Open Doors, Inc.**

MOTION: by Mr. Kokoros to renew the fortune teller's license for 2007  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Open Warrant for the Special Town Meeting to be held on February 12, 2007**

MOTION: by Mr. Kokoros to open the warrant for the Special Town Meeting to be held on February 12, 2007  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from Police Dept. for Approval of Contract – Pamet Systems Inc. (software)**

MOTION: by Mr. Hubbard to approve the contract between the Town of Braintree and Pamet Systems Inc. for goods and services in the amount of \$29,773.00  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: PUBLIC HEARING: Cable Television Licensing**

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

Rick Colon, Esquire was present on behalf of Verizon and explained that he was before the BOS back in September for an informational meeting. They have been installing fiber optics infrastructure throughout the town and would like to begin offering cable television services to Braintree residents. Verizon has just negotiated its 35th license in the State in the City of Newton. Offering Verizon cable to Braintree residents would offer more choices to the residents and better prices.

Mr. McAuliffe advised that as the BOS liaison, he has met with Atty. Colon many times and they have met with BCAM and BELD and addressed their concerns.

MOTION: by Mr. McAuliffe to initiate the cable television license process on behalf of Verizon  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe that the Town of Braintree requests a waiver of the requirement to advertise in a national trade journal  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to request that the 60 day filing requirement be waived as well  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

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

**RE: Discussion: To Enter into a short-term lease with the Dianne DeVanna Center and Representatives from the Braintree Youth Center Committee**

MOTION: by Mr. Kokoros that Town Counsel on behalf of the Town of Braintree draft a one year lease agreement for 74 Pond Street with The DeVanna Center and the Youth Center Committee, subject to a satisfactory lease agreement approved by the Board and that the organizations pay for the utilities and insurances, along with any repairs or upgrades needed  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**OTHER BUSINESS:**

Mr. McAuliffe wanted to note that the Town Hall Memorial Mall is starting to take shape. He wanted to thank those on the Committee for their efforts and doing a great job

**Mr. Powers arrived at the meeting**

**RE: Executive Session**

MOTION: by Mr. Kokoros 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. Hubbard

ROLL CALL VOTE: 5:0 (Mr. Hubbard; Mr. Powers; Mr. Kokoros; Mr. McAuliffe; Mr. Ryan)

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

SECOND: by Mr. Hubbard

ROLL CALL VOTE: 5:0 (Mr. Hubbard; Mr. Powers; Mr. Kokoros; Mr. McAuliffe; Mr. Ryan)

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

Respectfully submitted,  
Deborah Carlino  
Recording Secretary

