

## BRAINTREE BOARD OF SELECTMEN

### MINUTES

February 26, 2007

Regular meeting of the Braintree Board of Selectmen, held on Monday, February 26, 2007, 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; Joseph Powers

**ALSO PRESENT:** Sue Kay, Interim Executive Secretary; Brian Reilly, 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 held a dedicated moment of silence for Retired Fire Deputy Chief Robert Legg who passed away over the weekend. The Board then said the Pledge of Allegiance.

#### **ANNOUNCEMENTS:**

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

-Firefighter Entrance Exam – the Town of Braintree will administer a written Firefighter Entrance Examination for the position of Firefighter on March 24, 2007 (snow date: March 31, 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.

-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 Norfolk County Mosquito Control Program advising that as of the pending spring (and summer if necessary) aerial applications targeting mosquito larvae in the larger wetlands of the county. These applications will be conducted between April 1, 2007 and September 15, 2007.

-The Board received a notice of resignation from Jonathan Smith from the Commission on Disabilities.

-The Braintree Rotary is planning a "Clean Up Litter" day this spring. More details to come.

-The Parent Involvement Program Inc. (PIP) will be holding their annual PIP Family Math Carnival on Friday, March 9, 2007, in the Town Hall Auditorium from 6:30 p.m. to 8:30 p.m. This is a free family event for Braintree residents and their families.

-The Friends of the Braintree Council on Aging will be holding a Senior Prom at the Viking Club on Sunday, April 22, 2007. The prom will feature dinner and dancing. Reservations are needed; for more information call 781-848-5849. Tickets are only \$25 each and payments are due by April 2<sup>nd</sup>.

#### **APPROVAL OF MINUTES:**

MOTION: by Mr. Hubbard to approve the minutes of February 12, 2007

SECOND: by Mr. Powers

UNANIMOUSLY VOTED

**Mr. Kokoros arrived at the meeting**

#### **NEW BUSINESS:**

**JOINT MEETING WITH THE SCHOOL COMMITTEE: Vote to Authorize Submission for Statement of Interest to the Mass. School Building Authority**

IN ATTENDANCE: Dr. Peter Kurzberg, Superintendent; Members of the School Committee: Margaret Dunley, Karen Whitney, Kathy Prioli, Kathy Maguire, Maureen Clark

**The School Committee unanimously voted to call its meeting to order**

Dr. Kurzberg explained that the School Committee has taken the first steps to receive grant funds from the state for repairs and upgrades to the Braintree Schools. They were before the Board asking for support in submitting a "Statement of Interest" that would be filed with a state authority that is responsible for providing state funds that are used for school building construction and renovations. The Statement of Interest needs to be submitted to the School Building Authority for funding with approvals from the BOS and School Committee. There are many repairs and upgrades that are necessary (such as electrical upgrades in select schools, roof repairs, window replacements, repairing HVAC systems, handicap accessibility).

The Board received a list dated February 16, 2007, of proposed improvements that are necessary to the Town's schools.

Further, Dr. Kurzberg advised that they are hoping to receive reimbursement funds for work already undertaken. As a result of our submittal, we may be invited for further discussions by the School Building Authority. Also, the Board was advised that this Statement has to be submitted by July 1, 2007; however, it may take a couple of years to actually receive any state approval or funding. The state funding levels will also likely be closer to 50% rather than the 75% and even 90% some districts are currently receiving.

MOTION: by Mr. McAuliffe to support the Scholl Committee's submission of the Statement of Interest to the State Building Authority

SECOND: by Mr. Hubbard

**DISCUSSION:**

Mr. McAuliffe stated that many years ago the Town of Braintree was very successful in obtaining funds to help with the improvements to the Town's school system.

Mr. Hubbard stated that he did not want this to be the final answer and once we approve this that we are all set. He commends the School Committee for being proactive in looking for other funding to help with our schools; which are very much in need of improvements and such.

Dr. Kurzberg advised that they were trying to get the state to help with the maintenance of our buildings instead of the Town having 100% of the burden.

UNANIMOUSLY VOTED

MOTION: by Ms. Clark to submit the Statement of Interest to the State Building Authority

SECOND: by Ms. Maguire

UNANIMOUSLY VOTED

**The School Committee unanimously voted to recess its meeting**

**Mr. McAuliffe recused himself from the following matter and left the meeting**

**PUBLIC HEARING: MBTA Proposed Changes in Commuter Rail Service**

IN ATTENDANCE: Dorothy Veronica White, Town of Braintree MBTA Citizen's Advisory Board Member

MOTION: by Mr. Hubbard to open the public hearing

SECOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

Mr. Ryan advised that the Board was holding this public hearing because we received a letter dated December 7, 2006, from Daniel Grabauskas, General Manager of the MBTA. Mr. Ryan read the letter into the record:

The purpose of this letter is to seek the Town's consideration on the train schedules that are in use at the MBTA commuter rail station. The MBTA has received a number of requests to add later train service from Boston to the communities served by the MBTA's Old Colony Lines. The typical reasons given are the desire to have the ability to use commuter rail as transportation home from nighttime events in Boston.

The MBTA has respected the wishes of the communities during the past nine years and has not operated train service on these lines after approximately 10:30 p.m. We are fast approaching both the ten year anniversary of the original two lines of the Old Colony and the opening of the Greenbush Line. The Old Colony schedules are currently being prepared to add the Greenbush trains and there are only minor impacts on the current schedule. This is also an appropriate time to consider adding the later night trains if they are needed and desired.

I am asking you to consider and make known the desire of your city or town regarding the addition of trains later than currently scheduled serving the station in your community. If your constituency would like the MBTA to modify our schedules to add a train or if they prefer not to have the later train please let me know.

This same letter is being sent to senior elected officials and appointed member of the MBTA's advisory board for each city or town where a commuter rail station is located. I hope that there is a clear desire either for or against the schedule modification and hope that all parties are communicating amongst each other to help form a consensus.

Should there be significant support for the schedule changes we will begin to implement them with our next planned scheduling reprinting in late April and will finalize the changes in October of next year.

Lee Dingee, advised that he was a Selectmen when this mitigation agreement was finally signed. He suggested that we wait a year or so to get the Greenbush line up and running, and see how the Mitigation Agreement works prior to adding the later trains. We don't know how it works before we add anything else. It is definitely too early.

Jim Casey, also a former Selectmen and Mitigation Committee Member, stated that as of this time we have not completed all aspects of the Mitigation Agreement as yet. Within the Agreement is the construction of a sound wall, which at this time is up in the air as to whether or not the MBTA will install. Braintree only has one opportunity to leverage the MBTA and that is now, prior to the Greenbush beginning service. It is very much premature to expand service that has not even started yet.

Jeff Kunz spoke in opposition to this action at this time. He supports Mr. Casey's comments and spoke re: the negative impacts that this will have on Braintree. We cannot continue to burden the residents with later buses, trains, plane flyovers, etc. The Board needs to take into consideration the quality of life for our residents.

David Oliver, Chairman of the East Braintree Civic Association advised that he sent information to its 77 members with emails and he received 13 returned comments. Out of those 13, 6 said no later service; 2 said yes; and 5 were concerned with those residents that would be effect by the change.

Mike Lang, former Chairman of the Mitigation Committee, advised that for over 25 years he worked on the Mitigation Agreement and there is a lot of the mitigation that we agreed on Braintree has not received.

This later train service may be a project change and the MBTA may be required to submit a revised study of the noise and vibration.

Dorothy Veronica White, Town of Braintree MBTA Citizen's Advisory Board Member, advised that the MBTA was looking to add only one more train that would leave circa 12:00 midnight from South Station and arrive around 12:20 a.m. or so in Braintree. There were 25 towns that received the letter as read by the Chairman and as of this time, only 11 have responded. Out of those 11 towns, 5 said yes and 6 said no. This later train would serve those who work late in Boston, for those who may take in a show, concerts or sports event; or who may have a late evening enjoying Boston. She relies very much on public transportation and has spoken to riders who would like later service. We need to embrace public transportation; it helps cut down on traffic in Braintree as well as getting to Boston.

Kathy Back a resident spoke in opposition to the later train service. We did not want the train in the first place. It was suggested that the later trains be added when needed, such as a Red Sox game, Bruins game, or a concerts. She does not feel that we need a late train around midnight every night.

Mark McNichols spoke in opposition to the late train service. The trains already run 17 hours a day, how much more do they need to run? The economic impact to Braintree is negative. Abington voted against the noise complaint re: the train whistles and he would suggest that Braintree do the same.

Al Charles spoke in opposition to the late train for the same reasons. He would agree with the late service for certain nights when needed, such as sporting events, concerts, etc.; but not every night. Let's try to keep and allow the quality of life that Braintree residents deserve. Also, he spoke re: his concern about the sound barriers not being installed. Those on Front Street and Allen Street need those barriers.

Bob Thornton advised that there are a lot of elderly residents in that area that are affected by this as well. He is in opposition to the later train.

Paul Bolany stated that over the years we have been inconvenienced greatly with all the construction, detours, etc. It is too early for an increase in trains when the Greenbush has even started service. There are quality of life issues along the rails that are being compromised and it is asking a lot of the abutters.

John McGrath stated that he could not see how the MBTA will pick up that many riders for that time of night.

Ms. White advised that we were discussing just one more train.

Mr. Casey advised that there are three lines that pass through Braintree; therefore, it will be three more trains that would go through Braintree. There is money in the bond bill that would need to be released for the sound wall; the control of which is with Mr. Grabauskas.

Representative Joseph Driscoll arrived at the meeting and advised that the Front Street sound wall money is still there. There is a Mass Highway Line Item which has to transfer the money over to the MBTA for payment of same. He has drafted a letter to Gov. Patrick re: the money and status of same. He is scheduled to discuss this with the Governor in the near future.

Mr. Charles advised that on a side note, the movement of the trains to the Fore River Shipyard will be done at night, when the tracks are not being used. That is more noise that the abutters have to be faced with.

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

MOTION: by Mr. Powers that the BOS oppose, at this time, the request to increase additional trains to leave from South Station after the current time of 10:45 p.m.

SECOND: by Mr. Kokoros

DISCUSSION:

Mr. Hubbard advised that he would like to see the trains expanded; however, he agrees with the previous speakers that we should wait a year to see how things go. We could readdress this matter at a later time, in a year or so, even under the new form of government.

Mr. Kokoros stated that we don't even know how the trains in general will affect the area. Further, we need to send a letter to install the sound barrier as per the Mitigation Agreement. He would support the residents and oppose the additional trains at this time and revisit this again in a year.

Mr. Powers stated that it is very clear that we don't know what the impact will be, either negative or positive. He takes the trains daily; however, an increase at this time is too early.

Mr. Ryan stated that we have to think of those people who have to listen to the train every night. He is totally against change the Greenbush schedule when we haven't had any trains go through yet.

UNANIMOUSLY VOTED

**Mr. McAuliffe returned to the meeting**

**PUBLIC HEARING: Request from 777 Auto, 1563 Washington Street, for a Class II License and 18 Vehicle Storage**

IN ATTENDANCE: Michael Modestino, Esq.; Svetlin Popov; Hristo Grodanov

MOTION: by Mr. Kokoros to open the public hearing

SECOND: by Mr. Hubbard

UNANIMOUSLY VOTED

Atty. Modestino advised that he was retained by the applicants last Friday; and as such, he has been advised that the applicants went before the Planning Board and that there were some concerns and issues re: their application. Atty. Modestino would ask that the Board continue this matter to another night in order to allow them to go back before the Planning Board and try to address their concerns.

MOTION: by Mr. Kokoros to continue this public hearing to March 12, 2007

SECOND: by Mr. Hubbard

UNANIMOUSLY VOTED

**RE: Interview and Appoint Interim Fire Chief:**

- 1. Daniel McDonnell**
- 2. Kenneth McHugh**
- 3. Kevin J. Murphy**
- 4. Steven Sawtelle**
- 5. Mark Zopatti**

IN ATTENDANCE: Chief Gerald Kenny

The Board interviewed:

Daniel McDonnell  
Kenneth McHugh  
Kevin J. Murphy  
Steven Sawtelle  
Mark Zopatti

MOTION: by Mr. McAuliffe to open the nominations for the appoint of the Interim Fire Chief

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to nominate Ken McHugh  
SECOND: by Mr. Kokoros

MOTION: by Mr. Hubbard to nominate Kevin Murphy  
SECOND: by Mr. Kokoros

MOTION: by Mr. Kokoros to nominate Mark Zopatti  
SECOND: by Mr. McAuliffe

MOTION: by Mr. McAuliffe to nominate Steve Sawtelle  
SECOND: by Mr. Kokoros

MOTION: by Mr. McAuliffe to nominate Daniel McDonnell  
SECOND: by Mr. Hubbard

DISCUSSION:

Mr. Powers advised that he would like to thank everyone for their interest and have a chance to promote from within. All the candidates were exceptional; however, he would be voting for Deputy Chief McHugh as he has seniority and at times has done the job with the Chief was on vacation.

Mr. Kokoros stated that he would like to congratulate all the candidates for their interest. However, he too, will be voting for Ken McHugh. He has filled in for the Chief and has the most experience. There is a lot of pride in the Fire Dept. and with the people, leadership and experience we have here it is easy to understand why.

MOTION: by Mr. McAuliffe to close the nominations  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

Mr. Ryan would like to thank Chief Kenny for his years of service to the Town of Braintree. The person chosen will have some big shoes to fill. He was very impressed with all the candidates here this evening.

VOTE: for Mr. McHugh 4:1 (against: Mr. Hubbard)

MOTION: by Mr. Hubbard to make the vote unanimous  
SECOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

**Whereas the Board took a brief recess  
Mr. Powers left the meeting at this time.**

**RE: Discussion: Update on FY06 Audit Recommendations**  
IN ATTENDANCE: Brian Connolly, Finance Director

Mr. Connolly gave a brief update on the "Status of Management Letter Activity" dated February 22, 2007.

**RE: Request from Water/Sewer for Approval of Change Order No. 1 Sump Pump Redirects – Peter Benedict & Sons, Inc.**

The Board received a memo advising that Change Order No. 1 provides for additional compensation to the contractor for a general overrun in unit price items. The Change Order also includes the final balancing of the unit price items as required. The total amount of money authorized for payment under the change order is \$3,846.34. This represents a 3% increase of the bid amount.

MOTION: by Mr. Kokoros to approve Change Order No. 1 in the amount of \$3846.34  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Vote to Approve Contract for Design Services (Town Hall Auditorium Windows) LPBA/Architects, Inc.**

The Board received a memo from Peter Lapolla, Director of Planning and Conservation dated February 21, 2007, re: the LPBA Contract. The Town of Braintree was the recipient of a FEMA grant to upgrade Town Hall Auditorium so that it can be used as an emergency shelter. The grant included the following activities: replacing the windows with storm proof windows; installing hurricane shutters, if needed; installing air conditioning; replacing exterior doors with storm proof doors; relocating BCAM and the storage closet. The contract before the BOS is for Designer Services to assist the Town in selecting and installing windows which will meet the conditions of the grant. The amount of the contract is \$10,625.

MOTION: by Mr. Kokoros to approve the contract for design services to LPBA/Architects, Inc. in the amount of \$10,625  
SECOND: by Mr. Hubbard

**DISCUSSION:**

Mr. McAuliffe asked if the new windows would be the latest in maintenance free windows.

Ms. Kay advised that the windows will have to comply with historic requirements.

Mr. McAuliffe asked that the contractor be asked to select the most cost effective/efficient windows that meet the historic nature; and if there are any concerns/problems that the BOS be advised of same.

UNANIMOUSLY VOTED

**RE: Vote to Approve One Day Liquor License for the Metropolitan Yacht Club, 39 Vinedale Road**

The Board received a request from the Metropolitan Yacht Club for a one day liquor license for an event to be held on March 10, 2007 from 7 p.m. to 12 midnight.

MOTION: by Mr. Kokoros to approve this request  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Vote Reappointments of the following members:**

1. **James J. Dwyer – Commission on Disabilities**
2. **Vanessa Goodman – Commission on Disabilities**
3. **Joseph E. Mulligan – Board of Registrars**
4. **Sandra Kunz – Community Preservation Committee**
5. **Elizabeth Mees – Historical Commission**
6. **Margaret Driscoll – Fair Housing Committee**
7. **Brian White – Constable**

MOTION: by Mr. McAuliffe to reappoint: James J. Dwyer – Commission on Disabilities; Vanessa Goodman – Commission on Disabilities; Joseph E. Mulligan – Board of Registrars; Sandra Kunz – Community Preservation Committee; Elizabeth Mees – Historical Commission; Margaret Driscoll – Fair Housing Committee

SECOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to reappoint Brian White as a Constable

SECOND: by Mr. Hubbard  
VOTE: 3:0:1 (abstaining: Mr. Kokoros)

**RE: Request for Approval from Highway Dept. to Deficit Spend the Snow Removal Account**

MOTION: by Mr. Kokoros to approve the request from the Highway Dept. to deficit spend the snow removal account

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from the Braintree Woman's Club for Permission to have a book sale outside Town Hall**

MOTION: by Mr. McAuliffe to approve this request

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from Massachusetts Motorcycle Assoc. to:  
-Vote to participate in the State's Motorcycle Safety & Awareness Period  
-Grant authorization for the Assoc. To place a "Check Twice" sign  
-Appoint a public safety official to help coordinate this effort**

MOTION: by Mr. McAuliffe to approve the request from the Massachusetts Motorcycle Assoc. to participate in the State's Motorcycle Safety & Awareness Period; to grant authorization for the Assoc. To place a "Check Twice" sign; to authorize the Police Chief to appoint a public safety official to help coordinate this effort

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Open the Warrant for the Special Town Meeting (May 7, 2007)**

MOTION: by Mr. McAuliffe to open the warrant for the May Special Town Meeting

SECOND: by Mr. Kokoros  
UNANIMOUSLY VOTED

It was unanimously voted to adjourn the meeting at 9:50 p.m.

Respectfully submitted,  
Deborah Carlino  
Recording Secretary