

**BRAINTREE BOARD OF SELECTMEN**

**MINUTES**

**February 27, 2006**

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

**ABSENT:** Charles C. Kokoros, Chairman

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

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

**APPROVAL OF MINUTES:**

**MOTION:** by Mr. Hubbard to accept the minutes of February 13, 2006

**SECOND:** by Mr. Powers

**UNANIMOUSLY VOTED**

**ANNOUNCEMENTS:**

Vice Chairman Ryan read a few announcements:

-there are a few vacancies: Fair Housing Committee (several vacancies); Historic District Commission (one vacancy); Commercial Traffic Review Committee (one vacancy); MBTA Advisory Board Representative (one vacancy); Commission of Youth & Families (5 vacancies).

-a very important benefit fundraiser will be held March 10, 2006, at the Lantana in Randolph. This fundraiser's success will affect the life of a beautiful baby, Kyleigh Elizabeth Lydon and other who share a rare and disheartening disease known as Classical Galactosemia or "Orphan's Disease". The "Orphan" term is used because funding for the medical research for this dreaded disease is so rare. Kyleigh is near and dear to the Town as she is the daughter of Sgt. Sean Lydon and Officer Kristine Lydon, both employed by the Braintree Police Dept. Kyleigh was diagnosed with Classical Galactosemia five days after birth. She is missing the enzyme that metabolizes or breaks down the carbohydrates lactose and galactose. This produces horrible side effects. Proceeds from this benefit will go directly towards research for a treatment or cure for the disease through Parents of Galactosemia Children, a national non-profit organization. Their goal is to raise \$100,000. Any charitable donation would be appreciated. All donations are tax deductible and checks should be made payable to "Kyleigh's Cure", P.O. Box 850633, Braintree, MA 02185. The Lydon's are also looking for items to be raffled or auctioned at a silent auction the night of the event. More information can be found at [www.kyleighscure.com](http://www.kyleighscure.com)

-Congratulations to Coach Seibert and the Braintree Boys Gymnastic team for scoring a season high 183 points, and beating the second place finisher by 27 points. The score was a school record breaker. There is discussion re: a "champion's night celebration" with Coach Seibert, at a date to be determined.

**NEW BUSINESS:**

**RE: Request for a Special License (One Day Alcohol) for Metropolitan Yacht Club**

**IN ATTENDANCE:** Holly Medwid

The Board received an application for a one day alcoholic beverage license from the Metropolitan Yacht Club; for a benefit to be held on March 25, 2006.

**MOTION:** by Mr. Powers to approve this request

**SECOND:** by Mr. Hubbard

**UNANIMOUSLY VOTED**

**RE: Discussion with Library Dept. on Budget Issues and Dept. Direction**

IN ATTENDANCE: David Hinkley, Director; Edith Weinberg; John Cobble; Jeff Kunz; Harold Randolph; Bob Lake

The Board received an presentation/update from Mr. Hinkley re: the re-establishment of the position of Asst. Library Director, a booklet entitled, "Thayer Public Library, Braintree, MA; Long Range Plan Summary, Accomplishments FY2001 - FY2005". Further, the Board received an update re: the necessity of remaining certified. Finally, Mr. Hinkley was asking for the Board's support in moving forward a resolution to purchase the land next door for parking for the library. As the Board is well aware, parking is very much needed for patrons of the library.

MOTION: by Mr. McAuliffe to move the resolution to support the Thayer Public Library to purchase the property adjacent to the library for much needed parking

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from Police Dept. for Approval of Several Contracts:**

**-Motorola, Inc. – replacement and installation of (4) repeaters**

**-Motorola, Inc. – (18) Analog Mobile Radios**

**-Motorola, Inc. – (3) Digital Mobil Radios**

**-MHQ Municipal Vehicles – (2) police vehicles**

**-Interstate Arms – Automatic Weapons and Accessories**

**-Reserve Fund for Expected Overtime Deficit – Police Salary**

IN ATTENDANCE: Police Chief Paul Frazier

MOTION: by Mr. McAuliffe to award the contract for the replacement and installation of four repeaters to Motorola Inc. in the amount of \$54,969

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to award the contract for 18 analog mobile radios to Motorola Inc. in the amount of \$43,549.20

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to award the contract for 3 digital mobile radios to Motorola Inc. in the amount of \$7,039.80

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to award the contract for two vehicles to MHQ Municipal Vehicles in the amount of \$53,676

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to award the contract for automatic weapons and accessories to Interstate Arms Corp. in the amount of \$36,625.09

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to approve the reserve fund transfer in the amount of \$50,000

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Request from Water/Sewer for (2) Reserve Fund Transfers:  
-Clerical Overtime - \$10,000  
-New Meters - \$30,000**

IN ATTENDANCE: Tom Whalen, Interim DPW Director

MOTION: by Mr. McAuliffe to approve the reserve fund transfer in the amount of \$10,000  
SECOND: by Mr. Hubbard

**DISCUSSION:**

The Board wanted to know why there was this money was needed for clerical overtime.

Mr. Whalen explained that this was due to the two vacancies in the office personnel and as a result the other office personnel are covering same.

UNANIMOUSLY VOTED

MOTION: by Mr. McAuliffe to approve the reserve fund transfer in the amount of \$30,000 for new meters  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from DPW for Reserve Fund Transfer:  
-Part time clerical - \$2,700**

IN ATTENDANCE: Tom Whalen, Interim DPW Director

MOTION: by Mr. McAuliffe to approve the reserve fund transfer in the amount of \$2,700 for part time clerical for the DPW Advisory Board  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request for Precious Metals Dealers License**

The Board received an application from Ming Hui Huang requesting a Precious Metal Dealers License for three months ending May 12, 2006. Mr. Huang will be conducting his business from a kiosk (T-120B) at the South Shore Plaza, 250 Granite Street

The Board received memos from: the Police Dept. (recommending favorable action); Building Dept. (no objection to the issuance of the temporary license)

MOTION: by Mr. Hubbard to approve the 90 day precious metals dealers' license  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Request for Change of Manager from Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante**

IN ATTENDANCE: Timothy Mitchelson, Esq.; Matthew Zurcher

MOTION: by Mr. Hubbard to approve the request for Change of Manager  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Request for Reserve Fund Transfer – Cemetery – to supplement sick and vacation pay (\$6,025)**

MOTION: by Mr. McAuliffe to approve the reserve fund transfer  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Request for Reserve Fund Transfer – Veterans – 90 Day temporary appointment (\$10,455)**

Ms. Kay advised that Mr. Schiavone was out on extended sick leave and in the interim an temporary appointment would be made. The person will work full days Monday, Wednesday, and Friday.

MOTION: by Mr. McAuliffe to approve the reserve fund transfer

SECOND: by Mr. Powers

UNANIMOUSLY VOTED

**RE: PUBLIC HEARING: Request from BBRG Operating Inc. d/b/a Joe's American Bar & Grill for Change in the Officers/Directors and Transfer of Indirect Beneficial Interest**

IN ATTENDANCE: Timothy Mitchelson, Esq.

MOTION: by Mr. McAuliffe to open the public hearing

SECOND: by Mr. Hubbard

UNANIMOUSLY VOTED

Atty. Mitchelson advising that this was a transfer consisting of a change of officers/directors and a transfer of indirect beneficial interest.

MOTION: by Mr. McAuliffe approve the transfer as requested

SECOND: by Mr. Hubbard

UNANIMOUSLY VOTED

MOTION: by Mr. Hubbard to close the public hearing

SECOND: by Mr. Powers

UNANIMOUSLY VOTED

**RE: Update of Progress from Eng. Dept. on Weymouth Landing issues**

**Ms. Kay and Mr. McAuliffe recused themselves from this discussion**

IN ATTENDANCE: Robert Campbell, Town Engineer

Mr. Campbell referred to his memo dated February 27, 2006, re: Update of Progress on Weymouth Landing Issues. Mr. Campbell addressed the dual right turn versus the left and right turns as this allows access to Quincy Avenue out of the proposed connector road. At Weymouth's consultant's presentation to the Board many months ago, this issue was left unsettled, but with a clear indication that the Board wanted to have the left turns allowed, and to retain the flexibility to go to the dual rights if necessary.

Mr. Campbell further advised that with re: to the parking revenue, maintenance and power expense, he is aware of no formal agreements between Braintree and Weymouth re: payment for maintenance and repair of the parking lot (that Weymouth will be maintain) for lighting power costs, or for collection of parking fees. He has suggested such an agreement be pursued.

Further, Mr. Campbell noted that while there have been no overwhelming motor vehicle traffic problems in the area, residents must understand that with the new station and particularly the additional phases to the existing signalized intersection coming on line, traffic conditions will be very different. Don't judge what will occur by what has occurred thus far.

Also, the station plan appended to the Mitigation Agreement and its amendment were not final design plans. The final design and the need for flexibility dictate that the crosswalk be moved to the south of the connector road intersection, not on the north as shown on the plan appended to the Agreements.

Mr. Campbell also noted that with re: to the Lucid Funeral Home; he has spoken numerous times with Mr. Lucid about options to weathering steel guardrail in front of his property. As of our most recent conversation, he is awaiting a call from the Project Conservator to proceed. The next step would be to

see if the MBTA would approve a change order for the redesign and construction of a more aesthetically pleasing alternative.

With re: to the pedestrian access problems, as soon as Mr. Campbell heard from Dorothy Veronica White about problems with pedestrian access in the area, he contacted Tom Carroll of Cashman, Balfour Beatty. Mr. Carroll suggested that he send a letter (see letter dated February 8, 2006 to Roger Wilson, of CBB re: Pedestrian Signal Heads at Weymouth Landing for full detail). Mr. Campbell then followed up with a letter (see letter dated February 17, 2006 to Roger Wilson of CBB re: Pedestrian Signal Heads at Weymouth Landing); along with several site visits. Crosswalk signs have been erected on the southbound approaches and some paving, barrier relocation and line painting are under way for the northbound pedestrians. Snow piles that were causing pedestrian access problems were removed immediately by the DPW Dept.

Also, Mr. Campbell advised that with re: to the lighting through the work area; lighting is still being discussed, including the repositioning of lights in the former Quirk lot toward Quincy Avenue. CBB is also installing reflectors on the barriers.

With re: to the station name; Mr. Campbell stated that he has seen no agreement about the station name, and it is not in the Mitigation Agreement. The only name Mr. Campbell has seen in plans dated 2003/2004 was the Weymouth Landing Station. He asked if anyone has any documentation as to another name, to please provide same to him.

Lastly, with re: to the redevelopment of the area; the Planning Board intends to address transit oriented development of the area on a project by project basis under the existing zoning.

Mr. Hubbard spoke about his concerns/comments re: the crosswalk being located on the north side of the connector road. He feels that placement on the north side will create delays onto Quincy Avenue, thereby causing the connector road to clog up with traffic.

Dorothy Veronica White, a resident in the area, spoke re: the traffic and trying to cross the road as a pedestrian. This area is very dangerous and is very hazardous.

Mr. Powers asked that this be put on the next agenda (March 13<sup>th</sup>) as a specific agenda item and invite Mr. Campbell, the residents and anyone interested to attend prior to any action by this Board.

Mr. Campbell suggested that if it would not cost a lot of money, they could have an independent consultant review this area and make any suggestions/comments re: improvements as well prior to the next meeting.

There was a brief discussion re: the proposed concrete with simulated granite veneer instead of a steel guardrail to be placed in front of the Lucid Funeral Home to help with the aesthetics of that historic building. Mr. Campbell advised that the wall would have to be attached to the bridge support pole to keep strength and continuity of this site.

MOTION: by Mr. Powers to affirm the offer of a concrete wall with simulated granite veneer as an appropriate safety measure on this site; and further to support the Braintree Historic Commission's letter to the MBTA re: same

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

The Board asked for continued updates re: this ongoing project at each meeting.

Mr. Powers requested copies of all pertinent documents as he currently has none.

**Whereas there was a brief recess  
Ms. Kay and Mr. McAuliffe returned to the meeting.**

**RE: Request from Water/Sewer for Approval of Contract to Purchase Materials for Water Main in Wellington Street**

IN ATTENDANCE: Tom Reynolds, Interim Water/Sewer Director

Mr. Reynolds advised that they received bids from Ferguson Waterworks (\$18,261.96); John Hoadley & Sons (\$19,652.60); Velano Bros. (\$18,817.30).

MOTION: by Mr. Hubbard to award the contract to Ferguson Waterworks in the amount of \$18,261.96

SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Vote to Award Bid for Hollingsworth Avenue Water Main Contract**

IN ATTENDANCE: Tom Reynolds, Interim Water/Sewer Director

Mr. Reynolds advised that they received bids from Tonare Construction Corp. (\$416,668.42); Gravity Construction (\$470,964.69); McLaughlin Bros. (\$487,288.65); DeFelice Corp. (\$501,050); Celco Construction Corp. (\$518,398.70); Blue Diamond Equipment (\$531,162.69); Tascon Corp. (\$541,697.56); CN Corp. (\$547,788.37); N. Cibotti Inc. (\$595,995.82).

MOTION: by Mr. Hubbard to award the contract to Tonare Construction Corp. in the amount of \$416,668.42

SECOND: by Mr. Powers

**DISCUSSION:**

Jeffrey Kunz a resident of Hollingsworth Avenue suggested that the repaving of Hollingsworth Avenue, repairing the islands and removing trees that are dead or dying be done if possible at the same time.

UNANIMOUSLY VOTED

**RE: Take Position: Annual Town Meeting Articles**

**Article 7 – Fifty two pay periods (weekly payroll)**

**Article 8 – Waterways account (Harbormaster)**

**Article 18 – COA Revolving Fund for Activities**

**Article 36 – Disability Retirement Benefits for Veterans**

**Article 45 – Disability Pension for Retired Police Officer (to table)**

**Article 46 – Police Chief to Make All Appointments/Promotions (to table)**

**-Article 7 – Fifty two pay periods (weekly payroll)**

Ms. Kay advised that this was a housekeeping matter/article.

MOTION: by Mr. Hubbard to recommend favorable action

SECOND: by Mr. McAuliffe

**DISCUSSION:**

Mr. Powers was going to vote against this in memory of Charlie Grady who he made a promise to do so.

VOTE: 3:1 (against: Mr. Powers)

**-Article 8 – Waterways account (Harbormaster)**

MOTION: by Mr. McAuliffe to recommend favorable action

SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**-Article 18 – COA Revolving Fund for Activities**

Ms. Kay advised that this was a housekeeping matter/article.

MOTION: by Mr. McAuliffe to recommend favorable action  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**-Article 36 – Disability Retirement Benefits for Veterans**

IN ATTENDANCE: Jeanne Martineau, Carl Johnson

MOTION: by Mr. McAuliffe to recommend favorable action  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**-Article 45 – Disability Pension for Retired Police Officer (to table)**

**-Article 46 – Police Chief to Make All Appointments/Promotions (to table)**

MOTION: by Mr. McAuliffe to table these articles as recommended  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Award Contract for Printing of Annual Town Report**

Ms. Kay advised that bid specifications for the printing of the 2005 Annual Town Report were sent to nine printing contractors. Of the nine, six response with price quotes as follows:

- Athol Press, Inc. - did not quote for 400 copies and did not cover typesetting
- Best Impressions – price for 400 copies is \$3820
- Commonwealth Printing – price for 400 copies is \$1,818 (after clarification a \$4.75 per page charge for page numbers, pagination and table of contents was assessed). This brought the price to \$2768
- Copy Connect – price for 400 copies is \$2,685 (includes all typesetting)
- J&P Graphics – price for 400 copies is \$2995 (includes all typesetting)
- Lane Printing – price for 400 copies is \$2491.61; with an additional cost of \$15 per page for extra typesetting

MOTION: by Mr. Hubbard to award the contract to Lane Printing in the amount of \$2491.61  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Open Warrant for Special Town Meeting**

MOTION: by Mr. McAuliffe to open the warrant for the Special Town Meeting  
SECOND: by Mr. Powers  
UNANIMOUSLY VOTED

**RE: Update from Selectman Joseph Powers on Town Hall renovations**

Mr. Powers updated the Board re: Town Hall draining improvements that are being done in house; this will be a significant savings to the Town. (See memo dated February 27, 2006, from John Morse, Asst. Town Engineer re: Town Hall Draining Improvements).

Further, Mr. Powers would like to send a letter to Congressman Stephen Lynch re: federal funds to help assist in renovating the Town Hall and its surroundings. There is no greater need than to bring the Town Hall up to ADA code requirements. He would like to request that the BOS request assistance in securing federal funds to help defray the costs associated with installing a three story hydraulic elevator within the existing structure. Preliminary cost estimates put the total project cost at \$400,000. The CPC will be asked to provide \$200,000 to offset some of the cost; and the remainder \$200,000 would hopefully come from federal funds.

MOTION: by Mr. Powers that the BOS send a letter to Congressman Stephen Lynch requesting \$200,000 in federal assistance and a request be made to the CPC for \$200,000 for the installation of a three story hydraulic elevator within Town Hall to help with meeting the ADA requirements  
SECOND: by Mr. McAuliffe

DISCUSSION:  
It was suggested sending letters to Senator John Kerry and Senator Ted Kennedy, as well.

UNANIMOUSLY VOTED

**RE: Discussion: Selectman Joseph Hubbard on Possible Debt Exclusion**

Mr. Hubbard provided to the Board a memo dated February 27, 2006, from Brian Connolly, Finance Director re: Requested Debt Exclusion Analysis for the BOS to review. Mr. Hubbard explained that next year the Town is looking at a potential \$175 trash fee that is non deductible and paid by residents only. If debt exclusion is passed, the residents, as well as commercial will pay \$149.08, which is tax deductible. This fee would put the trash costs back into the tax levy and not make it a separate fee that the residents pay. The \$149.08 would go down the following year and continue decreasing for the next 8 or so years. Mr. Hubbard stated that he was not looking for the Board's blessing, whether agree with it or not, but to allow the question to go on the April ballot and be decided by the voters.

Finance Director, Brian Connolly, advised that a debt exclusion is one of several methods of financing capital projects. This option provides for an assured funding stream to pay down debt service and free up revenue for budgetary purposes. The analysis presumes that all existing long term debt (principal and interest) without exception, would convert to debt exclusion that any identified debt savings would be used to eliminate the existing trash fee and that further long term saving would be used to incur approximately \$10 million in new debt projects. By approving this debt exclusion proposal, the tax payer would benefit three fold; they will no longer pay a non tax deductible trash fee; they will be able to deduct a higher real estate tax cost from their annual tax foiling; and they will realize a net savings starting the first year of the program. The cost of this program will be shared by the commercial sector as well.

The Board was advised that the estimated total tax increase for a residential home valued at \$350,000 would be:

Year 1 FY 2007	\$149.08
Year 2 FY 2008	\$130.78
Year 3 FY 2009	\$118.85
Year 4 FY 2010	\$112.23
Year 5 FY 2011	\$108.31
Year 6 FY 2012	\$79.45
Year 7 FY 2013	\$76.37
Year 8 FY 2014	\$69.46
Year 9 FY 2015	\$66.46
Year 10 FY 2016	\$63.44
Year 11 FY 2017	\$12.59

MOTION: by Mr. Hubbard to put a debt exclusion question on the April 4<sup>th</sup> ballot  
SECOND: by Mr. Ryan

DISCUSSION:  
Mr. Powers stated that he would not support this, he has been asked to put this on the ballot by some very near and dear friends. This is a matter of principle for him, he is vigorously opposed to this now; as he was opposed to this last year when he was running for this Board. True it is the democratic process to allow the voters to decide; however, this is the last possible hour to bring this forward to the Town Clerk for their process of getting this ready for the ballot. Democratic process also includes public debate, pro

or con. How many times to the residents have to be asked for a debt exclusion or an override until the BOS gets it.

Mr. Hubbard stated that he does not want a trash fee next year of \$177. The easy thing to do would be to not do anything; but it is an opportunity to allow the residents to say things should be changed. It is pompous of this Board or a member of the Board to not allow the residents to decide. This is good, solid fiscal practice. Until someone comes up with a better plan, this is the only thing we have. The political grandstanding needs to go away and need to let the residents have their say; it is the right thing to do. He is not looking for the Board to “bless” this; but to do the right thing and let the residents decide.

Mr. Ryan stated that he hates the trash fee and by doing this debt exclusion we can eliminate the trash fee. This would be a great thing. It would be a savings to the Town, its tax deductible, the trash fee is not; it would not only be by the residents, but commercial as well paying.

VOTE: 2:2 (against: Mr. Powers; Mr. McAuliffe)

**OTHER BUSINESS:**

Mr. Powers would like an update at the next meeting of the DPW Director search.

Ms. Kay advised that it was been posted internally, there was no interest; now it has just been put into the paper.

**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. Powers

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

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

SECOND: by Mr. Hubbard

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

It was unanimously voted to adjourn the meeting.

The meeting adjourned at 11:15 p.m.

Respectfully submitted,  
Deborah Carlino  
Recording Secretary