

BRAINTREE BOARD OF SELECTMEN

MINUTES

May 7, 2007

Regular meeting of the Braintree Board of Selectmen, held on Monday, May 7, 2007, at 6:00 p.m. at East Middle School, in Room 220, Braintree, Massachusetts

IN ATTENDANCE: Darrin M. McAuliffe, Chairman; Charles C. Kokoros, Vice Chairman; Charles B. Ryan, Clerk; Joseph F. Powers; James M. Casey

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

Chairman McAuliffe opened the meeting at 6:07 p.m.; all members of the Board who were present answered to a roll call.

Mr. Ryan recused himself from this matter and left the meeting.

RE: Executive Session

MOTION: by Mr. Casey 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 litigation 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. Further, to consider the purchase, exchange, taking, lease or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

SECOND: by Mr. Powers

ROLL CALL VOTE: 3:0 (Mr. Powers; Mr. McAuliffe; Mr. Casey)

Mr. Kokoros arrived at the meeting during Executive Session

Mr. Ryan returned to Executive Session

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

SECOND: by Mr. Powers

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

NEW BUSINESS:

RE: Vote Statement of Policy – Handicapped Accessibility for Town Sponsored Trips

Ms. Murray advised that she contributed to the drafting and has reviewed same.

Mr. Casey stated that he felt that the "sufficient advance notice" is too broad. It was suggested that there be specific language re: a time frame; such as 10 to 14 days.

Ms. Murray advised that Bill Hedlund, Superintendent of Parks and Playgrounds advised that that amount of time may be too much. It was suggested perhaps a week to 10 days.

MOTION: by Mr. Ryan to approve the Statement of Policy; Handicapped Accessibility for Town Sponsored Trips and amend to state "10 days notice"

SECOND: by Mr. Casey

UNANIMOUSLY VOTED

RE: Vote to Approve Roadway & Traffic Signal Improvements – Granite Street (Route 37)

IN ATTENDANCE: John Morse, Asst. Town Engineer

Mr. Morse advised that all modifications have been made to the proposed plans. The one item that was not included was the continuous pedestrian access into the site up to the building. The developed site will be higher than the roadway by a substantial margin and ADA compliant walkways could not be provided. It was also expected that all access for the proposed use would be by motor vehicles. Therefore, it is recommended that the BOS approve and sign the application to Mass. Highway as requested by petitioner.

MOTION: by Mr. Ryan to approve as recommended by Staff
SECOND: by Mr. Powers

DISCUSSION:

Mr. Powers requested that a copy of this plan be forwarded to the Commission on Disabilities for their review and ask if they have any comments re: same.

UNANIMOUSLY VOTED

RE: Vote to Approve the Layout of the following Streets:
~Christina Drive, Foxhill Dive and Oak Ledge Drive (Article 24)
~Forbes Road (Article 25)
~Harness Lane and Harness Lane Ext. (Article 26)

It was noted by the Board that if a resident pays taxes, then the Town should maintain their roadways.

MOTION: by Mr. Ryan to approve the layout of Christina Drive, Foxhill Dive and Oak Ledge Drive (Article 24)
SECOND: by Mr. Kokoros
UNANIMOUSLY VOTED

Atty. Robert Moriarty spoke on behalf of the Flatley Co. and asked that Forbes Road be removed from the above referenced proposed layout acceptances. There are certain issues that have been recently discovered with respect to parking and certain other improvements that are apparently located within the proposed layout. They have begun working with the Town Engineer with re: to these issues, however not all issues have been resolved. Acceptance of this corridor was originally proposed by the residents of the Town who had hoped to have it accepted as a public way so as to insure that it would remain open and thus provide an alternative to traffic in their neighborhood. By laying out and accepting the Brooks Road and Forbes/Brooks Connector, that would insure that the roadway will remain open as it is not practical to close off the Forbes Road section. The parking and other parking related improvements that are located within the layout appear to have been in place for a considerable period of time, possibly even prior to the subdivision layout of Forbes Road. By delaying this section of roadway acceptance the Flatley Co. will have sufficient opportunity between now and the Fall Town Meeting to have plans drawn and to negotiate easements with Town Counsel. These easements would require a Town Meeting vote which could not be accomplished at this meeting.

MOTION: by Mr. Kokoros to accept Brooks Road and Forbes/Brooks Connector, excluding Forbes Road, subject to the Town Engineer developing the necessary metes and bounds (Article 25)
SECOND: by Mr. Casey
UNANIMOUSLY VOTED

MOTION: by Mr. Powers to approve the layout of Harness Lane and Harness Lane Ext. (Article 26)
SECOND: by Mr. Kokoros
UNANIMOUSLY VOTED

RE: Take Position: Annual Town Meeting Articles

- Article 4 – Town Budget
- Article 5 – Capital Improvement and Equipment Outlay
- Article 6 – Stabilization Fund
- Article 16 – Misc. Part-time and Schedule G Wage and Salary Classifications
- Article 17 – Changes in Job Descriptions/Classifications/New Positions
- Article 18 – Salary Increase Appointed Officials - IP
- Article 20 – Community Preservation Fund – Reconsideration
- Article 21 – Replacement of Outdated Computers/Printers – IP

IN ATTENDANCE: Brian Connolly, Finance Director

-Article 4 – Town Budget

MOTION: by Mr. Powers to recommend favorable action

SECOND: by Mr. Kokoros

DISCUSSION:

Mr. Casey provided a handout re: the SEMASS collections and where that money goes.

Ms. Kay advised that even before the Town implemented a trash fee, the revenue received from SEMASS were based on the Town being a host Town and having the facility located in Braintree. The tipping fees are accounted for funds.

Mr. Casey stated that we should be able to use these tipping fees to cover the cost of the trash fee administration so that the trash fee could be eliminated.

Mr. McAuliffe advised that he has been contacted by the DPW Advisory Board who would like to speak before the Board re: the trash fees. He has invited them to the BOS's meeting of May 29th.

Ms. Murray advised that the trash fee remains as is unless the BOS votes to change same.

It was noted that the trash fee used to be contained within the tax bills and the money went into the general fund.

Tom Whalen, DPW Director advised that the trash fee covers the cost of the curbside pickup and the administration fees to collect same.

VOTE: 3:2 (against: Mr. Casey; Mr. Powers)

RE: Take Position: Special Town Meeting Articles

- Article 2 – Unpaid Bills
- Article 3 – Transfer of Funds
- Article 9 – Rescind Borrowing – DPW Vehicles
- Article 11 – Wheelchair replacement
- Article 12 – Community Preservation Fund - Reconsideration

-Article 2 – Unpaid Bills

IN ATTENDANCE: Kevin Flynn, Town Accountant

MOTION: by Mr. Ryan to recommend favorable action

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

-Article 3 – Transfer of Funds

IN ATTENDANCE: Kevin Flynn, Town Accountant

MOTION: by Mr. Ryan to recommend favorable action

SECOND: by Mr. Kokoros

VOTE: 4:0:1 (abstaining: Mr. Casey)

-Article 12 – Community Preservation Fund - Reconsideration

MOTION: by Mr. Kokoros to reconsider Article 12

SECOND: by Mr. Ryan

VOTE: 3:2 (Mr. Casey; Mr. Powers)

Mr. Kokoros stated that based on new information, he is not comfortable spending the money on the land off Franklin Street. He does not feel that the land is valued correctly.

MOTION: by Mr. Kokoros to amend this article and eliminate the \$175,000 portion and approve everything else from open space

SECOND: by Mr. Powers

DISCUSSION:

Donna O'Sullivan of the Community Preservation Committee was present and spoke on this article. It was noted that the legislative language re: CPC was written very clearly, that only the CPC can amend its articles. The Board can either vote to approve or not approve, however it cannot amend. The land off Franklin Street is well under value; it is valued at \$225,000 and the owner accepted the CPC's bid at \$175,000.

Mr. Ryan noted that the land is owned by Thayer Academy. When Thayer Academy needed land, the Town gave them land; he cannot support spending this amount of money when Thayer Academy could be gracious and do the same.

Ms. O'Sullivan stated that she understands the Board's concern, however this land is for sale and if they don't purchase it, someone else could and it could be developed.

VOTE: 3:2 (Mr. Casey; Mr. Powers)

It was unanimously voted to adjourn the meeting at 7:55 p.m.

Respectfully submitted,
Deborah Carlino
Recording Secretary