

BRAINTREE BOARD OF SELECTMEN

MINUTES

October 23, 2006

Regular meeting of the Braintree Board of Selectmen, held on Monday, October 23, 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: Joseph W. Hubbard, Vice Chairman; Charles Kokoros; Joseph Powers

ABSENT: Charles B. Ryan, Chairman; Darrin M. McAuliffe, Clerk

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

Vice Chairman Hubbard opened the meeting at 7:00 p.m.; all members of the Board who were present answered to a roll call.

ANNOUNCEMENTS:

- There are several vacancies: Fair Housing Committee (several vacancies); Community Preservation Commission (1 vacancy); Contributory Retirement Board (1 vacancy).
- Annual Fall Leaf Pickup by Waste Management for six weeks as follows: October 10–14; October 23-27; November 6-10; November 20-25; November 27-December 1; December 4-8. Any questions call the Highway Dept. at 781-794-8950 or Waste Management at 1-800-262-5633.
- Senator Joyce will hold Braintree Office hours on Tuesday, October 31, 2006, from 10:30 to 11:30 a.m. If anyone has concerns that they would like to discuss, please come by.
- Norfolk County Register of Deeds William P. O'Donnell will hold scheduled office hours at the Braintree Town Hall on Wednesday, November 1, 2006 from 10 a.m. to noon.
- The Tax Collector, Nancy Cushing advised the Board that in this past week alone, her office has collected over \$139,000 in overdue taxes, interest and fees. The total amount collected from January 1, 2006 to this date is \$270,003.03.
- Community Volunteers Needed. New Braintree Habitat Home needs residents to rally. South Shore Habitat for Humanity Information Session at the Thayer Public Library on October 24, 2006, at 7:00 p.m. For more information call Shannon McNamee at 781-843-9080 x 2 or email communitydev@sshhabitat.org for details.

APPROVAL OF MINUTES:

MOTION: by Mr. Kokoros to approve the minutes of September 11, 2006

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to approve the minutes of September 25, 2006

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to approve the minutes of October 3, 2006

SECOND: by Mr. Powers
VOTE: 2:0:1 (abstaining: Mr. Powers)

RE: Adams Street Resident Ongoing Concerns re: A. Graziano, Inc.

Michael Sullivan was before the Board addressing his concerns re: A. Graziano Inc. on Adams Street. The Board was advised that this has been an ongoing dust and rock problem caused by Graziano concrete. Graziano has not been sweeping as agreed, there are piles of rocks and dust always in the street. They have tried to be good neighbors but it does not appear that Graziano cares about its

neighbors. Both he and his wife have tried to contact Graziano, however, the situation is still ongoing. Mr. Sullivan have also contacted the Board of Health after his wife's truck, which was behind a Graziano truck, was covered by dust and pebbles falling from the truck as it was overloaded and not covered. Mr. Sullivan advised that this problem has been ongoing for two to three years. They cannot open their windows because of the dust. They are supposed to sweep once a day with water and calcium chloride, however they are still living in a dust bowl.

Mr. Kokoros agrees that something needs to be done in this area. Although this area is commercially zoned, and this business is known to create dust, however we have to help the residents in this area as well. Both the Highway Superintendent, Richard Grey, and the DPW Director, Tom Whalen have helped in this area as much as possible, however there is still concern.

Diane Sullivan provided the Board with pictures of the street after Graziano has sent its sweeper up and down a few times.

Kelly Graziano, Safety Officer of Graziano Inc., advised that they have an agreement that the road be swept once a week; however they have been sweeping on a daily basis with their existing sweeper. If there is a spill out in the roadway, they clean it up immediately.

Mr. Kokoros stated that it would be in their best interest to work together with their neighbors. If once a day sweeping is not enough, perhaps twice a day would be better. He advised that he has heard other complaints as well. Perhaps there should be documentation as to when the sweeping is taking place or when the water truck is making its rounds to help keep track of when this is all happening.

Ms. Graziano advised that there is a lot of traffic coming in and out of this area. In the summer they water once an hour to keep the dust controlled. If their sweeper is out of commission, they call the Highway Dept. to come sweep instead.

The Board received a copy of the Planning Board's Condition of Approval Condition 37 re: the sweeping requirement of this site.

Mr. Powers stated that when the Special Permit was issued a year ago by the Planning and Conservation Commission Dept. Condition No. 37 required sweeping by the applicant, not the town.

Highway Superintendent, Richard Grey, advised that he has met with Mr. Sullivan and advised that he cannot make a commitment to sweeping, however, if the sweeper is in the area, and their sweeper is down, he will send the Town's sweeper in to clean. When he is aware of the situation, he does the best that he can to help out however; the sweeper does have to be in other places in town.

Mr. Hubbard stated that Graziano should step up and be a good neighbor and help control the dust. He would request that they send the BOS documentation showing that the sweeper is cleaning at least once a day. He would request a monthly report from Graziano re: the sweeping schedule.

MOTION: by Mr. Kokoros to have Graziano sweep once a day and provide documentation of said sweeping schedule and further to have someone from Graziano's check the condition of the roads after sweeping takes place. Also, to have Graziano find other alternatives other than the Town of Braintree to sweep when they are unable to do so due to their sweeper being out of commission. Lastly, to have the Code Compliance Officer monitor this issue for 30 days and advise the Board at that time

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

RE: Request for Common Victualler License for Café 300 located at 300 Granite Street

IN ATTENDANCE: Gary M. Lynch

The Board received an application from Gary M. Lynch requesting a Common Victualler License for the proposed facility Café 300 to operate a 20 seat food establishment located at 300 Granite Street. Hours of operation Monday thru Friday 7 a.m. to 3 p.m.

The Board received memos from: Police Dept. (recommending favorable action); Fire Dept. (no objections, the fire extinguishers need to be mounted properly. The Fire Dept. will follow up prior to opening); Building Dept. (no objection, additionally a new Certificate of Occupancy must be issued following a re-inspection by this Dept.); Board of Health (the applicant has been provided with a food establishment permit application, which must be immediately returned to this dept. with applicable permit fees, as well as additional required documentation (previously outlined with the applicant) re: the proposed food establishment. Thereafter, this Dept. will review the documentation submitted for compliance); Dept. of Public Works (no objection).

MOTION: by Mr. Kokoros to approve the request for a Common Victualler license, subject to Staff's recommendations

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

RE: Request for Common Victualler License for Loco's located at 913 Washington Street

IN ATTENDANCE: Robert Muccini

The Board received an application from Robert Muccini, 127A Pond Street, Braintree, requesting a Common Victualler License for the proposed facility Loco (new ownership) to operate a 9 seat food establishment located at 913 Washington Street.

The Board received memos from: Police Dept. (recommending favorable action); Fire Dept. (no objections, the fire extinguishers need to be mounted properly. The Fire Dept. will follow up prior to opening); Building Dept. (no objection, additionally a new Certificate of Occupancy must be issued following a re-inspection by this Dept.); Board of Health (the applicant is working with this Dept. to meet satisfactory compliance); Planning Board (has no comment other than to note that a Special Permit had been issued for this business. The current applicant is aware of the permit and has stated he will comply with the Conditions of Approval); Dept. of Public Works (no objection).

MOTION: by Mr. Kokoros to approve the request for a Common Victualler license, subject to Staff's recommendations

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

RE: Request from Leema Properties, LLC d/b/a J.J. Mulligan's Sports Pub & Grille, 941 Washington Street, for the following:

1. **Transfer of the All Alcoholic Licenses currently held by Farragut Millennium, LLC d/b/a J.J. Mulligan's Sports Pub & Grille**
2. **Transfer of the Automatic Amusement Device Licenses (3); weekly entertainment licenses (2)**

MOTION: by Mr. Kokoros to open the public hearing

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

Atty. Walter Steele, Peter F. Lee and Robert Mahar were before the Board with an application for the transfer of the All Alcoholic Restaurant Licenses held by transformer Farragut Millennium, LLC d/b/a J.J. Mulligan's Sports Pub & Grille to transferee Leema Properties, LLC d/b/a J.J. Mulligan's Sports Pub & Grille located at 941 Washington Street to be exercised on the premises consisting of one story building

with approximately 25x35 basement. Attic to be used as office and storage. Cement block structure with clapboard siding. Fully sprinklered, egress at front door, right side and kitchen rear door.

The Board received memos from: Police Dept. (they have conducted a limited background check on both of the listed owners and there is nothing in the background of either which would preclude our approval of the transfer of this license. There have been a couple of incidents at this location involving patrons of the establishment under the current ownership and this may be an issue which the BOS wish to address with the prospective new owners so that there is no trouble in the future); Fire Dept. (no objections); Building Dept. (no objection); Board of Health (said application, applicable permit fee and documentation must be submitted to this Dept. for review. Thereafter, establishment inspection shall be scheduled); Planning Board (no comment at this time); Dept. of Public Works (no objection).

Atty. Steele advised that they would be keeping the same menu and d/b/a J.J. Mulligan's Sports Pub & Grille.

Tom Whalen, DPW Director advised the Board that his Dept. would like to schedule a meeting re: the grease treatment agreement prior the new owners starting up.

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

MOTION: by Mr. Kokoros to Transfer of the All Alcoholic Licenses currently held by Farragut Millennium, LLC d/b/a J.J. Mulligan's Sports Pub & Grille
SECOND: by Mr. Powers
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to Transfer of the Automatic Amusement Device Licenses (3); weekly entertainment licenses (2)
SECOND: by Mr. Powers
UNANIMOUSLY VOTED

RE: Update on Revenue Report with Town Accountant
IN ATTENDANCE: Kevin Flynn, Town Accountant

The Board received a copy of the "Town of Braintree, Detail of Actual Revenues Fiscal Year 2007" for review and update from Mr. Flynn.

RE: Request by DPW for Approval of Change Order No. 3 – Grease Treatment Systems
IN ATTENDANCE: Tom Whalen, DPW Director

Mr. Whalen advised that the grease contract provided for the installation and maintenance of grease treatment systems in municipal facilities. The three year contract ended in August, 2006. We have determined that the grease treatment has been very beneficial in terms of minimizing grease in our municipal sewer system. Therefore, we wish to extend the treatment until we can go through the bidding process for a new contract. The projected cost of change order no. 3 is \$6000. The actual cost will be based on invoices received and will not exceed the approved amount.

MOTION: by Mr. Kokoros to approve Change Order No. 3 for the Grease Treatment Systems in the amount of \$6000, subject to Town Accountant and Town Counsel's signatures
SECOND: by Mr. Powers
UNANIMOUSLY VOTED

RE: Update on Outstanding Items from the Annual and Water/Sewer Audits

IN ATTENDANCE: Brian Connolly, Finance Director

Ms. Kay advised that the Disaster Recovery is an ongoing and large project and is a work in progress. They will be providing a presentation to the Board at a later date. This needs to be a town wide disaster plan that is inclusive with all Depts. and plans.

Mr. Connolly advised that the Compensated Balances/Payroll matter will be part of a new Human Resources System. This too will be an extensive undertaking that requires the input of several town depts. A review of software packages, internal procedures and personnel issues will be undertaken while studying this matter.

The Board received a copy of the "Status of Management Letter Activity", "Grant Application Status" and "Status of Water/Sewer Management Letter" for review and presentation by Mr. Connolly.

RE: Request from Conservation Commission to Approve the Acquisition of Land Off Old Country Way

The Board received a memo from the Planning and Conservation Dept. advising that the ConComm and the Community Preservation Commission received approval from Town Meeting in May, 2006, to proceed with the purchase of three parcels of land off Old Country Way total nearly four acres. These parcels had been donated to the Town by Gordon Poulos in 1979. However, the land was never actually transferred and the parcels have been in tax title.

MOTION: by Mr. Kokoros to approve the acquisition of land off Old Country Way

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

RE: Vote to Approve Extension of GIS Engineering Services Contract – Bethlehem Map Works

IN ATTENDANCE: Tom Whalen, DPW Director

MOTION: by Mr. Kokoros to the extension of GIS Engineering Services Contract with Bethlehem Map Works until June 2008 (subject to appropriation in FY 2008) with FY2007 not to exceed \$42,870; and FY2008 not to exceed \$69,120, subject to appropriation

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

Mr. Whalen advised that he was going to go before Town Meeting again in May, 2007 for this position and if funded at that time, this contract would become null and void and could be ended within 10 days of notification to Bethlehem Map Works.

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. Powers

ROLL CALL VOTE: 3:0 (Mr. Hubbard; Mr. Kokoros; Mr. Powers)

MOTION: by Mr. Kokoros to come out of Executive Session to go back into open session

SECOND: by Mr. Powers

ROLL CALL VOTE: 3:0 (Mr. Hubbard; Mr. Kokoros; Mr. Powers)

RE: Update with Town Engineer on Mahar Highway Traffic Patters

IN ATTENDANCE: Robert Campbell, Town Engineer; John Morse, Asst. Town Engineer; Tom Whalen, DPW Director

Mr. Campbell advised that as part of any construction project we work on we try to implement feasible safety improvements. With the resurfacing of Ivory Street and Mahar Highway, we say the opportunity to implement the recommendations of the 2001 "Townwide 10 Year Transportation Management Plan". It was an opportunity to constrain speeds so they would approach the posted speed limit of 35 mph; to provide for a safe area within Mahar Highway to wait to make a left turn; to enable Mahar Highway motorists to enter their desired turn lanes at the two signalized intersections without confrontation; to provide traffic entering Mahar Highway from the driveways at Horizon Plaza and the Residences at Union Station a safe two stage movement; and to provide for safer pedestrian crossing at that location.

The tradeoffs to achieve these safety benefits are small: to require southbound motorists departing the intersection at Pearl Street to merge into a single lane; to require northbound motorists departing the commuter rail crossing to merge into a single lane; to endure the learning curve while motorists become accustomed to the new configuration. These changes will result in a safer Mahar Highway within the congestion that exists currently.

Ed Sisk of Evergreen Avenue, a resident, told how he uses Mahar Highway everyday in both the morning and afternoon and going from four lanes to two is not a good thing. The traffic is not going to get better. He provided a picture to the Board of the traffic as it was last Friday night at 5:00 p.m. He has lived in this area for 36 years and it has always been a challenge, however whatever the speed limit was, as he did not know, it works and there was not much backup as it was last Friday night.

Mr. Powers asked if the DPW Advisory Board or the TASC has been addressed re: these changes.

Mr. Campbell advised that TASC did review this at their August and September meetings. However, the DPW Advisory Board has not reviewed same.

Mr. Powers stated that in light of the number of construction projects that are going on in this area, specifically the widening of Mahar Highway and the safety concerns, TASC has brought other items to the Board for votes before; why was the BOS not consulted on this prior to tonight. He has heard from a lot of people re: these changes and he has grave concerns re: what has taken place.

Mr. Campbell advised that ordinances come before the Board for votes. If no action is needed by the BOS, then TASC usually does not consult the BOS prior to any action. It has not been a policy to do so.

Mr. Kokoros advised that because his business is in this area, he has heard a lot of concerns and comments re: the changes. He would request a report from TASC re: their meetings held on this matter so that the Board can review same.

Mr. Campbell advised that there was not a problem with Mahar Highway, there is a learning curve and once the learning curve is learned then there will not be any problems. They may be able to get a signalized light at the intersection of Union Station and Verizon Plaza if need be after Union Station is open and occupied; however there is no traffic volume at this time.

MOTION: by Mr. Kokoros to direct the Town Engineer to provide the BOS with a report from the TASC meetings held in August and September, 2006 when this matter was discussed. Further, to put this matter on the November 6th, agenda for an update and further discussion

SECOND: by Mr. Powers
UNANIMOUSLY VOTED

Mr. Morse advised that when this matter was reviewed by TASC they reviewed the layout of Mahar Highway from 1982 and the conduits are already there for the lights if need be. The only thing missing

currently from Mahar Highway are the hatch lines that will be installed this week that may help with the learning curve.

MOTION: by Mr. Kokoros to have a traffic study done for Mahar Highway as far as the four lanes vs. two lanes; and to look at the intersection of Plain Street and Mahar Highway (Hammetts Lane) for access to Union Place to help alleviate the traffic at this site

SECOND: by Mr. Powers

DISCUSSION:

Mr. Hubbard stated that he does not remember having a lot of traffic on Mahar Highway as much as is currently. He cannot believe that this is the safety solution even without the 200-300 cars that will be pulling out of Union Station. He would like to review a traffic study to support what has been done. He is a little disappointed that the BOS were not included and updated re: these changes prior to being done.

UNANIMOUSLY VOTED

It was unanimously voted to adjourn the meeting.

Respectfully submitted,
Deborah Carlino
Recording Secretary