

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

CHARLES B. RYAN
At Large

JOHN C. MULLANEY
District 2



THOMAS M. BOWES
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

February 26, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, February 26, 2013 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President
Thomas Bowes, Vice President
Leland Dingee
Sean Powers
Charles Ryan
John Mullaney
Henry Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Joseph Sullivan, Mayor
Peter Morin, Chief of Staff
Carolyn, Murray, Town Solicitor
Edward Spellman, Finance Director
Russell Jenkins, Police Chief
Christine Stickney, Director Planning & Community Development
Sharmila Biswas, Director of Elder Affairs
Barbara Mello, Grant Writer
Peter Kurzberg, Superintendent of Schools
Erick Erskine, Building Division
Joseph Powers, Town Clerk
Carl Johnson, Attorney for Hancock Street Realty Trust
Thomas Pattavina, Property Owner

CORRESPONDENCE

None

ANNOUNCEMENTS

- 004 13 Council President: Sustainable Braintree – 5th Annual Green Gala
- Councilor Ryan: Run for Charlotte
- Councilor Joyce: Recreational Department – Upcoming Events
- Councilor Powers: Retirement Celebration – Dr. Peter Kurzberg
- Council President: Status Update on Councilor DeNapoli

APPROVAL OF MINUTES

- **February 5, 2013**

Motion: by Councilor Bowes to approve minutes of February 5, 2013

Second: by Councilor Ryan

Discussion: Councilor Clifford submitted corrections on Order 12 035

Vote: For (8), Against (0), Absent (1-DeNapoli)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

COMMUNICATIONS AND REPORTS FROM THE MAYOR

- 005 13 Mayor: State of the Town Address

Mayor Sullivan presented his State of the Town Address. He spoke of the many improvements that have been made over the last five years; improving schools, adding teachers, updating buildings and adding full-day kindergarten; improvements in public safety with new leadership, new personnel and new equipment; and, improvements with public works; resurfacing hundreds of roads and enhancing recreational facilities. Mayor Sullivan commented that the financial health of the Town is better than many communities with a improved bond rating, increased reserves (\$12.9 million versus \$2.4 million in 2008); improved services in the town; and an enhanced PILOT payment from BELD (\$2.5 million versus \$750,000 in 2008). Through enhanced revenues the town was able to absorb reductions in state aid from \$7.7 million in FY2008 to \$4.9 million in FY13. Mayor Sullivan noted that the review of the skating rink and Peterson Pool has been completed and construction will begin sometime this year. Lastly, Mayor Sullivan stated a resolution of the Tri-Town water treatment plant needs to be reached. For the last five years he has worked in good faith with neighboring communities of Randolph and Holbrook to develop a mutually acceptable plan to shares the costs of the design and construction of a replacement treatment plan. The time has come for Holbrook and Randolph to make the determination whether they wish to work with Braintree or part ways as friends. If an agreement is not reached an alternative option must be explored.

OLD BUSINESS

Committee on Ways & Means

(PUBLIC HEARING)

- **13 002 Mayor: Request for Appropriation – Community Preservation Fund: Monatiquot Riverwalk**

Motion: by Councilor Bowes to open public hearing on Order 13 002

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

Councilor Clifford, Chairman of the Ways & Means Committee, reported that a detailed overview of the riverwalk project was presented by Christine Stickney and the committee has recommended favorable action on the funding request.

Councilor President Kokoros asked if any member of the Council or public had any other comments they would like to present. No one came forward.

Motion: by Councilor Bowes to close public hearing on Order 13 002

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

Councilor Bowes read the motion as printed in the January 16, 2013 memo from Mayor Sullivan.

Motion: by Councilor Bowes to approve Order 13 002

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

Committee on Ordinance & Rules

- **12 049 Hancock Street Realty Trust – Petition to Rezone 107 Hancock Street from Residence B to General Business**

Motion: by Councilor Bowes to open public hearing on Order 12 049

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

Councilor Powers, Chairman of the Ordinance & Rules Committee, reported that the committee has recommended favorable action on the zoning request for 107 Hancock Street.

Carl Johnson, Attorney for Hancock Street Realty Trust, explained that the property subject to this rezone petition is located at 107 Hancock Street and consists of a portion of the lot shown on Assessor's Map 1009, Lot 68 that contains 44,083 square feet of land, of which 30,166 square feet is zoned Residence B and the remaining 13,833 square feet zoned General Business. Attorney Johnson commented that adjacent properties are similarly situated as split lots and the historic use of the adjacent properties has been predominately business use. He further commented that the original structure, a market, was demolished in 1989 and the property has remained vacant since that time. In 1979 the Zoning Board of Appeals granted permission to use the Resident B land area for business use. In 1981 a building permit was issued to construct an addition to an existing structure at 107 Hancock Street. However, the addition was never constructed. Granting the change in zoning classification would allow a redevelopment parcel that could accommodate a new neighborhood business development. However, at this time a timeline for redevelopment is unknown. Attorney Johnson noted that an understanding to provide protection during the planning process has been reached with residents abutting the property.

Councilor President Kokoros asked if any member of the Council or public had any other comments they would like to present. No one came forward.

Motion: by Councilor Powers to close public hearing on Order 12 049

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

Councilor Bowes read the following motion:

At the request of Dr. Vincent Pattavina and Mrs. O. Frances Pattavina, Trustees of Hancock Street Realty Trust, owner of 107 Hancock Street, Braintree, MA, that the Town Council vote to amend the Town's Zoning Map, as most recently amended, by re-zoning from Residence B Zoning District to General Business Zoning District a portion of the lot commonly known as 107 Hancock Street in Braintree and identified on the Town of Braintree Assessors Map 1009, Plot 68. The entire parcel contains approximately 44,049 square feet of land, of which 30,166 square feet of land is currently within the Residence B Zoning District and the balance of 13,883 of land is within a General Business Zoning District. The portion of the parcel to be re-zoned to the General Business Zoning District is the 30,166 SF portion of the lot currently within the Residence B Zoning District, as shown on a plan entitled "Zoning Change Plan, 107 Hancock Street, Braintree, MA 02184" prepared for 107 Hancock, LLC, 232 West Street, Braintree, MA, dated August 17, 2012, prepared by Alpha Surveying and Engineering Inc. as submitted with the petitioner's application for re-zoning filed with the Town Council on October 15, 2012, as on file with the Office of the Town Clerk, and as described as follows:

Legal Description of 107 Church Street, Braintree:

A certain parcel of land situated in Braintree, Norfolk County, Massachusetts, now being know and numbered as 107 Hancock Street, being shown on a certain map entitled “Zoning Change Plan”, duly recorded with Norfolk Deeds as Plan No. 732 of 1987, in Book 370, bounded and described as follows:

Beginning at a point on the southerly lot line being S76° 12’12”W ninety-eight (98) feet more or less from the drill hole previously mentioned on the west side of Hancock Street thence; S76° 12’12”W (88) feet more or less, being and overall distance of one hundred eighty-five and fifty-seven hundredths (185.57) feet, thence; S59° 49’00”W twenty-four and eighty-six hundredths (24.86) feet to a mag spike set, thence; N24° 48’33”W one hundred ten and twenty-seven hundredths (110.27) feet to an iron rod with a cap set, thence; N00° 26’00”W sixty-seven and ninety-three hundredths (67.93) feet to an iron rod with a cap set, thence; N63° 04’13”E forty-six and eleven hundredths (46.11) feet to an iron rod with a cap set, thence; N14° 15’55”W ninety-six and eight-six hundredths (96.86) feet to an iron rod with a cap set, thence; N74° 37’30”E seventy-two and twenty-one hundredths (72.21) feet to a stone post with a drill hole found, thence; S01° 18’05”E one hundred fifteen and ninety hundredths (115.90) feet to an iron rod with a cap set, thence; N87° 18’26”E sixty-three (63) feet more or less to a corner, thence; S00° 26’00”E one hundred fifty-six (156) feet more or less to the point of beginning. Said portion of the LOT contains 30.166± S.F. meaning and intending to describe that portion of Assessors Map 1009 Lot 68 which is not currently zoned as General Business.

Motion: by Councilor Bowes to approve Order 12 049

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

COMMUNICATIONS AND REPORTS FROM TOWN BOARDS

- 008 13 Council President: Resolution in Support of the Preservation of Tax-Exempt Financing

James Regan, Chairman of the Braintree Electric Light Commission, requested that the Town Council support, and offer a resolution, in support of the preservation of tax-exempt financing.

Councilor Bowes read the following resolution:

WHEREAS, municipal bonds are the means by which state and local governments finance the critical infrastructure of our nation, including roads, bridges, hospitals, schools and utility systems; and

WHEREAS, under current law the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds; and

WHEREAS, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

WHEREAS, this federal tax exemption provides a significant difference between public sector and private sector debt financing; and

WHEREAS, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

WHEREAS, the benefit of lower capital costs attributable to tax exempt financing are passed on to property taxpayers through reduced rates, greater local investments, or both; and

WHEREAS, from time to time Congress and the President have proposed legislation to tax – or alter the federal tax exemption of – interest on municipal bonds; and

NOW, THEREFORE, BE IT RESOLVED that the Braintree Town Council opposes any efforts by Congress and this, or any future, President to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration and shall be submitted to the American Public Power Association, Municipal Electric Utilities of Massachusetts and Northeast Public Power Association in support of future debate and action on preserving tax-exempt financing.

Motion: by Councilor Bowes to adopt resolution 008 13

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

NEW BUSINESS

- None

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:41p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- February 5, 2013 Minutes
- 13 002 Mayor: Request for Appropriation – Community Preservation Fund: Monatiquot Riverwalk
- 12 049 Hancock Street Realty Trust – Petition to Rezone 107 Hancock Street from
Residence B to General Business
- 005 13 Mayor: State of the Town Address
- 008 13 Council President: Resolution in Support of the Preservation of Tax-Exempt Financing