

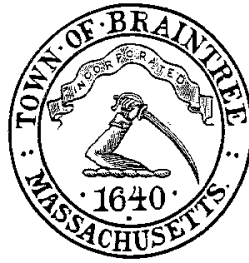
Sean E. Powers
President
At Large

Shannon L. Hume
At Large

CHARLES C. Kokoros
District 1

John C. Mullaney
District 2

Thomas M. Bowes
District 3



Charles B. Ryan
Vice President
At Large

Stephen C. O'Brien
District 4

Michael J. Owens
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL - AGENDA -

January 17, 2017 • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30_{PM}

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

ANNOUNCEMENTS

- 067 16 Council President: A Lifeline for those concerned about a loved one's Addiction (MassBar)

APPROVAL OF MINUTES

- Dec. 6, 2016

OLD BUSINESS

- 16 075 Mayor: Reclassification Adjustments or take up any action relative thereto
- 132 16 Council President: Town Auditor Position or take up any action relative thereto

NEW BUSINESS

- None

Refer to the Committee on Ways & Means

- 17 001 Mayor: Line Item Transfers to fund International Association of Fire Fighters Union Collective Bargaining Agreement or take up any action relative thereto

Refer to the Committee on Ordinance & Rules

- 17 002 Mayor: Acceptance of MGL 39, Section 23D "Mullin Rule" or take up any action relative thereto

Refer to the Committee on Personnel Issues

- 006 17 Review of Clerk of the Council Job Description and Classification or take up any action relative thereto

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting is to be held on - **TUESDAY, February 7, 2017 @ 7:30pm**

ADJOURNMENT

Sean E. Powers
President
At Large

Shannon L. Hume
At Large

CHARLES C. Kokoros
District 1

John C. Mullaney
District 2

Thomas M. Bowes
District 3



Charles B. Ryan
Vice President
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District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

DECEMBER 6, 2016 MINUTES

A meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on December 6, 2016 beginning at 7:30p.m.

Council President Powers was in the chair.

Present: Sean Powers, President
Charles Ryan, Vice President
Thomas Bowes
Paul Dan Clifford
Shannon Hume
Charles Kokoros
John Mullaney
Stephen C. O'Brien
Michael Owens

Also Present: Mayor Joseph C. Sullivan
Lisa Maki, Town Solicitor
Dr. Frank Hackett, School Superintendent
Edward Spellman, Finance Director
James Arsenault, DPW Director
Chief Paul Shastany, Police Chief
Chief James O'Brien, Fire Chief
James Casey, Town Clerk
Marybeth McGrath, Director Department of Municipal Licenses & Inspections
Paul McSoley, Fire Dept. Finance Administrator
Sharmila Biswas, Director Elder Affairs
Ann Toland, Marge Crispin Center
Terri Stano, Library Director
Kristen Z, ADA Coordinator
Robert Brinkmann, Deputy Assessor
Robert Cusack, Chairman
Susan O'Brien, Assessor
Robert Connolly, Assessor
Travis Winden, resident
Liz Page, resident
Linda Kopkind, resident

ANNOUNCEMENTS

The BHS BOYS VARSITY SOCCER TEAM was in attendance. Citations were given out. They were Bay State Conference Co-Champions, MIAA Division 1 South Sectional Champions AND MIAA Division 1 State Semi-Finalist (Coach Gary Burke/Assistant Coach Kevin Jameson)

- 067 16 Council President: A Lifeline for those concerned about a loved one's Addiction (MassBar)
- 124 16 Council President: Holiday Open House, Dec. 11 Town Hall 1-4pm
- 129 16 Council President: Braintree's Annual Pearl Harbor Remembrance Day, Dec. 7@ 10am Town Hall
- 130 16 Council President: Marge Crispin Center – Pajamas for kids in Braintree

APPROVAL OF MINUTES

- None

OLD BUSINESS (PUBLIC HEARINGS)

- 16 061 Mayor: Tax Rate Classification or take up any action relative thereto
Motion by Councilor Ryan to Open Public Hearing for Order 16 061

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Council President Powers asked if any member of the Council or General Public want to speak on Order 16 061?

Mayor Sullivan stated we shift more to the commercial properties saving each household approximately \$98 per year. The median cost of a home in Braintree is \$409,000 which has increased this past year. Council President Powers referred to Councilor O'Brien (Committee Chair) for Committee on Ways & Means recommendation.

Councilor O'Brien stated commercial property is taxed heavier. It is great to be in the Town of Braintree. Thank you to the Assessors for not going to the full 2 ½ percent.

Chairman O'Brien stated this was discussed at the Committee on Ways & Means meeting and unanimously voted for favorable action to the Full Council.

Council President Powers ask if there is any other discussion on Order 16 061?

Motion by Councilor Ryan to Close Public Hearing for Order 16 061

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

1. To apply the tax rate classification shift.

MOTION: Be it ordained that the Town of Braintree, through the Braintree Council, adopt the recommendation of the Mayor and the Board of Assessors to approve the Classification Tax Rate Shift of 175% to be applied to commercial, industrial and personal property.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

2. Re: the small business exemption.

MOTION: To approve the "Small Business Exemption" as recommended by the Mayor and the Board of Assessors in a memorandum to the Town Council dated November 17, 2016, and as filed with the Office of the Town Clerk.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

3. Re: the open space discount.

MOTION: To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum to the Town Council dated November 17, 2016, and as filed with the Office of the Town Clerk, to decline the "Open Space" discount.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

4. Re: the residential exemption.

MOTION: To continue to adopt the recommendation of the Mayor and the Board of Assessors, as outlined in a memorandum dated November 17, 2016, and as filed with the Office of the Town Clerk, to decline the adoption of the "Residential Exemption".

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

• **16 063 Mayor: Request to Approve the FY 17 Capital Plan or take up any action relative thereto**

Motion by Councilor Ryan to Open Public Hearing for Order 16 063

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Council President Powers asked if any member of the Council or General Public want to speak on Order 16 063?

Mayor Sullivan stated this is a \$9 million request for the FY2017 Capital Plan.

Councilor Clifford stated when the meals tax was passed in 2013 we asked this money to be spent in the capital plan. I would like to request for the next years meals tax to see the \$500,000 and where it is being used.

Council President Powers referred to Councilor O'Brien (Committee Chair) for Committee on Ways & Means recommendation.

Chairman O'Brien stated we are below the level of debt. We are in a healthy position. Chairman O'Brien stated this was discussed at the Committee on Ways & Means meeting and unanimously voted for favorable action to the Full Council.

Council President Powers ask if there is any other discussion on Order 16 063?

Motion by Councilor Ryan to Close Public Hearing for Order 16 063

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Councilor Ryan read the following Motion:

To Approve the Fiscal Year 2017 Capital Plan as submitted.

Motion: by Councilor Ryan to Approve Order 16 063

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

• **16 064 Mayor: Request for Appropriation - Fiscal Year 2017 General Fund Capital Budget or take up any action relative thereto**

Motion by Councilor Ryan to Open Public Hearing for Order 16 064

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Council President Powers asked if any member of the Council or General Public want to speak on Order 16 064?

Council President Powers referred to Councilor O’Brien (Committee Chair) for Committee on Ways & Means recommendation.

Chairman O’Brien stated this was discussed at the Committee on Ways & Means meeting and unanimously voted for favorable action to the Full Council.

Council President Powers ask if there is any other discussion on Order 16 064?

Motion by Councilor Ryan to Close Public Hearing for Order 16 064

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Councilor Ryan read the following Motions:

That the Town of Braintree appropriates the sum of Five Million Five Hundred Thirty-Seven Thousand Eight Hundred Thirty-Four Dollars and Forty-One Cents (\$5,537,834.41) to pay costs of the following capital projects:

Project	Amount	Authorizing Statute
Roadway Resurfacing	\$1,700,000	Ch. 44, s. 7(1)
Town Clerk Polling Books	75,000	Ch. 44, s. 7(1)
Finance Telephone System	144,000	Ch. 44, s. 7(1)
Police Evidence Room	200,000	Ch. 44, s 7(1)
Fire Engine	600,000	Ch. 44, s 7(1)
ADA Compliance Building Repairs	75,000	Ch. 44, s. 7(1)

Electronic Archiving System	89,000	Ch. 44, s 7(1)
School Technology	300,000	Ch. 44, s 7(1)
Elder Affairs Paving	15,000	Ch. 44, s 7(1)
School Building Repairs Plumbing	80,000	Ch. 44, s 7(1)
School Paving and Landscape	100,000	Ch. 44, s 7(1)
DPW Shaw street Bridge	315,000	Ch. 44, s 7(1)
Town Hall Building Renovations	478,000	Ch. 44, s 7(1)
Library Building Renovations	100,000	Ch. 44, s 7(1)
DPW Cemetery and grounds Equipment	97,000	Ch. 44, s 7(1)
DPW Highway Vehicles & Equipment	414,000	Ch. 44, s 7(1)
DPW Recreation Field Reconstruction	100,000	Ch. 44, s 7(1)
DPW Recreation Fence Reconstruction	50,000	Ch. 44, s 7(1)
DPW Recreation Playground reconstruction Highlands/Harris	164,000	Ch. 44, s 7(1)
School Building Repairs Roof	121,834.41	Ch. 44, s 7(1)
School Building Repairs Flooring	250,000	Ch. 44, s 7(1)
School Building Repairs Plumbing	70,000	Ch. 44, s 7(1)

and for the payment of all other costs incidental and related thereto; that the amounts indicated above for each project are estimates and that the Mayor may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Mayor, each of the projects described above can be completed within the total appropriation made by this Order; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to the authorizing statutes described above, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED:

That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$441,834.41 is transferred from the unexpended amounts originally appropriated and borrowed to pay costs of the following projects that have been completed and for which no further financial liabilities remain:

FY	Project	Unexpended Amount	C O #	Date Passed
2011	BHS Synthetic Turf Fields	\$111,810.24	10-080	1/4/2011
2011	BHS HVAC digital control system	104,000.00	10-055	8/17/2010
2012	BHS - HVAC Controls	143,603.81	12-005	2/28/2012

2012	Flaherty - Fire Suppression system install/upgrade	16,937.33	12-005	2/28/2012
2012	Highlands-Fire Suppression system install/upgrade	20,729.00	12-005	2/28/2012
2012	Hollis - Fire Suppression system install/upgrade	29,266.00	12-005	2/28/2012
2014	FY14 Flaherty Door Replacement	3,512.00	14-020	5/13/2014
2014	FY14 Highlands Door Replacement	5,012.00	14-020	5/13/2014
2014	FY14 Hollis Door Replacement	5,012.00	14-020	5/13/2014
2014	FY14 South Auditorium Refurbish	<u>1,952.03</u>	14-020	5/13/2014
	Total	\$441,834.41		

to pay costs of the following projects approved above, and thereby reducing the total borrowing for each such project by a like amount:

School Building Repairs Roof	\$ 121,834.41	Ch. 44, s 7(1)
School Building Repairs Flooring	250,000.00	Ch. 44, s 7(1)
School Building Repairs Plumbing	<u>70,000.00</u>	Ch. 44, s 7(1)
Total	\$ 441,834.41	

• **16 065 Mayor: Request for Appropriation – Fiscal Year 2017 Enterprise Funds Capital Budget or take up any action relative thereto**

Motion by Councilor Ryan to Open Public Hearing for Order 16 065

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Council President Powers asked if any member of the Council or General Public want to speak on Order 16 065?

Council President Powers referred to Councilor O’Brien (Committee Chair) for Committee on Ways & Means recommendation.

Chairman O’Brien stated this was discussed at the Committee on Ways & Means meeting and unanimously voted for favorable action to the Full Council.

Council President Powers ask if there is any other discussion on Order 16 065?

Motion by Councilor Ryan to Close Public Hearing for Order 16 065

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Councilor Ryan read the following Motions:

- 1) That the Town of Braintree appropriates the sum of Three Million Dollars (\$3,000,000) to pay costs of Town-wide water distribution system improvements, and for the payment of all other costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes,

may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

- 2) That the Town of Braintree appropriates the sum of Eighty-Five Thousand Dollars (\$85,000) to pay costs of golf course reconstruction, and for the payment of all other costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

- 3) That each prior loan order of the Town that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

• **16 066 Mayor: Request for Appropriation – FY 2017 Capital Budget - Other Available Funds or take up any action relative thereto**

Motion by Councilor Ryan to Open Public Hearing for Order 16 066

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Council President Powers asked if any member of the Council or General Public want to speak on Order 16 066?

Council President Powers referred to Councilor O'Brien (Committee Chair) for Committee on Ways & Means recommendation.

Chairman O'Brien stated this was discussed at the Committee on Ways & Means meeting and unanimously voted for favorable action to the Full Council.

Council President Powers ask if there is any other discussion on Order 16 066?

Motion by Councilor Ryan to Close Public Hearing for Order 16 066

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Councilor Ryan read the following Motions:

1) Finance Department

MOTION: That the sum of \$400,000 be transferred from Fiscal Year 2016 Certified Free Cash to the Building Capital Stabilization Fund for the purpose of setting funds aside for future building projects

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

2) Police Department

MOTION: That the sum of \$141,750 be transferred from Fiscal Year 2016 Certified Free Cash for the purchasing three marked police cruisers.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

3) Police Department

MOTION: That the sum of \$32,000 be transferred from Fiscal Year 2016 Certified Free Cash for the purchase of one unmarked police cruiser.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

4) School Department

MOTION: That the sum of \$30,000 be transferred from Fiscal Year 2016 Certified Free Cash for the purchase of a pickup truck.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

5) School Department

MOTION: That the sum of \$30,000 be transferred from Fiscal Year 2016 Certified Free Cash for the purchase of a delivery truck.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

6) School Department

MOTION: That the sum of \$18,166 be transferred from Fiscal Year 2016 Certified Free Cash for repairing of roofs.

Motion: by Councilor Ryan

Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

7) Department of Elder Affairs

MOTION: That the sum of \$1,500 be transferred from Fiscal Year 2016 Certified Free Cash for the purpose of carpet replacement.

Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

8) Library Department

MOTION: That the sum of \$10,000 be transferred from Fiscal Year 2016 Certified Free Cash for the purpose of computer replacement.

Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

9) Library Department

MOTION: That the sum of \$50,000 be transferred from Fiscal Year 2016 Certified Free Cash for the purpose of building maintenance.

Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

10) Stabilization Fund

MOTION: That the sum of \$1,199,293 be transferred from the Fiscal Year 2016 certified Free Cash to the Town Stabilization fund.

Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

11) Golf Enterprise Fund

MOTION: That the sum of \$45,000 be transferred from Fiscal Year 2016 Certified Golf Retained Earnings the purpose of purchasing a Rough and Utility Mower.

Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

12) Golf Enterprise Fund

MOTION: That the sum of \$8,000 be transferred from Fiscal Year 2016 Certified Golf Retained Earnings the purpose of purchasing a Tow Behind Leaf and Debris Blower.

Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0)

13) Fire Department

MOTION: That the sum of \$110,000 be transferred from the town's stabilization fund to Fire Department/ Capital Projects Program 62 I Fire station repairs and renovations account for the purpose of litigation settlement for the finalization of the East Braintree Fire Station Renovation.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

• **16 069 Council President: Amendment to Council Rule 32: Standing Committees or take up any action relative thereto**

Council President Powers stated we are adding an additional standing committee. This will not replace TASC. This is an outlet for constituents to bring traffic issues and concerns to us. This will help us advocate for our constituents.

Council President Powers referred to Councilor Clifford (Committee Chair) for Committee on Ordinance & Rules recommendation.

Chairman Clifford stated this was discussed at the Committee on Ordinance & Rules meeting and unanimously voted for favorable action to the Full Council.

Councilor Ryan read the following Motion:

MOTION: To approve an amendment to Town Council Rule 32 to add an additional Standing Committee named the Traffic and Safety Committee to consist of three (3) members as follows; the Chair of Public Safety, Chair of Ordinance & Rules, and the Chair of Public Works. The Traffic and Safety Committee may consider and report upon all matters relating to traffic and safety and any other matters referred to it by the Council or Council President.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Councilor O'Brien made a Motion to Amend the Motion.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

Councilor O'Brien asked the word **all** be replaced with **those** and additionally **or their designees** be added:

MOTION: To approve an amendment to Town Council Rule 32 to add an additional Standing Committee named the Traffic and Safety Committee to consist of three (3) members **or their designees** as follows; the Chair of Public Safety, Chair of Ordinance & Rules, and the Chair of Public Works. The Traffic and Safety Committee may consider and report upon **those** matters relating to traffic and safety and any other matters referred to it by the Council or Council President.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (9), Against (0), Absent (0)

NEW BUSINESS

- None

Motion by Councilor Ryan to refer the following to Committees:

Refer to the Committee on Ways & Means

- 16 070 Mayor: Line item transfer CBA Library, BPMA, Non-Union Managers or take up any action relative thereto
Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0), Abstain (0)
- 16 072 Mayor: Appointment Historical Commission – Santina Giannino or take up any action relative thereto
Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0), Abstain (0)
- 16 073 Mayor: Community Preservation Act Appropriation for Adams Memorial Plaza or take up any action relative thereto
Motion: by Councilor Ryan
Second: by Councilor Bowes
Vote: For (9), Against (0), Absent (0), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting is - **TUESDAY, December 20, 2016@ 7:30pm**

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:37p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 16 061 Mayor: Tax Rate Classification or take up any action relative thereto
- 16 063 Mayor: Request to Approve the FY 17 Capital Plan or take up any action relative thereto
- 16 064 Mayor: Request for Appropriation - Fiscal Year 2017 General Fund Capital Budget or take up any action relative thereto
- 16 065 Mayor: Request for Appropriation – Fiscal Year 2017 Enterprise Funds Capital Budget or take up any action relative thereto
- 16 066 Mayor: Request for Appropriation – FY 2017 Capital Budget - Other Available Funds or take up any action relative thereto
- 16 069 Council President: Amendment to Council Rule 32: Standing Committees or take up any action relative thereto



#16-075

Office of the Mayor
One JFK Memorial Drive
Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

781-794-8100

To: Sean Powers, President of the Council
Clerk of the Council
Town Clerk

Cc: Edward Spellman, Director of Municipal Finance

From: Joseph C. Sullivan, Mayor

Date: January 11, 2017

RECEIVED TOWN CLERK
BRAINTREE, MA
2017 JAN 11 PM 4:21

RE: Line Item Transfers to Fund FY17 Reclassifications

Several non-union, two AFSCME and one BPMA positions have been reclassified after a compensation analysis of comparable cities and towns in Massachusetts as well as comparisons across Town of Braintree positions by the Human Resources Department.

- 1) To approve line item transfers for reclassifications of positions

MOTION:

That the Town vote that the sum of \$47,545.95 be transferred from the Finance Department /Program 01 Administration /9C Reserve Account and further, that the Director of Municipal Finance is authorized to allocate said sums to and among the various accounts affected thereby in such amounts as are proper and required.

Since these requests involve the appropriation of funds within the fiscal year 2017 budget, advertising and a public hearing is required under the sections 2-9 and 6-7 of the Town Charter.



TOWN COUNCIL

TOWN AUDITOR

NATURE OF WORK:

The Town Auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the comptroller-general of the United States. The Town Auditor shall make periodic reports to the Town Council in such detail and with such frequency as the Town Council shall, by ordinance, by rule or by other vote, direct. All officials of the Town shall cooperate with the Town Auditor in the performance of this audit function. The Town Auditor shall have such other powers and duties as may be provided by the charter, by ordinance or by other vote of the Town Council.

The Auditor will conduct financial and operational/performance audits of Town agencies/departments and provide regular reports to the Town Council.

SUPERVISION:

Reports to the President of the Town Council (*directly*) AND All Councilors (*indirectly*)

JOB ENVIRONMENT:

Works under typical office conditions with minimal physical effort.

ESSENTIAL FUNCTIONS:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Duties are not necessarily in order of importance or frequency of performance.)

- Performs all duties of the Town Auditor as described in **Chapter 189 of the Acts of 2005**, also known as the "Braintree Charter or "The Charter".
- Conducts performance, operational, and financial audits. Issues detailed audit reports to the Town Council, for the Council to develop an action plan on each audit issue.
- Works with the Town's Chief Financial Officer in the review of current internal controls and the design, development and implementation of enhanced controls.
- On an ongoing basis, examines and reviews incoming and outgoing cash flow of the Town by obtaining evidentiary documentation (e.g. receipts, purchase orders, invoices, etc.)
- Provides analysis to the Councilors on the Mayor's proposed operating and capital budgets. Reviews/analyzes each financial measure proposed by the Mayor and provides a detailed recommendation to the Town Council.
- Conducts special projects and analyses as requested by the Councilors; for example, identifying cost components and cost drivers of various programs, expenditure trend analysis and comparative analyses of revenue and expenses.
- Coordinates the annual third-party independent audit of the Town's books and records resulting in the certification of the Town's annual financial statement. Recommends to the Council the hiring of a third-party independent audit firm and the supporting criteria for the recommendation.
- Reviews the total Town cash reconciliation between the treasurer and the accountant and the data provided to the Dept. of Revenue. This includes all bank accounts, investments and trust funds.
- Conducts an annual physical inventory of any and all Town-owned assets. Reconciles the inventory to Town capital asset records and department procurements back up.

- Attends meetings as requested by the Town Council and the Ways and Means Sub Committee, especially during budget discussions.
- Acts as the Town Council liaison with the administration regarding all financial issues (e.g. appropriation requests, expenditures, etc.) to be discussed during Town Council meetings.
- Reviews certain data prepared by the Assessor's office including the tax rate, recapitulation, tax levy limitation, tax burden shift worksheets, tax classifications and department of revenue estimated receipts and charges.
- When the proposed capital improvement program (CIP) is submitted to the Town Council by the Mayor, as required by the Charter, *section 6-10*, the Town Auditor shall review the proposed CIP and make detailed recommendations to the Town Council.

KNOWLEDGE, SKILLS AND ABILITY:

Knowledge: Thorough knowledge of the principles and techniques of accounting, including State accounting, auditing and internal controls. Working knowledge of municipal finance and the State/Federal Office of Fiscal Affairs policies/procedures. Considerable knowledge of the principles of business administration.

Skills: Excellent communication skills, both orally and in writing. Advanced computer application skills applicable to the Town's accounting software programs. Strong analytical and organizational skills.

Ability: Ability to plan, coordinate and conduct periodic audits of the Town's financial operations. Ability to work independently and effect improvements/recommendations in internal controls and financial operations. Ability to prepare complex financial reports and present them to Town Council.

REQUIRED QUALIFICATIONS:

- Bachelor's degree in Accounting or Finance required.
- CPA preferred
- 5 years financial experience, through public accounting/auditing (Big 4 a plus) and/or industry experience.
- Strong analytical, written/verbal communication, interpersonal, and relationship building skills.
- Strong Municipal Finance experience preferred.

GRADE M17

7/1/2007	\$64,494 - \$74,550
7/1/2008	\$65,486 - \$76,041
7/1/2009	\$65,486 - \$76,041
7/1/2010	\$66,141 - \$76,801
7/1/2011	\$67,463 - \$78,337
7/1/2012	\$69,487 - \$80,687
7/1/2013	\$70,877 - \$82,301
7/1/2014	\$72,295 - \$83,947
7/1/2015	\$73,704 - \$85,626
7/1/2016	\$73,740 - \$85,625
7/1/2017	\$75,215 - \$89,507

GRADE M16

7/1/2017	\$72,476 - \$86,301
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<u>Town Auditor Costs</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCE</u>
FY2009 (1/9/2009 – 6/30/2009)	\$37,000	\$36,156	\$ 844
FY2010 (7/1/2009 – 6/30/2010)	\$74,000	\$66,844	\$ 7,156
FY2011 (7/1/2010 – 6/30/2011)	\$74,000	\$34,281	\$39,719
FY2012 (7/1/2011 – 6/30/2012)	\$74,000	\$32,150	\$41,850
FY2013 (7/1/2012 - 6/30/2013)	\$74,000	\$43,106	\$30,894
FY2014 (7/1/2013 – 6/30/2014)	\$74,000	\$46,669	\$27,331
FY2015 (7/1//2014 – 6/30/2015)	\$74,000	\$39,463	\$34,537
FY2016 (7/1/2015 – 6/30/2016)	\$74,000	\$10,380	\$63,620
FY2017 (7/1/2016 – 6/30/2017)	\$74,000	\$21,852.50	\$52,147.50



Office of the Mayor
One JFK Memorial Drive
Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

781-794-8100

- To: Sean Powers, President of the Council
Clerk of the Council
Town Clerk
- Cc: Lisa S. Maki, Town Solicitor
Town of Braintree Planning Board
Town of Braintree Zoning Board of Appeals
Town of Braintree Conservation Commission
Christine Stickney, Director of Planning
Melissa Santucci, Assistant Director of Planning
Jeremy Rosenberg, Zoning Administrator
Kelly Phelan, Conservation Planner

RECEIVED TOWN CLERK
BRAINTREE, MA
2017 JAN 11 PM 12:12

From: Joseph C. Sullivan, mayor

Date: January 10, 2017

RE: Acceptance of Mass. General Laws, Chapter 39, Section 23D

In our continuing effort to expedite the hearing, appeal, and permitting process for citizens who have business before those boards that hold adjudicatory hearings such as the Planning Board, Zoning Board of Appeals, and the Conservation Commission, I propose that the Town adopt Massachusetts General Laws, Chapter 39, Section 23D, states:

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be

part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements. (b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

Acceptance of MGL Ch. 39, Section 23D, also known as the "Mullin Rule" has been successfully utilized by other Massachusetts communities to promote efficiency and streamline matters before adjudicatory boards. Acceptance of this statute will assist our dedicated Planning Board, Zoning Board of Appeals, and Conservation Commission by precluding quorum issues when a member misses a hearing. Without acceptance of this legislation, these adjudicatory boards could find themselves without a "voting quorum" when members miss substantive hearings where facts are considered and those members are disqualified from voting on a matter. These boards could also find themselves without a voting quorum when they lose a member and the new replacement joins the board in the middle of a hearing.

Acceptance of this statute will allow a member of a board or commission to still participate in the hearing process and cast a vote if he/she misses one meeting, provided that provided that the member certifies in writing that he/she has examined all evidence of the missed hearing before any such vote. An unforeseen absence of a board member can delay the entire process for our citizens. Acceptance of this statute would allow the process to continue in a timely fashion. I am in support of this motion and recommend favorable action.

Motion: To accept Massachusetts General Laws, Chapter 39, Section 23D, which would permit local board members who miss a single session of an adjudicatory hearing at which testimony is heard or received before their board will be allowed to participate and vote on the matter provided:

1. The absentee voting member shall be absent from no more than a single session of the hearing at which testimony or other evidence is received;
2. Prior to voting, the absentee member shall certify, in writing, that he or she has examined all evidence received at the missed session and watched the video recording of the sessions session, or, if no video recording is available, then has listened to the audio tape or reviewed a verbatim transcript of the missed session; and
3. The absentee member shall certify, in writing, which evidence was reviewed, and the written certification shall be made part of the record and shall be filed with the Town Clerk; and
4. Provided that no other member of the same board, committee or commission sitting on the same matter has invoked this provision.

Boards and Committees Affected:

Planning Board
Zoning Board
Conservation Commission



Department of Planning and Community Development

Melissa M. SantucciRozzi, Principal Planner
1 JFK Memorial Drive – Braintree, Massachusetts 02184
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Erin V. Joyce, Member

To: Sean Powers, President
Braintree Town Council

From: Braintree Planning Board

Date: January 11, 2017

Re: Recommendation – Mullin Rule Local adoption (MGL Chap. 39 Section 23D)

RECEIVED TOWN CLERK
BRAINTREE, MA
2017 JAN 11 PM 3:22

The Planning Board met and discussed the proposal for the local adoption MGL Chap. 39, Section 23D commonly known as the "Mullin Rule" at their Planning Board meeting on January 10, 2017. The Planning Board recommends **favorable action** on the adoption of this statute and urges the Council to take prompt action on acceptance of the statute.

The Planning Board serves as the Special Permit Granting Authority for the Town. As the Council is well aware, approval of Special Permits requires a two-third vote by statute to approve applications and if a member is absent it causes unanticipated delays for applicants. The acceptance of this provision will greatly assist the Planning Board's permitting process.

CC: File