

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

SEPTEMBER 5, 2017

MINUTES

The meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, September 5, 2017 beginning at 7:33p.m.

Council President Powers was in the chair.

Present: Sean Powers, President
Charles Ryan, Vice President
Thomas Bowes
Paul Dan Clifford (remote participation until 9:01pm)
Shannon Hume
Charles Kokoros
John Mullaney
Stephen C. O'Brien
Michael Owens

Also Present: Joseph C. Sullivan, Mayor
Joe Reynolds, Chief of Staff
Mark Cusack, State Representative
John F. Keenan, Senator
Walter Timility, Senator
Alejandro Alves, Chief of Staff, Office of State Senator John F. Keenan
Ed Spellman, Finance Director
Robert Brinkmann, Deputy Assessor
James Arsenault, DPW Director
Frank Hackett, Superintendent of Braintree Schools
James Lee, interm Asst. Superintendent
Jennifer Fay, Director Personnel & Student Services
Lisa Heger, School Committee
George Kokoros, School Committee
Tom Devin, School Committee
Kate Naughton, School Committee
Dan Sullivan, Town Auditor
Kevin McAleese, Firefighter
Robyn Houston-Bean, founder The Sun Will Rise

Marta Googins, resident
Laurie Melchionda, resident
Liz Page, resident
Linda Kopkind, resident

ANNOUNCEMENTS

- 067 17 Council President: Recognition –Robyn Houston-Bean & The Sun Will Rise Foundation
We are here tonight to honor your son Nick’s memory and because of the great work you do. You are amazing and strong. Because of what you had to go through you are helping other families.

APPROVAL OF MINUTES

- July 11, 2017
Motion: by Councilor Ryanto Approve minutes of July 11, 2017
Second: by Councilor Bowes
Vote: For (7), Against (0), Absent (1-Owens), Abstain (1-O’Brien)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- **069 17 Councilor Kokoros: Traffic & Safety Committee update**
Councilor Mullaney recommended at the next Council meeting the following MOTION be sent to the Mayor’s office:
Mayor: Request the State to put a Right on Red at West Street onto Granite Street.
- **070 17 Councilor Kokoros: Public Safety Committee update**
MOTION was made by Councilor Bowes at the Public Safety meeting to refer 060 17 to the Committee on Ordinance and Rules.

OLD BUSINESS

- 17 049 Councilor Clifford: Property Tax Deferral Program or take up any action relative thereto (WITHDRAWN)
NO ACTION TOOK PLACE – THEREFORE NO VOTE NEEDED – THIS WAS WITHDRAWN PRIOR TO ANY DISCUSSION
- **17 050 Mayor: Appointment – Commission on Disabilities - Mary Russo or take up any action relative thereto**
Motion was read by Councilor Ryan:
TO APPROVE THE APPOINTMENT OF MARY RUSSO TO THE COMMISSION ON DISABILITIES.

Motion: by Councilor Ryan
Second: by Councilor Owens
Vote: For (8), Against (0), Absent (1-Owens)

- **17 052 Mayor: To Reduce the Property Tax Deferral Interest Rate for Seniors or take up any action relative thereto (Public Hearing)**

Motion by Councilor Ryan to Open Public Hearing for Order 17 052

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

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 and unanimously voted for favorable action to the Full Council. For you seniors there is a law you can reduce your property taxes at a reduction of 4%. My first year in this seat someone asked me if they could defer. Please reach out to Mr. Brinkmann, Deputy Assessor and ask if you are eligible.

Councilor Clifford stated originally for seniors this was set at 16% then reduced to 8% and in April 2017 the Board of Assessors approved reducing it from 8% to 4%.

Council President Powers asked if any member of the Council or General Public want to speak on Order 17 052?

Motion by Councilor Bowes to Close Public Hearing for Order 17 052

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Councilor Ryan read the Motion:

That the town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59, § 5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2017.

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

- **17 053 Mayor: Request for Borrowing Authorization for School Building Project (Public Hearing)**

Motion by Councilor Ryan to Open Public Hearing for Order 17 053

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

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 and voted 2-1 for favorable action to the Full Council.

Mayor Sullivan stated the borrowing and funding of this project is outlined in an August 9, 2017 memo from me. This is for substantial renovations to East Middle School. We need to address the positive enrollment. We are going to re-align by shifting the 5th graders to our Middle Schools. This is the largest

amount of educational funding request secured for our community. This is an \$83.4 million request which is eligible for 57% reimbursement from MSBA. We are able to do this within our existing budget.

Councilor Hume stated it has always been asked since I was on the School Committee when will we be updating our schools. The School Building Authority has been working on this for eight years with every single scenario. This is the best thing that has happened to the Town of Braintree. There is no debt exclusion. Your taxes will not be going up. We looked at adding new buildings. It did not address the overall space needs. This will benefit every student in Braintree. Both middle schools will be renovated. As a resident I am so proud of this plan.

Councilor Ryan stated thank you to everyone involved in this project. My two sons went to East Middle School and it needs a lot of work. I am very happy to see this happen.

Councilor Mullaney stated a 57% coupon is great. The MSBA will pay 57% of this. Education is the probably the most important thing for a community.

Councilor Clifford stated I support this stabilization fund completely. I think it is a great idea. I have to set the record straight and we are working on it as we speak, that is there will be some increase in taxes – it will be worked out. I do not want anyone to think this is a free lunch. This is a good program but it will require some amount of increased tax.

Mayor Sullivan stated we are living within our means of our operating budget. We have a levy limit with some capacity that we can use to produce this program. There is no new form of taxes associated with this proposal.

Councilor Kokoros stated we tried fixing schools and fix large class sizes over the years. This is an opportunity to fix this. I've only seen debt exclusion to get something like this done in regards to a school improvement. If you look at the plans it is amazing. We know we have a great school system our buildings are just tired and need repair and we need some space and this is an opportunity to do that.

Councilor Bowes stated you look at this number of \$83 million and ask how did we get there. It is the hard work of the Mayor and Ed Spellman who is the go to guy and is very thorough. We have a great bond rating of double A plus. I also want to thank the committee members of the school building committee for their hard work throughout the years and also the members of the school committee who are here tonight. Dr. Hackett with your leadership this is a no brainer for me. We are going from being a good system to a great system. I will be supporting this.

Councilor O'Brien stated he read this statement at the committee meeting. He was the sole vote against. While I recognize there exists problems with our overcrowded school system I also recognize the school building committee has worked hard to come up with a solution they feel is beneficial to address that problem and for that I wish to truly thank them for their effort. Constantly I have had concern over the cost as well as the 5th grade move to middle school. I feel there are residents, though they have not come forward to date, will come forward when they have to send their 5th grader on the bus to middle school. I hope I am wrong but time will tell. The fact that just the East Middle School expansion and renovation will cost \$83.4 million leave me with pause. While I think it is terrific the MSBA is going to reimburse the town 57.98% of the overall project, I just believe this spend is vastly more than I figured it would be when we

approved the school committee's assessment monies. While I thank all those that provided responses to the many questions I have had over the past couple of years regarding this decision including discussions with the MSBA personnel. Even they couldn't convince me this spend for this solution to our overcrowding makes sense. During Budget Season when I discussed my feeling about building a new building at no time did I mention building a new High School. My discussion surrounding building a new Middle School on the same sight as East Middle rather than expanding and renovating thus bringing us a 20th century school. While I have been told the East Middle building is structurally sound, and we previously spent monies on windows, heating etc to renovate and we continue to spend on that building. My instinct tells me this \$83.4 million will not be enough to complete the project and budget creep will somehow set in. I am not an expert but will be watching. Again I hope I am wrong but hope is not a strategy we should depend on therefore I have to vote no.

Mayor Sullivan stated we looked at every conceivable option. We looked at building new schools. We looked at larger super-sized middle schools. We looked at the consolidation of some of our elementary schools. We had a series of public hearings that went over a course of many years (6-7 years). We discovered a number of things. Everyone likes their neighborhood elementary school. I becomes a part of their history. We talked with MSBA. The facts are the one that MSBA became focused on and would truly deal with us in a partnership way was the middle school program. That was coupled with a re-alignment. We have a space issue. Our student teacher ratio is second to none. We have the best inclusion program in the commonwealth. We want all of our children to be educated here in our Town. That requires space needs. When I was in high school that school was built for 3,600 kids - today we have 1,600. The MSBA said they would not participate in a new high school. A new high school would cost about \$120 to \$130 million. This is the best option for our community. We did our homework.

Councilor Hume stated I have heard from elementary parents and their fear of sending 5th graders to middle school. Went Braintree Public Schools do something they do it right. There has already been a committee put together by the schools to determine the best way to move this forward. Fifth and 6th graders will be separated in an almost completely separate environment. They will have their own cafeteria. There will be two cafeterias. They will not be mingling with the 7th and 8th graders. Hollis students will now all go to East and stay together. Dr. Hackett is available is anyone has any further concerns.

Councilor Mullaney stated he asked teachers and some said where they work is more important than their pay in some cases. It is important we create jobs. Everyone should remember the \$1.3 million we collect in meals tax might be going into payment of these bills.

Council President Powers asked if any member of the Council or General Public want to speak on Order 17 053?

Council President Powers stated when I served on the school committee it has always been a smart partner with the school building authority at the state level. It is time.

Motion by Councilor Bowes to Close Public Hearing for Order 17 053

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

That the sum of Eighty-Three Million Four Hundred Seventy-Two Thousand Two Hundred Eleven Dollars (\$83,472,211) is appropriated to pay costs of making substantial renovations and an addition to the East Middle School, located at 305 River Street, in Braintree, and for the payment of all costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-seven and ninety- eight hundredths percent (57.98 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

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 G.L. c. 44, §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 (7), Against (1-O'Brien), Absent (1-Owens)

• **17 054 Mayor: Request for the Establishment of the Braintree School Building Authority (BSBA)
(Public Hearing)**

Motion by Councilor Ryan to Open Public Hearing for Order 17 054

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

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 and voted 2-1 for favorable action to the Full Council.

Mayor Sullivan stated this goes with the other vote you took. It sets up the depository, the program associated with borrowing the money. It creates our own Braintree School Building Authority. It underlines our commitment, our stability, our fiduciary responsibility as it is to this project that was just authorized. I would appreciate support for this a well.

Councilor O'Brien stated a previous speaker mentioned further scrutiny the funding on 17 054.

Council President Powers asked if any member of the Council or General Public want to speak on Order 17 054?

Motion by Councilor Bowes to Close Public Hearing for Order 17 054

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

MOTION read by Councilor Ryan:

Pursuant to M.G.L. Ch. 40 section 5B, the Town Council establish a capital stabilization fund in the name of The Braintree School Building Authority (BSBA) for the purpose of accumulating funds for School Building Construction including planning, design, capital expenditures and debt service both short term notes and interest and long term bonds and interest.

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (7), Against (1-O'Brien), Absent (1-Owens)

- 17 057 Mayor: Acceptance of Mass. General Laws, Chapter 90, Section 17C or take up any action relative thereto (Public Hearing)

Motion by Councilor Ryan to Open Public Hearing for Order 17 057

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Motion by Councilor Ryan to TABLE to the September 19, 2017 Town Council meeting

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

NEW BUSINESS

- 17 060 Town Clerk: Call to the Town Election November 7, 2017 (to be taken up on September 19th – Committee referral not required)

Councilor Ryan read the following Motions for referrals to committee(s):

Refer to the Committee on Ordinance & Rules

- 060 17 Councilor Kokoros: Special Legislation for Police and Fire details to be exempt from retirement law or take up any action relative thereto

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Refer to the Committee on Ways & Means

- 17 058 Mayor: Line Item Transfers to Fund Braintree Police Superior Officers’ Association, MCOP Local 449 and Braintree Police Officers’ Association, MCOP Local 356 Collective Bargaining Agreements or take up any action relative thereto

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Refer to the Committee on the Department of Public Works

- 17 059 Comcast Petition: Forbes Road or take up any action relative thereto

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

Refer to the Committee on Traffic & Safety

- 070 17 Council President: Truck Traffic - South Street or take up any action relative thereto

Motion: by Councilor Ryan

Second: by Councilor Bowes

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

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:01p.m.

Respectfully submitted,

Susan M. Cimino

Clerk of the Council

Documents provided for Meeting

- 17 049 Councilor Clifford: Property Tax Deferral Program or take up any action relative thereto (WITHDRAWN)
- 17 050 Mayor: Appointment – Commission on Disabilities - Mary Russo or take up any action relative thereto
- 17 052 Mayor: To Reduce the Property Tax Deferral Interest Rate for Seniors
- 17 053 Mayor: Request for Borrowing Authorization for School Building Project
- 17 054 Mayor: Request for the Establishment of the Braintree School Building Authority (BSBA)
- 17 057 Mayor: Acceptance of Mass. General Laws, Chapter 90, Section 17C or take up any action relative thereto
- 17 060 Town Clerk: Call to the Town Election November 7, 2017 (to be taken up on September 19th – Committee referral not required)
- 17 058 Mayor: Line Item Transfers to Fund Braintree Police Superior Officers’ Association, MCOP Local 449 and Braintree Police Officers’ Association, MCOP Local 356 Collective Bargaining Agreements or take up any action relative thereto
- 17 059 Comcast Petition: Forbes Road or take up any action relative thereto