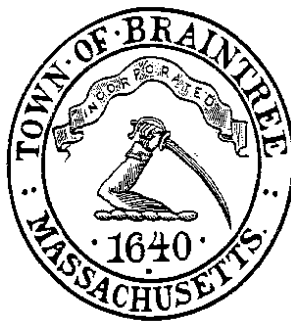


Meredith Boericke
President
District 5



Charles B. Ryan
Vice President
At Large

Shannon L. Hume
At Large

Joseph Reynolds
District 2

David M. Ringius, Jr
At Large

Elizabeth Maglio
District 3

Julia C. Flaherty
District 1

Stephen C. O'Brien
District 4

Lawrence C. Mackin, Jr.
District 6

OFFICE OF THE TOWN COUNCIL

Tuesday, MARCH 21, 2023

MINUTES

A meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, March 21, 2023, beginning at 7:30p.m.

Council President Boericke was in the chair.

President Boericke asked for a moment of silence for our first responders and all those serving our military home and abroad.

Town Clerk, James M. Casey conducted the roll call.

Present: Meredith Boericke, President
Julia Flaherty
Shannon Hume
Elizabeth Maglio
Stephen C. O'Brien
Joseph Reynolds
David M. Ringius, Jr.

Not Present: Charles Ryan, Vice President
Lawrence C. Mackin, Jr.

Others: Charles C. Kokoros, Mayor
Ed Spellman, Finance Director
James Arsenault, DPW Director
James F. O'Brien, Fire Chief
Robert Pistorino, Hazmat Officer
Marybeth McGrath, Municipal Licenses & Inspections Director
Russ Forsberg, Building Inspector
Lee Dingee, former Council member
Dan Hickey, Assistant to the Mayor
Clean Harbors personnel:
Becky Underwood, President and EVP of Facilities for Clean Harbors
Mike Foley, Senior Vice President of Operations for our Transfer, Storage
and Disposal Facilities

Others: Dylan Hamlin, expert Air Modeling Representative from GDH
Rich Harrington, Regional Director for our Transfer, Storage and Disposal Facilities
Steve Ganley, Site General Manager for the site facility
Greg Cooper, Director Mass DEP Boston office bureau of air and waste and hazardous waste and solid waste division
Millie Garcia Serrano, Regional Director for the Mass DEP Southeast Regional office
Seth Pickering, Deputy Regional Director Southeast Regional office for the bureau of air and waste.
John Handrahan, Deputy Regional Director for the bureau of waste side cleanup
Ann Toland, resident
Mike Lang, EBCA/resident
Many residents

ANNOUNCEMENTS

• 001 23 Council President: Charter Review Committee Update

Councilor Hume stated there was a Charter Review Public Comment Meeting scheduled for this week but is being cancelled. When a new meeting is scheduled, it will be posted. The public will be invited to come and give input. This is the document that the town government is governed by.

APPROVAL OF MINUTES

• February 7, 2023

Motion: by Councilor Hume to Approve Minutes of February 7, 2023

Second: by Councilor Ringius

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, O’Brien, Reynolds, Ringius),
Against (0), Absent (2 – Mackin, Ryan), Abstain (0)

COMMUNICATIONS

• 011 23 Council President: Clean Harbors (Public Comment will be allowed)

Preliminary Report can be found on the Town Council website.

Here is the link: [https://braintree.ma.gov/DocumentCenter/View/10802/Clean_Harbors_Preliminary-Public_Inquiry_Report_03-08-2023](https://braintree.ma.gov/DocumentCenter/View/10802/Clean_Harbors_Preliminary_Public_Inquiry_Report_03-08-2023)

President Boericke stated tonight is the Council's second public meeting regarding the hazardous material fire that occurred at Clean Harbors the evening of February 16, 2023. At the February 28, 2023 Town Council meeting we gathered more than 100 resident questions and concerns. Tonight, we hope to answer some of the questions. I asked the Mayor, the Fire Chief, the Water Superintendent, members of Massachusetts Department of Environmental Protection and Executives of Clean Harbors to appear before us tonight.

President Boericke clearly stated how this public comment portion of the meeting will be run.

Order of speakers: Mayor, Fire Chief, Water Superintendent, Mass DEP, Clean Harbors, Councilors, Public Comment

Those wishing to speak before the Council shall register on sign-up form

Speakers will be recognized in the order appearing on the sign-up form

Those recognized to speak shall come to the podium and clearly state their name and address prior to presenting their comments - Comments limited to a maximum of 3-minutes

This item will be on the Council agenda for as long as necessary. Please email all questions to towncouncil@braintree.gov and we will try to get answers for you.

Mayor Kokoros read a letter he sent to Clean Harbors, Rebecca Underwood.

March 2, 2023

Rebecca Underwood, President & EVP Facilities Clean Harbors

42 Longwater Drive

Norwell, MA 02061

RE: Opposition to Resumption of Regular Operations Request Dear Ms. Underwood,

I am opposing Clean Harbor's March 2, 2023 Request for Resumption of Regular Operations to the Massachusetts Department of Environmental Protection ("MassDEP"). As you know, on February 16, 2023 a significant fire occurred at the Clean Harbors Braintree site at a trailer storage area at approximately 10 pm. As a result of that fire, operations ceased on site until the resumption of temporary limited operations which were allowed by MassDEP on February 27th. The Town of Braintree strongly believes that Clean Harbors should not be allowed to resume regular operations until multiple critical outstanding issues are addressed.

The health and safety of the residents of Braintree are of the utmost importance to me. To that end, at minimum, Clean Harbors must eliminate the storage of hazardous materials in tractor trailers on site as well as material and debris from the February 16th fire. The practice of storing flammable materials stacked within the warehouse must be reassessed to facilitate improved fire suppression, and on-site fire suppression capabilities must be upgraded. Permanent air quality monitors must be installed on site and within the surrounding neighborhood to provide real time information to the residents, and an air quality analysis must be provided to the Town delineating the impacts from the February 16th fire. In addition, there are still many outstanding issues raised by our residents at the February 28th Town Council meeting that must addressed.

Clean Harbors must commit to working with the Town and surrounding industries in East Braintree to develop an evacuation plan. Until the foregoing items are addressed by Clean Harbors, the Town cannot support a return to regular operations.

Signed by Mayor Charles Kokoros.

Mayor Kokoros stated there are many concerns from the town based on what I witnessed that night. It is important to address these issues and look at a regional evacuation plan that will cover the whole basin. We will reach out to MEMA to see what resources they have. We will reach out to Citgo and these other industries that could create these hazards pay for air monitoring and to have a real consultant do the analysis of an evacuation plan. I would like a commitment from Clean Harbors to pay for these air monitors at their site and in the neighborhoods.

James F. O'Brien, Fire Chief stated there have been numerous meetings, emails etc since the last Council meeting. The two most important things is an evacuation plan and the air quality monitoring. I would like to sit down with the Quincy Fire Chief and the Weymouth Fire Chief and get their input.

Councilor Flaherty asked do we know what types and how many air monitors we are asking for.

Chief O'Brien stated that is something that needs to be discussed. If you look at the existing evacuation plan we have it goes all the way back to Howard Street. We are talking monitors in that area as well as up and down the neighborhoods along Quincy Ave.

Councilor Maglio stated Clean Harbors has already started operating again because of getting that approval from DEP.

Councilor Reynolds asked if the air quality monitors would have the ability to alert police/fire. I would like to see some type of automatic alerting system.

Chief O'Brien stated I would say so. This is something I want to talk to the 2 chiefs on. Triggering an automatic alert would certainly help us in our response.

Councilor Maglio stated Clean Harbors has already started operating again. I have seen it. I really want to hear from Clean Harbors and what you are going to do to keep us safe.

Chief O'Brien stated we have a 2-man detail with an engine during operating hours. We are right there with no delay in response.

Councilor Hume asked since the fire you have had a detail there. Who is paying for this detail?

Chief O'Brien stated Clean Harbors is paying for this detail.

President Boericke asked for an update on the refurbishment of the Fire Station Headquarters because currently one shower for woman firefighters and one shower for the male firefighters is inadequate for decontamination.

Chief O'Brien stated we are just about done with the design phase. The architect was there today for another walk through. From there we go to the permitting phase. We are hoping November for the start of construction. At headquarters we do not have any decontamination showers. We do at East Braintree and we do at the Highlands station.

Lou Dutton, Water Superintendent stated we start in April the flushing program where we flush the hydrants and check the water mains and at the same time make sure all the hydrants are in working order. The program goes until we are done or if in water restrictions we have to halt and resume in the fall or in the following spring. Hydrants that do not work we expedite their repair. We have 1455 hydrants in the town right now. Inoperable hydrants we have 5: Monatiquot Ave, Granite Street, Sheridan, Milton Road, Washington Street. They have not been repaired yet because

we are waiting for spring time because the road needs to be open and needs to be a physical shutdown of the water main to replace these hydrants. Any hydrant out of service is reported to the fire station so they know. We have one hydrant on Hill Ave. We were in the process of replacing the water main on Quincy Avenue. There was a supply chain issue so we had to shutdown that project in the fall and we ended at Audubon. Clean Harbors did reach out and are thinking of extending the water main from the bottom of Hill Ave all the way to tie into their facility. That will create a loop and also 2-3 more hydrants going up Hill Ave. This year we will also be doing a master plan to see if there are any deficiencies in the system and then start correcting those as well. There are currently 39 hydrants in town with low flow as the one on Hill Ave.

President Boericke stated it is not just an evacuation plan we need but we need to understand the safety and security for the entire town. It is disconcerting to hear there's many steps before we know if a hydrant is not working or there's a low flow pressure. I would request some kind of audit on fire hydrants or low flow pipes especially to hear Quincy Ave has been a continual problem in the most industrial part of town with multiple high hazard industries certainly is cause for concern for me. I certainly want to know the water and hydrants are working at all times and we need to understand the communication is working between the water department and the fire department and that it is consistent, it's clear and there's a plan of action.

Councilor Maglio stated this happened on February 16th. Are there any drafts of new policy to make sure or new communication policy that's been tested.

Superintendent Dutton stated what I can do is text the fire chief and deputies and let them know directly and have a further discussion with the fire chief to work something out.

Councilor O'Brien asked if the pumper truck was available this would be a non-issue.

Superintendent Dutton stated it depends on how low the flow was.

Councilor O'Brien asked about the protocol about the non-functional hydrants and is this a documented policy.

Superintendent Dutton stated we call Brewster Ambulance and say it is inoperable and once back in service we call and let them know.

Councilor O'Brien stated it sounds fairly easy to just modify the policy to say less than functioning or non-functional.

Councilor Flaherty stated there are 39 low-flow hydrants. Do you always know this or is it a result of this event.

Superintendent Dutton stated all hydrants are on a GIS program and the employee enters all the information, the flow data, everything and it goes into a database.

Councilor Ringius asked if there was a way the Chief could get this database or part of the database that includes only the non-working or flow issue hydrants be sent directly to his office so the chief and lieutenant could access this. I would rather two departments communicating instead of having that middle man.

Superintendent Dutton stated he can run a report that includes this information.

Councilor Ringius stated I would advocate for this to be sent to the chief and also sent to the Town Council so we could see this report as well.

Councilor Maglio asked about the hydrants on the Clean Harbors property and the Quirk property.

Superintendent Dutton stated Clean Harbors hydrants are fed from Quincy Ave and the Quirk property is in Braintree and privately owned but the hydrant is Quincy water.

Councilor Maglio asked do we have a role in notifying people that they're privately owned hydrants don't work.

Superintendent Dutton stated that is something the Water & Sewer Department doesn't get involved in. That is a part of fire control.

Councilor Maglio asked if Quirk has hydrants that don't work, how does that information get back to Quirk.

Chief O'Brien stated I do not think it does. This is something I can address with the Quincy Fire Chief and maybe sit down with Dan Quirk. There needs to be a notification system there. It is private property but affects the public.

President Boericke asked if there is a tag that goes on an inoperable fire hydrant recognizable to the fire department and residents.

Superintendent Dutton stated we are looking into rings that say out of service that go right on the nozzle.

President Boericke called up the folks from the Massachusetts Department of Environmental Protection. We have with us this evening Mr. Greg Cooper, Director Mass DEP Boston office bureau of air and waste and hazardous waste and solid waste division and Ms. Millie Garcia Serrano, Regional Director for the Mass DEP Southeast Regional office. Ms. Millie Garcia Serrano stated DEP is responsible for the cleanup oversight of this facility. We are tasked with the licensing and compliance of the operations at the transfer, storage and disposal facility. We created a web page to better localize and collate our information. If you query MassDEP and Clean Harbors you can access that information.

Mr. Greg Cooper, Director Mass DEP Boston office bureau of air and waste and hazardous waste and solid waste division stated at the time of the fire DEP was contacted and we arrived at the facility within the hour and met up with our hazmat team and went about with handheld monitors during the fire. That is standard protocol. The air monitors are to access whether chemical levels in the air pose explosive asphyxiation or immediate acute toxic risk. No significant readings were obtained at that time. Clean Harbors clean water storage storm water treatment system was shut down to prevent any water from leaving the site. All firefighting water was contained to the Clean Harbor's site. DEP has continuing ambient air quality monitoring stations across the Commonwealth as part of a comprehensive program. The Weymouth station is part of this network. They continuously monitor ozone, nitrogen dioxide and fine particulate matter. Weymouth also collects 24-hour volatile organic canister samples and 24-hour carbonyl cartridge samples every sixth day.

Mr. Cooper stated on February 26th we issued a limited approval to Clean Harbors for the removal and management of existing hazardous waste that was on the site and to properly manage the firefighting water and the waste from the incident itself. On March 9th we authorized Clean Harbors to activate its storm water treatment system. On March 15th we authorized the resumption of activities at Clean Harbors that do not take place where the fire occurred. We did not authorize the activation of the truck to truck operations. This is an ongoing investigation.

Councilor Maglio asked who is testing the ground and who is testing the water.

Ms. Millie Garcia Serrano stated the LSP will give all this information in their report. They sign off under the pains and penalties of perjury. There is a lot of scrutiny with these individuals. When the report comes in from a LSP then Mass DEP has the authority to audit, review, reject, deny based on our experience.

Councilor Flaherty asked how would the clean up happen to particulates that landed on the ground.

Mr. Cooper stated we need to site where did they go? It is part of the LSP's responsibility to determine that.

Ms. Millie Garcia Serrano stated we have standards we use to be sure a clean up is done in a protective way.

Becky Underwood, President and EVP of Facilities for Clean Harbors stated we will give you the status of operations, respond to questions/concerns. It is important everyone is properly informed. Our Braintree facility provides essential environmental services for businesses and communities throughout New England to safely manage waste for our customers. Our customers are not equipped to handle these amounts of accumulated waste.

Mike Foley, Senior Vice President of Operations for our Transfer, Storage and Disposal Facilities for Clean Harbors stated the current status of the facility, what was the cause and the corrective actions. Current status is MassDEP opened us up since last Wednesday. All material from the incident was cleaned up, being transported off the facility. It will take us another couple of weeks to process the water to off-site.

Dyron Hamlin stated I work for GHD and independent consulting firm. I studied Chemical Engineering in school. I am also a certified Industrial Hygienist that accesses risk to humans. I am trying to put the best assessment together from

this incident. The fire total amount of material was not a big amount involved in this fire. The combustion of those trailers is similar to what you might find in a house fire, even the burning of wood that produces dioxin from any combustion byproduct. At the end of the day we will look at the end point or the fate of these emissions, not only what was present in the air during the fire and compare that to the model results. We ask do the air model results agree with the air quality sensor data. Ultimately, what is the fate of the materials that were emitted. Where did it go, where did it end up – I know that is a big question. My conclusion would be that the emissions from this fire did not result in levels that would result in adverse health risks to the community. That includes both the air exposure during the fire as well as any soot deposition that would have taken place.

Mr. Foley went on to answer some questions that were asked at the previous meeting:

What chemical materials were burned in the fire and what quantities?

Three trailers containing 5 gallon pails all the way up to 55 gallon drums. We had a complete list that we provided to the fire department, DEP and our fire consultant. Various paints and various household hazardous waste.

Did any fire water discharge to the Fore River?

The facility is designed to contain all the water and it acted as it was designed. We then pump that water to portable tanks to collect and dispose off-site.

What air monitoring was done?

We already answered and have been pretty clear on that.

How do we know what the material was that was stored on the trailers?

All hazardous waste is manifested on a document from the Department of Transportation. We have that information on what was in those trailers.

Is Clean Harbors allowed to store chemicals on parked vans?

Yes. That is our truck to truck but we're currently not operating that process of the business.

How critical is the elapsed time between when the fire took place and the air modeling.

We talked to our consultants on that. Time is not that critical based on the data we were able to collect for all the other air monitoring systems and our personal monitoring.

Is there any further clean up?

All our monitoring shows no impact to the Fore River and the residents.

What was the root cause?

We understand Mass DEP and others have really not concluded a source of the fire. So we've done our work on our side and we want to get to the root of the cause. We reviewed the video footage of the dock. We did note a fire spontaneously ignited in the first trailer. We could see that on the video. The conclusion was there was one specific waste stream where the self-heating compound in it that was most likely the cause of this fire.

Corrective Actions:

All the material from the fire has been containerized. The pavement under the truck-to-truck area was removed and containerized for off-site disposal. The area where the water ponded has been power washed and cleaned. We changed all filtration and treatment media in our stormwater system.

What steps have been taken to prevent future incidents?

We have shut that customer off and continue our management team investigation.

Councilor Maglio asked where the water after power washed went?
Mr. Foley stated it was shipped off-site.

Councilor Maglio stated with your deep pockets who is here for the residents?
Mr. Foley stated that we are here for your environmental needs, I can assure you.

Becky Underwood stated we have had multiple inspections since the incident. We mentioned we have shut off the material that caused the incident. We continue to have fire protection in every area that we are currently operating. We continue to work with all the other agencies that govern the facility and we are following all those things compliantly.

Dyron Hamlin stated Clean Harbors reached out to me as an independent expert. I do this work both public and private sector all over North America. I took a very independent approach to looking at this issue.

Councilor Ringius stated I find it mind boggling you claim to be a good neighbor and that you have resumed operations when the investigation is not complete. I find it mind boggling the DEP who is supposed to protect us allows any operations to restart when there are still so many unknowns. You mention you have been in business for 40 years without an incident but with so many industrial facilities in that area to not have a clear understanding of exactly what occurred and to say this investigation is totally closed, it seems half-hearted notion that you are a contributing member to this community. Will Clean Harbors contribute towards air quality monitors throughout that area of town? I'm asking for you to be on the record that you will on your own accord volunteer to contribute to air quality monitors. Is that a yes or a no?

Ms. Underwood stated we will take that under advisement.

Councilor Ringius stated ok that is a no.

Councilor Ringius stated you put out a contingency and preparedness plan. Have you all reviewed that?

Ms. Underwood stated yes we have.

Councilor Ringius stated it was amended March 13, 2023. Page 27 notes various agencies you would contact in the event of an emergency including Quincy City Hospital that closed in 2014.

Mr. Foley stated yes sir, we resolved that at the last meeting. I will review that. I was under the impression that was resolved.

Councilor Ringius stated when a basic thing can't be fixed how can I trust the rest of what you are saying.

Councilor O'Brien asked if Dyron Hamlin is the LSP.

Ms. Underwood stated no he is not.

Councilor O'Brien stated by the manifest you knew what was on the truck that potentially self-initiated but last time you were here, you didn't know.

Mr. Foley stated I believe at the last meeting we stated the same that it was a self-initiating material. It was off specification and ultimately the cut customer misrepresented the material.

Councilor Hume asked if this material the customer had, is it any material a home owner would have in their house?

Mr. Foley stated no mam.

Councilor Hume stated your contingency plan on page 53 lists the Hazmat officer that should be Robert Pistorino not Stephen Sawtelle who is the retired Hazmat officer. Our ambulance provider is Brewster not Braintree Police.

President Boericke stated I am at a loss of a very easy give of an air quality monitor. The Mayor, the Councilors and the residents are asking for air quality monitors. They cannot be so expensive they undermine your entire business. 40 years ago was pre-environmental designations; well before the mayoral form of government; we are now at a time when the expectations have changed. We're not doing things the way we did them in the 1980's. My expectation is

that Clean Harbors will come to the table and join with the Mayor to implement, I would recommend a Host Community Agreement. We deserve to get something in return because we are putting ourselves and our residents at risk. Put your money where your mouth is and demonstrate you are good neighbors. If an air quality monitor causes you concern, for not bringing it that is causing me greater concern. Why won't you purchase that. I expect you to come back with mitigation and compensation.

Ms. Underwood stated we will take the air quality monitoring under advisement. If you recall a few years ago we purchased a firetruck for the community. We also have 1200 employees that work and live within this area. We care about them and everyone in this room and all the residents.

Residents are now allowed to speak. Please sign up on the provided sheets.

Mike Tobin, 58 Brookside Road stated is it safe to walk around Weymouth Landing? Was it safe on February 16th, 17th and 18th to walk around? What is it about the right side of Quincy Ave that makes it a mecca for toxicity and constant approval of toxic businesses. I don't appreciate the urgency of reopening for business when there are so many unknowns.

Andrea Honore, Weymouth stated I was at Weymouth High School judging projects and two were about Enbridge. These kids were shocked at how our municipal and state government and its environmental agencies let companies like Enbridge put communities in immediate and long-term danger with very few restrictions, enforcement or truly meaningful consequences. They now know the DEP is not to be trusted. It horrifies all who learn about it. DEP likes to pretend these facilities require no more attention than one would give a strip mall. Every purple air monitor has been fundraised for privately by the community. The state monitor was fought for for years by residents and legislators. Since September 2020 Enbridge has dumped 1,398,097 standard cubic feet of methane that we know of.

Mike Lang, 74 Cotton Ave stated if you go online and check the safety data sheets that come with these products. This says also damages fertility and may damage your unborn child. I want to address they have been good neighbors for 40 years. When they paid for the firetruck they only paid half. We paid for the other half and only because the EPA was squeezing them to do it. This letter I have is from the EPA identified nearly 30 violations of both the resource conservation recovery act and the emergency planning community. They also pay for their own LSP and get to pick them. The air monitor is behind the power plant. We hear the fire chief will be talking to the other fire chiefs. If they can do that and the evacuation plan we would be grateful.

Brian Keegan, resident of Fore River Basin, Weymouth area stated I can't believe you can't afford \$100,000 for some air sampling. I'm glad the DEP clarified the 0.8ppm as measured by the PIDs is not being representative of the air quality in the area. Could the DEP monitoring be impacted by the fact it has this huge air cooling system that sucks in millions of CFM per hour could be drafting that air monitoring station. Also the 500 foot stack blocks the wind.

Erin Joyce, 100 Wyman Road stated hopefully we will be better at managing the risk. I appreciate your due diligence over the coming months. Problematic hydrants could be painted or just initial it and so it can be repaired. Who spearheads the evacuation plans, how long does it take, who is held accountable. Is it a committee? Is it the mayor? Is it the fire chief across the communities? This is going to be key moving forward.

Chrissy Brady, President EBCA stated all we've asked Clean Harbors is two things: Air monitors and Evacuation plans. You can not stand here and give us the peace of mind that we need. I don't understand the DEP giving the right to start up again without any consideration to the neighborhood. I will ask again are you going to do the air quality monitors?

Ed Cowen, Wilson Avenue, Weymouth stated the air quality monitors is the least the people of this town/area should get. The DEP has to stop approving toxic stuff in this area. There needs to be more environmental protection.

Michelle Maloney, 24 Wellington Street stated what we are talking about are known carcinogens. I was diagnosed with breast cancer. Could it be a cumulative effect of all the toxins in and around me my entire life and in our environment. We need to address there is a commutative effect of all of this. We owe it to all of us to reduce risk. As a host community we need to stand up and demand what we need.

President Boericke stated we will continue to keep this on our agenda. Any questions, comments please email towncouncil@braintreema.gov

OLD BUSINESS

- **23 013 Mayor: Discontinuance of King Hill Road – Tri Town Water Treatment Plant or take up any action relative thereto** (*Public Hearing OPEN and CONTINUED to April 25, 2023*)

President Boericke explained there are very specific guidelines to the opening of public hearings. The next item on tonight’s agenda are Public Hearings. They will be opened and continued tonight without discussion and that is because they are still making their way through the committee process.

Council President Boericke asked for a Motion to Open the Public Hearing on Order 23 013.

Motion by Councilor Ryan to Open Public Hearing for Order 23 013.

Motion: by Councilor Hume to Open the Public Hearing for Order 23 013.

Second: by Councilor Ringius

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, O’Brien, Reynolds, Ringius),
Against (0), Absent (2 – Mackin, Ryan), Abstain (0)

President Boericke asked is there a MOTION to **CONTINUE** the PUBLIC HEARING to *April 25, 2023* at 7:30pm for Order 23 013:

- **23 013 Mayor: Discontinuance of King Hill Road – Tri Town Water Treatment Plant or take up any action relative thereto** (*Public Hearing OPEN and CONTINUED to April 25, 2023*)

Motion by Councilor Ryan to Continue the Public Hearing for Order 23 013 to *April 25, 2023* at 7:30pm.

Motion: by Councilor Hume to Continue the Public Hearing for Order 23 013 to *April 25, 2023* at 7:30pm

Second: by Councilor Ringius

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, O’Brien, Reynolds, Ringius),
Against (0), Absent (2 – Mackin, Ryan), Abstain (0)

NEW BUSINESS

• 015 23 Town Clerk: Review of Voting Act of 2022 - Impact to Local Elections

President Boericke stated we are not voting on this this evening. Please review this Voting Act of 2022. The Board of Registrars are meeting to vote on this on March 28, 2023. They will be voting on the status of early voting in-person for the upcoming local elections and then it will come back to the Council.

James M. Casey, Town Clerk is available to discuss any part of this report. The primary objective of this report is to present council members with an overview of the "VotesActof2022" and highlight some key legislative changes that impact the upcoming local elections requiring council input in the administration of elections.

A secondary objective is to present members with a sensible timeline to address these changes through an overview of the election process, historical election data as well as staff and funding impacts.

In 2016 "Early Vote In-Person" (**EVIP**) was mandated under Massachusetts election legislation for State General Elections effective July 2016. Municipalities were mandated to hold 10-days of early, during normal business hours, beginning the third Monday and ending the Friday before Election Day.

Voter turnout for the November 8, 2016, election was over 75%, representing 20,626 voters.

- Among these voters, 6,783 voters cast their ballots early in-person.

In response to the COVID19 pandemic, State legislators passed the Votes Act of 2020 (July 2020) which expanded EVIP to include State and Federal Primary Elections for 7-continuous days beginning the second Saturday before Election Day and expanded EVIP for State General Elections from 10-days to 14- continuous days beginning the third Saturday before Election Day.

Additionally, the Votes Act of 2020 mandated Early Voting By-Mail (**EVBM**) whereby, the Secretary of State – Election Division (**SOS**) was required to mail to every registered voter an EVBM application for each state election with local election officials mandated to pay these costs if they choose to conduct EVBM application mailing.

In July 2022, State legislators passed the Votes Act of 2022 which further expanded EVBM and EVIP to include local elections, with opt-out and opt-in provisions, to be decided by local officials, modify voter register regulations and mandated an online voting portal for voters unable to mark a paper ballot independently due to a disability.

The "Votes Act" – Chapter 92 of the Acts of

Is required for all elections, including special elections and primaries, unless the select board, board of selectmen, town council or city council votes to opt out at least 45 days prior to the election

- A separate roll-call vote must be taken for each election to opt out

The deadline to receive an application for mail-in ballot (EV or AV) is the *5th business day prior to all elections*

- Previously the 4th business day

The deadline for an in-person absentee ballot continues to be noon the day before the election

Municipalities are *not* required to send a Vote by Mail application to voters for local elections, except with new voter registration acknowledgment notices

- Municipalities responsible for all costs

The Secretary of the Commonwealth will continue to pay for return ballot postage

- Municipalities responsible for postage for mailing ballot to voter

In-person Early Voting *is not required* for local elections

- **Town Council** has opportunity to **opt-in at least 45 days prior to Election Day...**
 - Only upon recommendation from at least 50% of the board of registrars
 - Requires a roll-call vote of council

If municipality opts-in to in-person early voting...

- The period may begin not sooner than 17 days prior to the election and end not later than 2 business days before the election during their normal business hours
 - **Unless different hours are set as part of the vote to allow early in-person voting, including any weekend hours**
- Example – September 19, 2023, Local Preliminary Election: the early voting period could start as early as Saturday, September 2nd (the 17th day prior) and conclude on Friday, September 15th (the 2nd business day prior).
 - However, the early voting period could be less if specified as part of the vote.
 - A separate roll-call vote must be taken for each election they want to opt in.

The Votes Act of 2022 **changed the voter registration deadline** from 20 days prior to an election, normally a Tuesday, from 8:30am until 8:00pm **to 10 days prior to an election, now a Saturday, from 8:30am until 5:00pm.**

- Prior to the Votes Act of 2022, voter registration had minimal impact on staffing
- Saturday voter registration adds significant overtime costs for the town and forces staff members to spend less time with their families

Police Detail Assignment

The select board, board of selectmen, town council or city council of each city and town, in consultation with its election officers and registrars, shall detail a sufficient number of police officers or constables for each building that contains the polling place for 1 or more precincts at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

- Currently, the Town Clerk, as Chief Election Official for Braintree, communicates directly with the Police Chief, or designee, to ensure adequate police details are assigned

Council Role

Current Council Role

- Call of Elections
- Election Warrant
- Voter Precinct Locations

Expanded Council Role

- Mandated Early Voting By Mail: Opt-Out Provision
- Optional Early Voting In-Person: Opt-In Provision
- Police Details

Next Steps

- April 2023 – Council formally takes votes on....
- Early Vote By Mail (Opt-In/Opt-Out)
- If opt-in
- Communication to voters
- Postcard
- Braintree Advertiser
- Street Signage
- Other
- Early Voter In-Person (assuming favorable recommendation from Board of Registers)
- Limit to one week and normal business hours:
- September 19th Election: 9/11 – 9/15
- November 7th Election: 10/30/11 – 11/3
- Police Detail Assignment for Elections
- Vote to direct Town Clerk to work with Police Chief on detail assignments (as currently handled)
- Consideration for the adoption of existing legislation that allows local officials to opt-out of this new week-end registration requirement.
- Voter registration remains available on Saturdays using the state’s online registration portal or by mail.

The town council in consultation with its election officers and registrars, shall detail a sufficient number of police officers for each building that contains the polling place to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

- As the experienced experts in their fields, the Town Clerk and Police Chief review perceived Election Day threats and appropriate staffing to ensure adequate police details are assigned to support elections.

MGL Chapter 41 - Section 110A: Office hours on Saturday

Section 110A. Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of

chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.

MGL Chapter 4 - Section 9: Time for performance of acts performable on Sunday or holiday

Section 9. Except as otherwise provided, when the day or the last day for the performance of any act, including the making of any payment or tender of payment, authorized or required by statute or by contract, falls on Sunday or a legal holiday, the act may, unless it is specifically authorized or required to be performed on Sunday or on a legal holiday, be performed on the next succeeding business day.

PROPOSED COUNCIL ORDER MOTION:

That the Braintree Town Council votes to accept Massachusetts General Laws, Chapter 41, section 110A: Office hours on Saturday, allowing any public office in the City to remain closed on any or all Saturdays as may be determined from time to time by the Town Council, subject to the provisions of the Town Charter, and the provisions of Chapter 4, section nine shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.

Refer to the Committee on the Department of Public Works

- 23 020 National Grid Petition: Magnolia Street/Linden Street or take up any action relative thereto

Motion: by Councilor Hume to refer Order 23 020 to the Committee on the Department of Public Works

Second: by Councilor Ringius

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, O’Brien, Reynolds, Ringius),
Against (0), Absent (2 – Mackin, Ryan), Abstain (0)

Refer to the Committee of Ways & Means

- 23 021 Retirement Board: FY23 Braintree Retirement COLA or take up any action relative thereto

Motion: by Councilor Hume to refer Order 23 021 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, O’Brien, Reynolds, Ringius),
Against (0), Absent (2 – Mackin, Ryan), Abstain (0)

Refer to the Committee on Ordinance & Rules

- 016 23 Councilor Maglio: Humane Pet Shop Ordinance (aka Puppy Mill Ban) or take up any action relative thereto

Motion: by Councilor Hume to refer item 016 23 to the Committee on Ordinance & Rules

Second: by Councilor Ringius

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, O’Brien, Reynolds, Ringius),
Against (0), Absent (2 – Mackin, Ryan), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting is scheduled on: [Tuesday, April 4, 2023@7:30PM](#)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 10:33p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Recording of meeting found at: <https://www.youtube.com/bcamtv>