

LELAND A. DINGEE
President

CHARLES RYAN
Vice President

HAROLD RANDOLPH
At Large

CHARLES KOKOROS
District 1

JOHN MULLANEY
District 2



THOMAS BOWES
District 3

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

April 28, 2009

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, April 28, 2009 beginning at 7:30 p.m.

Council Vice-President Ryan was in the chair.

Clerk of the Council, James Casey, conducted the roll call.

Present: Charles B. Ryan, Vice-President
Harold Randolph
Charles Kokoros (Arrived at 7:44pm)
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Ronald DeNapoli
Paul Dan Clifford

Not Present: Leland A. Dingee, President

Also Present: Paul Frazier, Police Chief
Sean Powers, Chairman School Committee
Peter Kurzberg, School Superintendent
Peter Kress, School Business Manager
Jean O'Leary, Resident
Adam O'Leary, Resident/Boy's Scout Troop #19

The meeting was opened with the pledge of allegiance and there was a moment of silence for all those serving in our armed services, past and present.

CORRESPONDENCE

- **048-09** Chief Paul Frazier: Edward Byrne Grant

Chief Frazier provided an overview of the Edward Byrne Grant his department had applied for. He explained the grant process required a public announcement of the grant application. He further stated that up to \$40,000 could be awarded to the Town. Lastly he commented that his department will be applying for a “Cop” grant for up to six officers in the near future.

Councilor Kokoros arrived in the Council Chambers at 7:44p.m.

ANNOUNCEMENTS

- **041-09** Recreation & Community Events Department: Beautify Braintree Day
- **044-09** DPW: Curbside Trash Pickup
- **045-09** Councilor Clifford: Tri-Town Civic Group Meeting
- **046-09** Councilor Clifford: State Finance Committee Testimony
- **047-09** Councilor Clifford: Environmental Action Conference

Council Vice-President Ryan read an April 28th email from Representative Joseph Driscoll regarding the recent debate on local aid figures.

APPROVAL OF MINUTES

April 7, 2009

- Motion:** by Councilor Randolph to accept minutes as amended
Second: by Councilor Kokoros
Discussion: Councilor Randolph noted a typo on page 2 “left”
Vote: Unaminious

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

PUBLIC HEARING: Order #09 011

- **09 011 (003 09)** Councilor DeNapoli: Prohibition on Public Consumption of Marijuana

- Motion:** by Councilor Randolph to open Public Hearing
Second: by Councilor Kokoros
Vote: Unaminious

Council Vice-President Ryan informed the public that a legal notice was placed in the newspaper as required by law and then asked if any Council Members would like to speak on the issue.

Councilor DeNapoli stated that the Committee on Ordinance & Rules had met on several occasions on this issue and the Committee unanimously voted to recommend favorable action. Councilor Kokoros stated that he had recently read that several communities have had difficulty collecting the \$100 citation for possession of marijuana and were looking at ways to address the issue.

The Council Vice-President then asked if anyone from the audience would like to speak on the matter at hand. Jean O'Leary of Braintree asked if the proposed \$300 fine could be designated to go towards education of anti-drug use. Councilor Mullaney stated that the proposed fine was not designed to make money but rather a deterrent of smoking marijuana in public. Any fines would go into the general fund.

Motion: by Councilor Randolph to close Pulic Hearing
Second: by Councilor Kokoros
Vote: Unaminious

At this time, Councilor DeNapoli read the following motion:

Title 9

PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9-600 - PUBLIC CONSUMPTION OF MARIJUANA

Section 9.600.010 Prohibition

No person shall smoke or consume marijuana (as defined in M.G.L. Chapter 94C, Section 1, as amended), while in or upon any street, sidewalk, park, playground or other public place in the Town. Violation of this Ordinance may be enforced through any lawful means in law or in equity by the Mayor, or his duly authorized agents, or any police officer of the Town of Braintree, including but not limited to, enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, Section 21D, with a fine of three-hundred dollars (\$300) for each offense.

Motion: by Councilor DeNapoli to approve as read
Second: by Councilor Randolph
Vote: Unaminious

PUBLIC HEARING: Order #09 009

- **09 009** Mayor: Request for Borrowing Authorization for School Building Project

Motion: by Councilor Randolph to open Public Hearing

Second: by Councilor Kokoros

Vote: Unaminious

Council Vice-President Ryan informed the public that a legal notice was placed in the newspaper as required by law and then read the April 1, 2009 from Mayor Sullivan on his request for borrowing authorization. He then asked if any Council Members would like to speak on the issue.

Councilor Mullaney remarked that he supported the request to provide a good education environment for the schools. He also thanked Representative Driscoll for his work in obtaining the \$1.48 million in funding from the MSBA.

The Council Vice-President then asked if anyone from the audience would like to speak on the matter at hand. Sean Powers, Chairman of the School Committee stated it was a collective effort by many to get to this point and wanted to thank all who worked so hard on the issue.

Motion: by Councilor Randolph to close Pulic Hearing

Second: by Councilor Kokoros

Vote: Unaminious

At this time, Councilor Mullaney read the following motion:

That the Town of Braintree appropriates the sum of Three Million One Hundred Thousand Dollars (\$3,100,000) for remodeling, reconstructing and making extraordinary repairs to the South Middle School, located at 232 Peach Street in Braintree, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the School Building Committee; 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) forty-eight and forty-seven hundredths percent (48.47%) 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 amounts received from the MSBA prior to the issuance of any bonds or notes under this vote.

Motion: by Councilor Mullaney to approve as read

Second: by Councilor Randolph

Vote: Unaminious

PUBLIC HEARING: Order #09 010

- **09 010** Mayor: Request for Transfer of Funds for Fire Department

Motion: by Councilor Randolph to open Public Hearing

Second: by Councilor Kokoros

Vote: Unaminious

Council Vice-President Ryan informed the public that a legal notice was placed in the newspaper as required by law and then read the April 1, 2009 from Mayor Sullivan on his request for a line item transfer. He then asked if any Council Members would like to speak on the issue.

Councilor Mullaney remarked that the Committee on Ways & Means recommended favorable action and that no additional funding was needed.

The Council Vice-President then asked if anyone from the audience would like to speak on the matter at hand. No one came forward.

Motion: by Councilor Randolph to close Pulic Hearing

Second: by Councilor Kokoros

Vote: Unaminious

At this time, Councilor Randolph read the following motion:

That the sum of \$10,000 be transferred from the Fire Department/Program 1-Administration/Office Supplies Account to the Fire Department/Program 3-Equipment Maintenance/Outside Motor Vehicle Account, said amounts to be expended under the direction of the Fire Chief.

Motion: by Councilor Randolph to approve as read

Second: by Councilor Kokoros

Vote: Unaminious

- **032-09** Town Auditor: FY2009 Outside Auditor RFP

Councilor Mullaney explained that the Braintree Charter requires the Council to hire an outside auditor to perform an annual audit of the books and records. The request for proposal (RFP) was drafted by Eric Kinsharf and review by the Town Solicitor. It is a request to bid for a three-year contract to perform this annual audit. He further explained that a three-year contract is requested as setup costs for the first year can be expensive for a new firm would need to gain insight into the Town's financial operations. The three-year contract allows for a more competitive bidding process.

Motion: by Councilor Mullaney to advertise for outside audit services and refer to the Committee on Ways & Means for a recommendation to the Council.
Second: by Councilor Kokoros
Vote: Unanimous

- **09 008** Verizon/BELD: Joint Pole Petition

Councilor Ryan read petition recommendations letters from BELD, Highway Department and Town Engineer; each noting “no objections”. Town Engineer, Bob Campbell noted the following conditions:

1. Underground utilities may exist at the proposed locations though not shown on the plans so diligence is required;
2. Items to be placed in or adjacent to sidewalks shall not leave any less than 36 inches of clear sidewalk space in a configuration usable for wheelchair passage;
3. Town sidewalk plows need a 54” path to clean snow off sidewalks. This clearance should be provided wherever possible.

Councilor Bowes read as a motion the joint pole petition outlined in the March 30, 2009 petition from Penny Kane, Manager – Rights of Way for Verizon New England Inc. In addition, Councilor Bowes included the conditions noted by Town Engineer, Bob Campbell.

Councilor Clifford requested that a letter be sent to abutters informing them when the work would be performed.

Motion: by Councilor Bows to approve as read including abutter notification
Second: by Councilor Randolph
Vote: Unanimous

NEW BUSINESS

None

It was unanimously voted to adjourn the meeting at 8:25 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council