

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

**June 2, 2009**

### MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, June 2, 2009 beginning at 7:00 p.m.

Council President Dingee was in the chair.

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

Present: Leland A. Dingee, President  
Charles B. Ryan, Vice-President  
Harold Randolph  
Charles Kokoros  
John C. Mullaney  
Thomas Bowes  
Henry N. Joyce  
Ronald DeNapoli  
Paul Dan Clifford

Also Present: Joseph C. Sullivan, Mayor and Staff Members  
Shannon Hume, School Committee  
Peter Kurzberg, Superintendent of Schools  
Peter Kress, School Business Manager  
Elizabeth Meers and Family Members  
Kathleen Brean, Assistant Town Clerk and Family Members  
Donna Fabiano, Town Clerk and Family Members  
Various Department Heads  
Various Residents

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.

## **ANNOUNCEMENTS**

- 059-09 Announcement: Councilor Ryan—BNYL Field Day
- 061-09 Announcement: Council President—LWV Gift
- 062-09 Announcement: Councilor Clifford-Major Schuler

## **APPROVAL OF MINUTES**

**May 19, 2009**

Councilor DeNapoli requested that the following statement be added to Council order number 052-09 “he will have no part of it.”

**Motion:** by Councilor Ryan to accept minutes as amended

**Second:** by Councilor Randolph

**Vote:** Unanimous

## **CORRESPONDENCE**

- 060-09 Monthly Citizen Recognition Award: Elizabeth Meers  
Councilor Members recognized Elizabeth Meers as the June 2009 recipient of the Citizen Recognition Award. Police Officer Michael Want commented on the reasons he had nominated Mrs. Meers for the award.
- 056-09 Proclamation: Kathleen Brean, Assistant Town Clerk  
Council Members presented Kathleen Brean with a proclamation.
- 057-09 Proclamation: Donna Fabiano, Town Clerk  
Council Members presented Donna Fabiano with a proclamation.

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

## **NEW BUSINESS**

### **NationalGrid Petitions: Refer to Committee on Public Works**

- 09 017 Stetson Street and Elliot Street
- 09 018 River Street
- 09 019 Edgehill Road and Arthur Street
- 09 020 Middle Street
- 09 021 Commercial Street

**Motion:** by Councilor Ryan to refer the above petitions to the Committee on Public Works

**Second:** by Councilor Randolph

**Vote:** Unanimous

## **OLD BUSINESS**

- 052-09 Council President—Town Clerk Position

Council President Dingee informed members that he had appointed Councilors Bowes, Mullaney and Randolph to the Town Clerk Search Committee. Councilor Mullaney will serve a Chairman. He commented that he was not aware as to the number of applicants as he has opted to stay away from the process as much as possible. He further commented that Human Resource Director, Karen Shanley, would review the applications to determine if they met the qualifications and then provide copies of all applications to each Council member. He has asked the search committee to use a score card system to evaluate candidates and that all interviews should be done in public; both the search committee interviews and the Council interviews.

Councilor Mullaney stated that he had spoken with Karen Shanley earlier in the day and was informed that 78 applications were received and after Mrs. Shanley review of applications herself to determine which applications qualified, 62 applications did and 16 did not. Further, 24 applicants were from Braintree. He stated that the Committee should search for the best and it is his opinion; no weight should be given to Braintree residents.

- 063-09 Councilor Clifford—Town Clerk Search Committee

Councilor Clifford comments that he has brought together a motion to reconstitute the search committee. And the motion was jointly submitted by Councilors DeNapoli, and Kokoros. All are aware that the Council President can appoint all members of committees under rule seven and recognize that under the Charter, section 2-2, it provides the Council President the same appointing authority. He states that he has reviewed the motion with a parliamentarian and compared to Roberts Rules and as far as Roberts Rules and the parliamentarian are concerned the motion is in order. He further comments that as much as he recognizes the three current members of the search committee the probing questions on certification and requirements only a subject matter expert could provide that line of questioning. Councilor Kokoros seconded the motion.

The Council President ruled the motion out of order stating the motion was not properly before the Council citing Section 2-2 of the Charter. He comments that he initially thought the Town Clerk would be a good choice for this committee however, the first search committee that was created was ridiculed on a number of issues and he would not ask her to do that again especially since she is leaving. As for the Human Resource Director, she works for the Mayor, and she has politely informed him of this, and with due respect to the Mayor, he will not have the Mayor's Office suggesting who we will hire. He comments that he ruled this way because he believes how he rules today will set precedent for the future. In addition, the Council was hired by the people and the Charter states that the Council will hire the Town Clerk. He states that he could understand their concern if the committee was going to meet in private however, it is going to meet in public and all qualified applicants will interviewed in public.

Councilor Mullaney comments that the Charter gave certain rights to the Council and one of those rights was to select the Town Clerk. It also specifically gave the right to the Council President to make the selection of the committee. And when the Council votes at the beginning of the year to elect the President they bestow that right to the individual. He explains that he is bothered by those

who question his experience in conducting interviews. His twenty-five years of experience as a union president has given him more experience than any person in the room in dealing with employee rights.

Councilor Bowes commented that he was honored to serve on the committee. He has served on other committees and feels he has the experience to serve. He states that he has no problem with the Human Resource Director sitting in with the committee to answer any questions. The Council President commented that the Human Resource Director would always be there for that purpose however, she would not be a voting member of the Committee.

Councilor Clifford comments that he would like to appeal the decision of the President, citing Rule 2 of the Council Rules. He reads, "The President shall preserve decorum and decide all questions of order, subject to appeal to Council. Any member of the council may appeal the decision of the President by motion. No other business shall be in order until the question of appeal is decided. In the case of an appeal from a ruling president, the question shall be: "Shall the decision of the President stand as the decision of the Council?" The vote upon the question of appeal from the ruling of the President shall be by roll call to be decided by a simple majority." Councilor DeNapoli seconds the motion. After much discussion, a roll call vote was conducted.

On a roll call vote conducted by the clerk of the council of the motion "Shall the decision of the President stand as the decision of the Council."

Councilor Kokoros-District 1:	NO
Councilor Mullaney-District 2:	YES
Councilor Bowes-District 3:	NO
Councilor Joyce-District 4:	YES
Councilor DeNapoli-District 5:	NO
Councilor Clifford-District 6:	NO
Councilor-at-Large-Randolph:	YES
Councilor-at-Large-Ryan:	YES
Councilor-at-Large-Dingee:	YES

**NO = 4**

**YES=5**

The decision of the Council President to rule the motion associated with Council order 063-09 stands.

Councilor DeNapoli begins to make a comment about a "smoking gun" and states he has a situation of "fraud" that you [Council President] was made aware of and states, as the Council President attempts to bring decorum to the floor, "I'll guess I'll have to give it to the paper then."

- Town Council Highlights of Fiscal Year 2009

The Council President provides a brief overview of the business that has come before the Council the past year.

- Joseph C. Sullivan, Mayor

Mayor Joseph Sullivan touches upon several topics within the proposed FY2010 budget and gives thanks to all his staff members and to the Committee on Ways & Means for the work they have provided to get the budget to this point. Additionally, Mayor Sullivan commented on a letter he had delivered to Council members regarding his availability to discuss neighborhood issues with Council members over the next several months.

### **09 012 and 09 013 - PUBLIC HEARING**

**Motion:** by Councilor Ryan to open public hearing on 09 012 and 09 013

**Second:** by Councilor Randolph

**Vote:** Unanimous

#### **09 012 Presentation of Departmental FY2010 Budgets**

After Councilor Ryan read each of department's budget request and variance from the previous year, Council President Dingee asked Committee on Ways & Means Chairman, John Mullaney, to provide the committee's recommendation. On each of the department budgets, Chairman Mullaney presented a unanimous favorable recommendation to the Council. The Council President then asked for comments from Council members, asked if the appropriate department representative wanted to provide comment on the department budget and finally asked for public comment. No public comments were provided on any of the budget items presented.

- 111 Town Council \$352,700

Councilor Clifford spoke to a resolution that was unanimously passed by the Council earlier in the year regarding supporting the Mayor in cost reductions which included wage freezes and step freezes. He commented on budget line item 5101 (Department Head/Internal Auditor) and line item 5103 (Administrative/Clerical). The Council President noted Councilor Clifford's comments and will be taken up prior to the vote on June 9.

- 161 Town Clerk \$211,882

- 121 Mayors Office \$338,364

Peter Morin, Chief of Staff, explained the reduction in the Mayor's budget was attributable to the elimination of the Grant Writer's position. These duties will now be assumed by the Planning Director.

- 133 Municipal Finance \$4,340,995

The Chief of Staff explained the increased budget request is attributable to IT Contract with BELD as well as increased Debt and Interest costs.

- 151 Law Department \$200,192  
The Chief of Staff explained the slight decrease was attributable to reduced usage of outside legal services.
- 152 Human Resources \$14,055,200  
The Chief of Staff explained the increase is attributable to increased costs in pension contributions and health premiums.
- 210 Police \$6,955,838  
The Chief of Staff explained the decrease was attributable to 7 vacant positions. He commented that the Chief was looking at stimulus funds or increased local funding to fill any or all the vacant positions.
- 220 Fire \$6,722,194  
The Chief of Staff explained the increased costs are attributable to additional funding for motor vehicle expenses as well as overtime expenses associated with additional training.
- 175 Planning and Community Development \$277,756  
The Chief of Staff explained the largest reductions in the budget were for the hiring of a consultant for the landfill and the promotion of tourism in the Town.
- 241 Municipal Licenses & Inspections \$721,653  
The Chief of Staff explained the reduction is attributable to BPMA concessions.
- 541 Council on Aging \$198,020  
The Chief of Staff explained the increased costs are attributable to utilities and fuel.
- 610 Library \$1,190,667  
Betsy Wolfe, Library Director, explained the increased costs are employee step increases and restoring overtime expenses for custodial services that were inadvertently taken out of the budget last year.
- 400 Public Works Department \$5,752,063  
The Chief of Staff explained the increased costs are attributable to increased street lighting charges, expenses for community events and for the operation of the Watson Facility.
- 400 Golf \$1,126,588  
The Chief of Staff explained the increased costs are attributable capital costs as well as step increases.
- 436 Sewer \$8,140,828  
The Chief of Staff explained the increased costs are attributable a new position as well as principal and interest charges.
- 438 Water \$5,762,191  
The Chief of Staff explained the increased costs are driven by increased principal and interest costs and increased MWRA assessments.

- 350 Blue Hill Regional School \$1,557,980

Councilor Mullaney explained that the reduction in the budget was the result of a decrease in Braintree student enrollment.

- 300 Education \$44,953,204

Peter Kurzberg, Superintendent of Schools, explained that a budget summary is shown on the last page of the meeting booklet. The total FY2010 budget request was \$250,000 below a year ago. Personnel adjustments (retirements/resignations) accounted for nearly \$1.9 million in cost reductions. However, several line items increases; step increases, substitute teachers, technology and transportation, off-set these costs reductions. The school budget is supplemented with Federal Stimulus money and with grant funds.

Councilor Mullaney pointed out that a number of positions are being funded by one-time sources. He wanted to know what the School Department would do if the funds are not available next year or the year after. Superintendent Kurzberg explained that he would recommend that these positions be placed into the budget and other positions and/or programs be eliminated.

#### **09 013 Revolving Funds**

- AH-1 Council on Aging
- AH-2 Board of Health
- AH-3 Library Trustees (Library Books/Audiovisual Materials)
- AH-4 Library Trustees (Support & Promotion of Special Programs)
- AH-5 Mayor (Composting/Recycling Bins/Bags)
- AH-6 Mayor (Recycling Initiatives & Events)
- AH-7 School Committee (Extra Curricular Activities)
- AH-8 School Committee (School Bus Transportation)

Councilor Ryan read the motion for each of the eight revolving funds. The Council President then asked if Council members had any questions and then asked for any public comments. No public comments were provided on any of the revolving funds presented.

**Motion:** by Councilor Ryan to close public hearing on 09 012 and 09 013

**Second:** by Councilor Randolph

**Vote:** Unanimous

#### **COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS**

None

It was unanimously voted to adjourn the meeting at 9:10 p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council