

CHARLES RYAN  
President

LELAND DINGEE  
At Large

SEAN POWERS  
At Large

JOHN MULLANEY  
District 2

THOMAS BOWES  
District 3



CHARLES KOKOROS  
Vice President  
District 1

HENRY JOYCE  
District 4

RONALD DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### February 2, 2010

### MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, February 2, 2010 beginning at 7:34 p.m.

Council President Ryan was in the chair.

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

Present: Charles B. Ryan, President  
Charles Kokoros, Vice President  
Leland A. Dingee  
Sean E. Powers  
John C. Mullaney  
Thomas Bowes  
Henry N. Joyce  
Ronald DeNapoli (Arrived at 7:36pm)  
Paul Dan Clifford (Arrived at 7:36pm)

Others: Christine Stickney, Director Planning & Community Development  
Michael Wilcox, Braintree Business Council  
Jennifer Pinkham, Braintree Business Council  
Jon Bonsall, Attorney for Algonquin Gas

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.

Councilor DeNapoli and Councilor Clifford arrived in the Chambers at 7:36pm.

## **CORRESPONDENCE**

- **Braintree Business Council:** Introduction of New President, Jennifer Pinkham

## **ANNOUNCEMENTS**

- Councilor Kokoros – Passing of James Joseph Sullivan
- Councilor Kokoros – District 1 Meeting on February 4, 2010

## **APPROVAL OF MINUTES**

None

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

## **OLD BUSINESS**

### **Committee on Department of Public Works**

- **10 005 MAYOR:** Grant of Easement in Mill Lane – Algonquin Gas

Councilor Bowes reported the Committee on Public Works recommended favorable action on the petition. Additionally, he read into the records the December 14, 2009 letter from Robert Campbell, Town Engineer, recommending favorable action.

Councilor Bowes read the motion as printed in the December 30, 2009 letter from Carolyn Murray, Town Solicitor.

**Motion:** by Councilor Bowes to approve

**Second:** by Councilor Kokoros

**Vote:** Unanimous

### **Committee on Ways & Means**

- **10 008 MAYOR:** Notice of Appointment – Weymouth-Braintree Regional Recreation Conservation District Board of Commissioners – Barbara Hurley

Councilor Mullaney reported the Committee on Ways & Means recommended favorable action on the appointment of Barbara Hurley.

**Motion:** by Councilor Kokoros to appoint Barbara Hurley as presented

**Second:** by Councilor Bowes

**Vote:** Unanimous

- **10 009 MAYOR:** Notice of Appointment – Weymouth-Braintree Regional Recreation Conservation District Board of Commissioners – John Keaveney

Councilor Mullaney reported the Committee on Ways & Means recommended favorable action on the appointment of John Keaveney.

**Motion:** by Councilor Kokoros to appoint John Keaveney as presented  
**Second:** by Councilor Bowes  
**Vote:** Unanimous

## **PUBLIC HEARING**

### **Committee on Ordinance & Rules**

- **09 053 Mayor:** Article 2 Ordinances
  - **Chapter 2-715 – Community Preservation Committee**

**Motion:** by Councilor Kokoros to open Public Hearing  
**Second:** by Councilor Bowes  
**Vote:** Unanimous

Councilor DeNapoli reported the Committee on Ordinance & Rules had made two changes to the proposed ordinance and has recommended favorable action.

The Clerk of the Council informed Council Members that the Town Solicitor had reviewed the Committee on Ordinance & Rules change of allowing the Council President to appoint two members of the CPC. In a January 19, 2010 email, the Town Solicitor writes; “In light of these provisions of the Charter, it is my opinion that the authority to appoint members to boards, not otherwise provided under our Charter, is exclusively vested in the Mayor and to alter the appointment process to include appointments by the Council President would violate the separation of powers call for by the Charter. Therefore, in keeping with the terms of our Charter, I respectfully ask that the full Town Council reconsider the composition of the CPC as originally proposed.” Additionally, in a second email from the Town Solicitor, dated February 2, 2010, the Town Solicitor writes; “Please be advised that I discussed the CPC’s requested change regarding to Section 2.715.030 with the Mayor, and he has no objection to the CPC’s proposed amendment requiring a majority of the committee to approve any action.”

A copy of the revised “Chapter 2-715: Community Preservation Committee” was provided to each Council Member prior to the start of the meeting. The Clerk pointed out one additional change that would need to be made in Section 2.715.020 (E), the section refers to Chapter 44B, Section 1 of the General Laws. This should be changed to Chapter 44B, Section 11. The error was picked up by Dick Fletcher, former Town Meeting Member.

Councilor Kokoros read into the records the revised “Chapter 2-715: Community Preservation Committee”.

Councilor Mullaney commented that he believed that the Town Council should have some input into the formation of the Community Preservation Committee however, he agrees with the Town Solicitor that the Charter prohibits it.

Councilor Dingee concurred with Councilor Mullaney and further commented any change would have to come through a Charter reform.

Council President Ryan asked if any member of the public would like to speak on the application. No comments from the public were presented.

**Motion:** by Councilor Kokoros to close Public Hearing  
**Second:** by Councilor Bowes  
**Vote:** Unanimous

**Motion:** by Councilor Kokoros to approve Ordinance 2-715 as previously read  
**Second:** by Councilor Bowes  
**Vote:** Unanimous

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

Council President Ryan informed members that he had provided copies of Committee assignments and they would take effect after tonight’s meeting. He also asked members to consider additional committee assignments as many have less than three members.

## **NEW BUSINESS**

### **REFER TO COMMITTEE**

#### **Committee on Ordinance & Rules**

- **10 010** Mayor: Title 3 Ordinance – Revenue and Finance
- **10 011** Mayor: Title 4 Ordinance – Reserved for Future Use
- **10 012** Mayor: Title 5 Ordinance – Licenses and Permits

**Motion:** by Councilor Kokoros to refer the above orders to committee  
**Second:** by Councilor Bowes  
**Vote:** Unanimous

### **Committee on Ways & Means**

- **10 013** Mayor: Appropriation - Braintree Library Staff Association Collective Bargaining Agreement
- **10 014** Mayor: Appropriation - Community Preservation Committee

**Motion:** by Councilor Kokoros to refer the above orders to committee

**Second:** by Councilor Bowes

**Vote:** Unanimous

### **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 8:10p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council