

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

May 18, 2010

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, May 18, 2010 beginning at 7:30p.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 Powers
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Ronald DeNapoli (Arrived at 7:35pm)
Paul Dan Clifford

Others: Carolyn Murray, Town Solicitor
Joseph Powers, Town Clerk
Carl Johnson, Attorney

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

- **021 10 Town Clerk:** Monthly Update
- **028 10 Town Clerk:** Resolution – 370th Anniversary

Councilor DeNapoli arrived at 7:35pm

ANNOUNCEMENTS

- **029 10 Councilor Bowes:** Public Meeting – Allen Street/BELD Site
Councilor Joyce: Recreation Department Events
Councilor Joyce: Braintree Fund for Education Event

APPROVAL OF MINUTES

- May 3, 2010

Motion: by Councilor Kokoros to Approve

Second: by Councilor Bowes

Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

PUBLIC HEARING

Committee on Ways & Means

- **10 042 Town Clerk:** Line Item Transfer

Motion: by Councilor Kokoros to open public hearing

Second: by Councilor Bowes

Vote: Unanimous

Town Clerk, Joe Powers, read his April 13, 2010 memo explaining his request for a fund transfer.

Councilor Ryan asked if any revenue would be generated from the purchase of the passport photo machine. Mr. Powers explained that he was going to charge a \$10 fee for a set of photos. The package contains 120 sets therefore; the breakeven point would be 68 sets.

Council President Ryan if anyone from the public would speak on the matter before the Council. No one came forward.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor Bowes

Vote: Unanimous

Councilor Kokoros read the motion as printed in the April 13, 2010 memo from Mr. Powers.

Motion: by Councilor Kokoros to Approve

Second: by Councilor Bowes

Vote: Unanimous

Committee on Ordinance & Rules

- **10 035 Messina Residential Properties:** Rezone Land – 741 Granite Street

Motion: by Councilor Kokoros to open public hearing

Second: by Councilor Bowes

Vote: Unanimous

Carl Johnson, Attorney representing Messina Residential Properties, LLC, provided members with a fact sheet detailing the history of the property.

Councilor Clifford asked Mr. Johnson where the resident of 741 Granite Street would go if approved. Mr. Johnson explained that Messina Residential Properties had purchased the property several years ago and the property is vacant.

Council President Ryan asked if anyone from the public would like to speak on the matter before the Council.

Alan Flowers of Fallon Circle was opposed to the rezoning application citing that there is too much business in the area already.

Robert Bailey of Granite Street spoke against the application. He was concerned that a gas station would go into the shopping mall.

John Cahill of Granite Street did not want the neighborhood to change and was opposed to the rezoning application.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor Bowes

Vote: Unanimous

Councilor Kokoros motioned to approve the rezoning application for 741 Granite Street as presented in the description of the property.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

- **09 053 Mayor:** Title 2 Ordinance – Administrative and Personnel
- **10 010 Mayor:** Title 3 Ordinance – Revenue and Finance
- **10 011 Mayor:** Title 4 Ordinance – Reserved for Future Use

Motion: by Councilor Kokoros to open public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

Council President Ryan announced that the Council will be reviewing over 50 ordinances, and if the Council were to read each one of them, it would be a lengthy meeting. Copies of the proposed ordinances are available from the Clerk of the Council for anyone who needs a copy. The title of the ordinance will be read as it is printed in the Town Council handout and Council members and the public will be asked for comments.

Councilor Dingee, Chairman of the Committee on Ordinance & Rules, commented that the Committee had reviewed each of the Title 2 Ordinance before the Council and has recommended favorable action on each.

2-205 Administrative Organization

Motion by Councilor Kokoros to approve **Chapter 2-205** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-206 General Standards of Conduct

Motion by Councilor Kokoros to approve **Chapter 2-206** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-220 Department of Public Works

Motion by Councilor Kokoros to approve **Chapter 2-220** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-230 Department of Municipal Finance

Motion by Councilor Kokoros to approve **Chapter 2-230** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-250 Department of Human Resources

Motion by Councilor Kokoros to approve **Chapter 2-250** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-265 Board of License Commissioners

Motion by Councilor Kokoros to approve **Chapter 2-265** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-290 Town Solicitor

Motion by Councilor Kokoros to approve **Chapter 2-290** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-300 Town Council

Motion by Councilor Kokoros to approve **Chapter 2-300** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-310 Town Auditor

Motion by Councilor Kokoros to approve **Chapter 2-310** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-320 Town Clerk

Motion by Councilor Kokoros to approve **Chapter 2-320** as printed in the Town Council handout.

Carolyn Murray, Town Solicitor, provided members with an amendment to the proposed ordinance. Section 2.320.020 Powers and Duties; add to subsection "F" after registrars of Voters "**as Clerk**". Additionally, a new subsection was added "**O: Pursuant to Section 2-9(c) of the Town's Charter, after final passage by the Town Council of every ordinance, appropriation order or loan authorization, the Town Clerk shall post a copy of the final order on a bulletin board within Town Hall, as designated by the Town Clerk, for no less than ten (10) calendar days**".

Motion: by Councilor Kokoros to approve amendment

Second: by Councilor DeNapoli

Vote: Unanimous

Motion: by Councilor Kokoros to approve as amended

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-330 Clerk of the Council

Motion by Councilor Kokoros to approve **Chapter 2-330** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-400 School Committee

Motion by Councilor Kokoros to approve **Chapter 2-400** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-500 Town Accountant

Motion by Councilor Kokoros to approve **Chapter 2-500** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-505 Animal Control Officer

Motion by Councilor Kokoros to approve **Chapter 2-505** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-510 Animal Inspector

Motion by Councilor Kokoros to approve **Chapter 2-510** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-515 Deputy Assessor

Motion by Councilor Kokoros to approve **Chapter 2-515** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-520 Inspector of Buildings

Motion by Councilor Kokoros to approve **Chapter 2-520** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-530 Director of Facilities and Equipment

Motion by Councilor Kokoros to approve **Chapter 2-530** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-550 Fence Viewers

Motion by Councilor Kokoros to approve **Chapter 2-550** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-560 Fire Chief and Fire Department

Motion by Councilor Kokoros to approve **Chapter 2-560** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-570 Harbormaster

Motion by Councilor Kokoros to approve **Chapter 2-570** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-575 Director of Public Health

Motion by Councilor Kokoros to approve **Chapter 2-575** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-585 Inspector of Gas Piping and Gas Appliances

Motion by Councilor Kokoros to approve **Chapter 2-585** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-590 Library Director

Motion by Councilor Kokoros to approve **Chapter 2-590** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-595 Parking Clerk

Motion by Councilor Kokoros to approve **Chapter 2-595** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-600 Inspector of Plumbing

Motion by Councilor Kokoros to approve **Chapter 2-600** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-610 Police Chief and Police Department

Motion by Councilor Kokoros to approve **Chapter 2-610** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-615 Purchasing Agent

Motion by Councilor Kokoros to approve **Chapter 2-615** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-620 Sealer of Weights and Measures

Motion by Councilor Kokoros to approve **Chapter 2-620** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-630 Treasurer/Collector

Motion by Councilor Kokoros to approve **Chapter 2-630** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-635 Tree Warden

Motion by Councilor Kokoros to approve **Chapter 2-635** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-640 Veterans's Services Director

Motion by Councilor Kokoros to approve **Chapter 2-640** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-645 Wire Inspector

Motion by Councilor Kokoros to approve **Chapter 2-645** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-700 Other Multiple Member Bodies

Motion by Councilor Kokoros to approve **Chapter 2-700** as printed in the Town Council handout.

Carolyn Murray, Town Solicitor, provided members with an amendment to the proposed ordinance. Section 2.700.010 Standard Provisions for Other Officials and Multiple Member Bodies; add to subsection "D" after multiple members bodies shall, "**at the time of their initial appointment,**".

Councilor Dingee commented that he could not support the amendment as he felt that any individual who served on a board or committee should be a resident. He was not comfortable with a non-resident making decisions and bear the consequences of that decision. Ms. Murray stated that the Historical Commission requires that members of that commission have very detailed backgrounds and sometimes it is difficult to find someone with that specific background to serve. Councilor Dingee replied that he would prefer to deal with those problems on a case by case basis rather than a blanket policy. Councilors DeNapoli, Clifford, Powers, Joyce and Kokoros echoed Councilor Dingee's concern on the amendment.

Motion: by Councilor Kokoros to not to approve amendment

Second: by Councilor DeNapoli

Vote: Unanimous

Motion: by Councilor Kokoros to approve as printed in the Town Council handout

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-705 Zoning Board of Appeals

Motion by Councilor Kokoros to approve **Chapter 2-705** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-710 Board of Assessors

Motion by Councilor Kokoros to approve **Chapter 2-710** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-720 Conservation Committee

Motion by Councilor Kokoros to approve **Chapter 2-720** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-725 Contributory Retirement Board

Motion by Councilor Kokoros to approve **Chapter 2-725** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-730 Commission on Disabilities

Motion by Councilor Kokoros to approve **Chapter 2-730** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-735 Council on Elder Affairs

Motion by Councilor Kokoros to approve **Chapter 2-735** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-740 Department of Public Works Advisory Board

Motion by Councilor Kokoros to approve **Chapter 2-740** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-745 Fair Housing Liaison

Motion by Councilor Kokoros to approve **Chapter 2-745** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-750 Board of Health

Motion by Councilor Kokoros to approve **Chapter 2-750** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-755 Historical Commission

Motion by Councilor Kokoros to approve **Chapter 2-755** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-760 Housing Authority

Motion by Councilor Kokoros to approve **Chapter 2-760** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-765 Library Trustees

Motion by Councilor Kokoros to approve **Chapter 2-765** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-770 Planning Board

Motion by Councilor Kokoros to approve **Chapter 2-770** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-775 Registrars of Voters

Motion by Councilor Kokoros to approve **Chapter 2-775** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

2-780 Recycling Coordinator

Motion by Councilor Kokoros to approve **Chapter 2-780** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

3-100 Fiscal Provisions Generally

Motion by Councilor Kokoros to approve **Chapter 3-100** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

3-110 Water/Sewer Rehabilitation Fund

Motion by Councilor Kokoros to approve **Chapter 3-110** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

Chapter 4 Reserved for Future Use

Motion by Councilor Kokoros to approve **Chapter 4** as printed in the Town Council handout.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

OMNIBUS PROCEDURAL MOTIONS

- Title I, General Provisions

Motion by Councilor Kokoros that the Town Council vote to repeal all by-laws under Title I, General Provisions, with the exception of Table 1.08, Provisions Subject to Non-Criminal Disposition, as approved by Town Meeting through December 31, 2007 and as subsequently approved by the attorney General and printed in the General By-laws of the Town through September 2008.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

- Title II, Administrative and Personnel

Motion by Councilor Kokoros that the Town Council vote to repeal all by-laws under Title II, Administrative and Personnel, as approved by Town Meeting through December 31, 2007 and as subsequently approved by the Attorney General and printed in the General By-laws of the Town through September 2008.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

- Title III, Revenue and Finance
Motion by Councilor Kokoros that the Town Council vote to repeal all by-laws under Title III, Revenue and Finance, as approved by Town Meeting through December 31, 2007 and as subsequently approved by the Attorney General and printed in the General By-laws of the Town through September 2008.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

- Title IV, Reserved
Motion by Councilor Kokoros that the Town Council vote to repeal all by-laws under Title IV, Reserved, as approved by Town Meeting through December 31, 2007 and as subsequently approved by the Attorney General and printed in the General By-laws of the Town through September 2008.

Motion: by Councilor Kokoros to approve

Second: by Councilor DeNapoli

Discussion: No comments from Council Members or public

Vote: Unanimous

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

- **10 012 Mayor:** Title 5 Ordinance – Licenses and Permits

Motion: by Councilor Kokoros to open public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

Motion: by Councilor Kokoros to continue public hearing until June 15, 2010

Second: by Councilor DeNapoli

Vote: Unanimous

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

REFER TO COMMITTEE

Committee on Ordinance & Rules

- **10 045 Councilor Dingee:** Chapter 9-800 Sex Offender Residency Restrictions

Motion: by Councilor Kokoros to refer to Committee

Second: by Councilor DeNapoli

Vote: Unanimous

Committee on Ways & Means

- **10 046 Mayor:** Line Item Transfers
- **10 047 Mayor:** Request for Appropriation (FY2010) – Community Preservation Fund
- **10 048 Mayor:** Request for Appropriation (FY2011) – Community Preservation Fund

Motion: by Councilor Kokoros to refer above items to Committee

Second: by Councilor DeNapoli

Vote: Unanimous

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:56p.m.

Respectfully submitted,

James M. Casey

Clerk of the Council