

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

September 21, 2010

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, September 21, 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
Paul Dan Clifford

Others: Eric Kinsherf, Town Auditor
Peter Morin, Chief of Staff
Carolyn Murray, Town Solicitor
Edward Spellman, Finance Director
Karen Shanley, Director Human Resources
Michael Saraceno, Lightower Fiber Networks

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

None

ANNOUNCEMENTS

- **030 10** Announcement: Sustainable Braintree
- **039 10** Announcement: Bizokas Charity Golf Tournament
- **040 10** Announcement: Braintree Recreation Department – Upcoming Events
- **041 10** Announcement: 50's Benefit Dance
 - Councilor Joyce: Grown-Up Spelling Bee
 - Councilor Kokoros: Jefferson Street – Letter to RMV
 - Councilor Bowes: Braintree/Weymouth Landing PWED Meeting

APPROVAL OF MINUTES

- September 7, 2010

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: For (8), Against (0), Abstain (1-Powers)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

- **015 10 Councilor Ryan:** Personnel Issues

Council President Ryan commented that a request was made by a Council Member to be provided with the actual performance forms for the Town Clerk and the Clerk of the Council for this evening's meeting. Karen Shanley, Director of Human Resources has copies of these evaluations for each member. At this time, Ms. Shanley provided members with copies of all evaluation forms for each employee.

Carolyn Murray, Town Solicitor, explained to members that a recent change to the open meeting laws allows evaluation forms completed by multi-member boards be open to the public. Employee responses to their performance evaluations remain confidential however, the employee may share their responses if they so choose.

Councilor Joyce presented the following motion, seconded by Councilor Dingee:
"A one-step pay increase be granted to the Town Clerk retroactive to July 1, 2010."

Councilor Kokoros amended Councilor Joyce's motion as follows, A two-step pay increase, to step-C, be granted to the Town Clerk retroactive to his 6-month review date of March 9, 2010." The amended motion was seconded by Councilor Powers.

Councilor Dingee commented with tight budgets, the amended motion is not setting a good example. A year ago it was voted not to give step increases to Council employees. Further, the Town Clerk receives a \$1,500 stipend as Registrar of Voting in addition to the salary he receives as Town Clerk.

Councilor Joyce commented that a two-step increase would be approximately a 10% increase. He wanted to know if any other town employees received step increases last year. Ms. Shanley responded that for fiscal year 2010 no step increases were given. Step increases were given in fiscal year 2011.

Councilor Ryan asked if anyone get a two-step increase last year. Ms. Shanley responded, not to her knowledge. Councilor Bowes then asked if anyone ever had been given a two-step increase. Ms. Shanley responded yes.

Councilor Kokoros commented that he had rated the Town Clerk "Superior" on his performance evaluation based on his experience with the Town Clerk as well as additional education and training the Town Clerk had taken. He pointed out that he left the position at a higher step level than what he was rehired at.

Councilor Powers remarked that he echoed the concerns of other councilors at the other end of the table however, as a member of the school committee step increases were based on the merit of performance of the employee. The Town Clerk is paid lower than similar clerks in other towns.

Councilor DeNapoli commented the Town is lucky to have this employee. He left at a higher pay than what he was rehired at. He has done an outstanding job.

Councilor Clifford commented that if you compare what the employee has done for Braintree against the financial impact of the town, it is minimal. He works on his own initiative, is one of only 90 of the 351 town clerk's that is certified. His current salary is below the average thirteen other towns he had surveyed; \$74,500. He has brought the office into the 21st century, with ease of access to vital records and obtaining a passport – one stop shopping. The Town Clerk was at the E-step when he left and came back at the A-step. A double increase to the C-step amounts to \$2,700.

Councilor Bowes remarked that he echoed what has already been said. Mr. Powers has done a good job and has turned around the office. He will vote the same for both positions.

Councilor Dingee commented that he is not saying he is not doing a good job. There were 89 candidates for the position and the job he is doing is something that he expected he would do. There are other employees in Town who do an excellent job. He has concerns of giving a 2-step increase; it is a cost of about \$3,00 versus \$1,500 for a one-step increase.

Councilor Mullaney commented that some of the people who want to give out the money don't see a need for increasing the sales tax. He asked if a cost of living raise was given this year. Ms. Shanley replied yes, 1%. Councilor Mullaney noted that the Council voted not to give a step increase in November 2009 to the Clerk of the Council due to the current economy. He asked what has changed to give a 2-step increase to the Town Clerk.

Councilor Mullaney made a motion to amend the previous motion by giving a 2-step increase to the Town Clerk and the Clerk of the Council effective July 1, 2010. The motion was not seconded.

Councilor Clifford commented that in the private sector you pay for performance. The person is superior and self directed. The evaluation guidelines indicate that a 2-step increase can be given if the employee is rated superior. Additionally, there should be equity to other town clerks.

Councilor Joyce asked could the Council give a raise beyond July 1st. The Town Solicitor commented that you could but noted that there was a vote of the Council not to give step increases for fiscal year 2010; though the Council could still vote to go beyond July 1st.

Council President Ryan commented that he works directly with the Town Clerk and he has done an excellent job however, we are in difficult financial times. He then called for a roll-call vote on the amended motion offered by Councilor Kokoros; "A two-step pay increase, to step-C, be granted to the Town Clerk retroactive to his 6-month review date of March 9, 2010." The amended motion was seconded by Councilor Powers. The Council President added that the Town Clerk would be eligible for his next step increase on March 9, 2011.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (5-Kokoros, Bowes, DeNapoli, Clifford, Powers)
Against (4-Mullaney, Joyce, Dingee, Ryan)

The Council President called for a roll-call vote on the main motion as amended.

Motion: by Councilor Kokoros

Second: by Councilor Powers

Vote: For (8), Against (1-Dingee)

Council President Ryan commented that the Clerk of the Council is due for a step increase and is on the floor for discussion.

Councilor Bowes remarked that Jim does an excellent job and presented a motion for a two-step increase retroactive to July 1, 2010. The motion was seconded by Councilor Kokoros.

Councilor Dingee remarked that as the first Council President he saw first-hand all that Clerk of the Council had accomplished in this new position. The Clerk of the Council serves as a recording secretary with no time off for all the meetings he is required to attend. He had helped develop the Town's Website and ensures all Council documents are placed on the website to provide for a transparent government. He provides all Council members with meeting documents in a pdf format. He helps in the Town Clerk's office as needed. He has done a superior job. However, the town is not in a position to give 2-step increases at this time.

Councilor Mullaney stated he supports a motion that both employees be treated the same.

Councilor Kokoros commented that he works with the Clerk of the Council on a regular basis and would echo his overall evaluation. He noted that he did not complete an evaluation form last November.

Councilor Clifford remarked that he respects the opinions on fiscal issues. These are non-union positions; it's a matter of equity, below that of their peers and performs at superior levels. He is ranked as superior performance.

Councilor Joyce wanted to know why the motion only goes back to July rather than his evaluation date. An explanation was not provided.

Councilor DeNapoli commented that he has scored extremely high on his evaluation and I think he has done a great job.

Council President Ryan remarked he deals closely with the Council Clerk and he does an excellent job. He then called for a roll-call vote on the motion offered by Councilor Bowes; "A two-step pay increase, be granted to the Clerk of the Council retroactive to July 1, 2010" The motion was seconded by Councilor Kokoros. The Council President added that the Clerk of the Council would be eligible for his next step increase on November 1, 2010.

Motion: by Councilor Bowes

Second: by Councilor Kokoros

Vote: For (5-Kokoros, Mullaney, Bowes, DeNapoli, Powers)
Against (3-Joyce, Dingee, Ryan)
Abstain (1-Clifford)

At 8:45pm a recess was called. The Council returned at 8:55pm.

Upon returning, Councilor Bowes made a motion for reconsideration of the vote taken regarding the step increase for the Clerk of the Council.

Motion: by Councilor Bowes for reconsideration

Second: by Councilor Kokoros

Vote: Unanimous

Councilor Bowes commented that he did not realize the Clerk of the Council did not get a step increase on his last performance evaluation date and would like to make a motion that A two-step pay increase, be granted to the Clerk of the Council retroactive to November 1, 2009” The motion was seconded by Councilor Kokoros. The Council President added that the Clerk of the Council would be eligible for his next step increase on November 1, 2010. On a roll-call vote:

Motion: by Councilor Bowes

Second: by Councilor Kokoros

Vote: For (5-Kokoros, Mullaney, Bowes, DeNapoli, Powers)
Against (3-Joyce, Dingee, Ryan)
Abstain (1-Clifford)

- **10 058 Lightower Fiber Networks:** Petition – 400 Washington Street

Councilor DeNapoli reported that the Committee on Public Works has recommended favorable action with staff recommendations.

Motion: by Councilor DeNapoli to approve as noted

Second: by Councilor Powers

Vote: Unanimous

- **10 059 (A) Mayor:** Supplemental Appropriation – W & S Distribution System Improvements

Motion: by Councilor Kokoros to open public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

Councilor Mullaney reported that the Mayor’s Office has requested that the Order, 10 059 (A), be tabled until December 7, 2010. The Town Auditor had informed the Finance Director that the Water and Sewer Department Retained Earnings had not been certified from the Department of Revenue (DOR) and remain unavailable until DOR provides certification. It is expected that DOR will certify the Water and Sewer Retained Earnings sometime in November. The Committee on Ways & Means recommends that the hearing be continued until December 7, 2010.

Councilor President asked if there were any comments from the public. No one came forward.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

Motion: by Councilor Mullaney to recommend that the public hearing on Order 10 059 (A) be continued until December 7, 2010.
Second: by Councilor Joyce
Vote: Unanimous

- **10 059 (B) Mayor:** Supplemental Appropriation – Water & Sewer Rehabilitation

Motion: by Councilor Kokoros to open public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Councilor Mullaney reported that the Committee on Ways & Means recommends that the hearing be continued until October 5, 2010.

Councilor President asked if there were any comments from the public. No one came forward.

Motion: by Councilor Kokoros to close public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Motion: by Councilor Mullaney to recommend that the public hearing on Order 10 059 (B) be continued until October 5, 2010.
Second: by Councilor Joyce
Vote: Unanimous

- **10 060 Mayor:** Bond Authorization – Azel Road/Lincoln Heights/Water Treatment Plant Repairs

Motion: by Councilor Kokoros to open public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Councilor Mullaney explained that there are three separate motions/requests for bond authorization. The first is for improvements to the water distribution system in Azel Road area; the second, rehabilitation of the Lincoln Heights standpipe; and the third, improvements to the water treatment plant. The Committee on Ways & Means recommends favorable action on all three motions.

Councilor President asked if there were any comments from the public. No one came forward.

Motion: by Councilor Kokoros to close public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Councilor Kokoros read each of the three motions as printed in the September 2, 2010 memo from Mayor Sullivan requesting the borrowing authorization for the three Water & Sewer projects. After each motion was read, the Council President called for a vote. All votes were unanimous.

Motion: by Councilor Kokoros to approve
Second: by Councilor DeNapoli
Vote: Unanimous

PUBLIC HEARING (CONTINUATION FROM AUGUST 17TH)

- **10 012 Mayor:** Title 5 Ordinance – Licenses and Permits
 - Chapter 5-550 Gasoline Stations
 - Chapter 5-570 Precious Metal Dealers

Motion: by Councilor Kokoros to open public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Council President Ryan commented that Mayor’s Office and the Licensing Board has asked that the two items be continued until October 19th.

Councilor President asked if there were any comments from the public. No one came forward.

Motion: by Councilor Kokoros to close public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Motion: by Councilor Kokoros to continued until October 19th
Second: by Councilor DeNapoli
Vote: Unanimous

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Ways & Means

- **10 061 BELD:** Early Retirement Incentive Program
- **10 063 Mayor:** CPC Recommendations
- **10 064 Mayor:** Funding Request – Local 466 Collective Bargaining Agreement
- **10 065 Mayor:** Funding Request – BPMA Collective Bargaining Agreement

Motion: by Councilor Kokoros to refer to Committee on Ways & Means.
Second: by Councilor Bowes
Vote: Unanimous

Refer to Committee on Public Works

- **10 062 NationalGrid:** Petition – Adams Street

Motion: by Councilor Kokoros to refer to Committee on Public Works
Second: by Councilor Bowes
Vote: Unanimous

ADJOURNMENT

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

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- **030 10 Announcement:** Sustainable Braintree
- **039 10 Announcement:** Bizokas Charity Golf Tournament
- **040 10 Announcement:** Braintree Recreation Department – Upcoming Events
- **041 10 Announcement:** 50's Benefit Dance
- **September 7, 2010 Council Meeting Minutes**
- **015 10 Councilor Ryan:** Personnel Issues – Summary of Town Wage Scale
- **10 058 Lighttower Fiber Networks:** Petition – 400 Washington Street
- **10 059(A) and (B) Mayor:** Supplemental Appropriation – Water & Sewer Capital Items
- **10 060 Mayor:** Bond Authorization – Azel Road/Lincoln Heights/Water Treatment Plant Repairs
- **10 012 Mayor:** Title 5 Ordinance – Licenses and Permits
- **10 061 BELD:** Early Retirement Incentive Program
- **10 063 Mayor:** CPC Recommendations
- **10 064 Mayor:** Funding Request – Local 466 Collective Bargaining Agreement
- **10 065 Mayor:** Funding Request – BPMA Collective Bargaining Agreement
- **10 062 NationalGrid:** Petition – Adams Street