

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

December 20, 2011

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, December 20, 2011 beginning at 7:30p.m.

Council President Ryan was in the chair.

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.

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

Present: Charles B. Ryan, President
Charles Kokoros, Vice President
Leland Dingee
Sean Powers
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Peter Kurzberg, Superintendent of Schools
Peter Kress, Business Manager
Joseph Zarrella, School Committee
Amy Carey, Health Code Enforcement Officer
Representatives from FEMA, MEMA, BEMA and National Weather Service
Joseph Powers, Town Clerk

At the request of the Council President, members unanimously voted to take item 056 11 out of order.

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 056 11 – Local Emergency Planning Committee: Storm Ready Presentation

Glenn Field, Warning Coordination Meteorologist with the National Weather Service, officially congratulated the Town of Braintree for being recognized as a StormReady Community. Mr. Field's remarks are outlined in a letter dated August 18, 2011 to Robert James and Amy Carey. Additionally, Mr. Field presented Bob James, Amy Carey and the Town with an official recognition of this achievement.

CORRESPONDENCE

- **050 11 – Clerk of the Council: 2012 Council Meeting Schedule**

Council President Ryan asked members if there were any changes to the proposed 2012 meeting calendar. Councilor Bowes asked why all meetings were not on the first and third Tuesdays of the month. The Clerk of the Council noted that near the end of January he would be on vacation and there is no one to fill-in to prepare the agenda and meeting documents for a February 7, 2012 meeting. Councilor Clifford suggested that someone should be cross-trained to fill-in for the Clerk. Councilor Bowes commented that there were some changes to the primary election dates and the Town Clerk could update members of these changes.

Town Clerk Powers commented that the September 18th primary has been changed and has been rescheduled to Thursday, September 6th. Additionally, the resolution members voted to support HB1972 [Order 045 11] to combine the Federal and State Primaries to June 5th, most likely, will not happen this year.

Members revised the proposed 2012 Meeting Schedule and the new 2012 Meeting Schedule is as follows: January 2 and 17, February 7 and 28, March 13, and 27, April 3 and 24, May 1, 15, and 29, June 5 and 19, July 17, August 14, September 4 and 18, October 2 and 16, November 7 and 20 and December 4 and 18.

Motion: by Councilor Kokoros to approve revised schedule

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-DeNapoli)

ANNOUNCEMENTS

- 051 11 – Council President: Sustainable Braintree 4TH Annual Green Gala
- – Councilor Bowes: Oath of Office Ceremony
- – Councilor Kokoros: Toys for Tots Event
- – Councilor Joyce: Braintree Rotary Great Spelling Bee

APPROVAL OF MINUTES

Motion: by Councilor Kokoros to approve December 6, 2011 minutes

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-DeNapoli)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

- **11 055 – School Department: Braintree Public School Statement of Interest - MSBA**

Councilor Dingee, Member of the Committee on Ways & Means, reported that the committee has recommended favorable action on the School Department's request and with naming East Middle School as the District Priority project.

Peter Kurzberg, Superintendent of Braintree Schools, commented that Braintree Public Schools has had a partnership with the Massachusetts School Building Authority (MSBA) on capital projects. The statement of interests requires approval by both the School Committee and the Council. The School Committee had already given their approval. The School Department submits an application for each of the nine Braintree schools to place each school in the MSBA pipeline. However, the MSBA only allows one project to be considered each year. East Middle School was been identified as the "Priority School" with the SBA. The scope of the project includes repairs to HVAC/boiler, electrical, lights and ceiling. Approval by the Council does not commit the Town or the SBA to the project; it only provides a need of capital projects in the future.

Councilor Clifford asked what is the annual budget for the SBA and when are the decisions made for these projects. Dr. Kurzberg commented that the budget was \$5 Billion dollars and the decisions are on a rolling basis.

Councilor Bowes asked the approximate cost for the East Middle School capital project. Dr. Kurzberg responded that it would be \$4.6 million; with the MSBA paying 48% of this cost.

Councilor Kokoros read each of the ten Statements of Interest (SOI). Councilor Kokoros moved to approve after each SOI was read and members voted on each SOI after it was read.

Motion: by Councilor Kokoros to approve

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-DeNapoli)

- **11 055 (A)** – Braintree High School
 - **11 055 (B)** – East Middle School
 - **11 055 (C)** – South Middle School
 - **11 055 (D)** – Mary E. Flaherty Elementary School
 - **11 055 (E)** – Highlands Elementary School
 - **11 055 (F)** – Hollis Elementary School
 - **11 055 (G)** – Liberty Elementary School
 - **11 055 (H)** – Archie T. Morrison Elementary School
 - **11 055 (I)** – Donald B. Ross Elementary School
 - **11 055 (J)** – East Middle School; District Priority
- **11 056 – Mayor: Notice of Appointment – Nancy Venezia to Arts Lottery Committee**

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the committee has recommended favorable action on each of the three appointments.

Motion: by Councilor Kokoros to approve
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1-DeNapoli)

- **11 057 – Mayor: Notice of Appointment – Jonathan Young to Arts Lottery Committee**

Motion: by Councilor Kokoros to approve
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1-DeNapoli)

- **11 058 – Mayor: Notice of Appointment – Myles Maquire to Parks & Recreation Advisory Committee**

Motion: by Councilor Kokoros to approve
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1-DeNapoli)

- **031 11 – Council President: Outside Auditor Services**

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the committee has recommended that Powers & Sullivan be awarded the contract for Outside Auditing Services. Councilor Mullaney commented that three firms had submitted proposals; Malloy, Lynch and Bienvenue, Roselli, Clark Associates and Powers & Sullivan. Results of the Comparative Evaluation Criteria show Powers & Sullivan were the only firm to receive “Highly Advantageous” marks on the three areas of criteria. The other two firms received a “Highly

Advantageous” score on “Firm Municipal Audit Experience” and “Advantageous” on the remaining criteria.

Motion: by Councilor Kokoros to award the contract to Powers & Sullivan

Second: by Councilor Bowes

Discussion: Councilor Powers noted that, to his knowledge, he has no relationship with this firm

Vote: For (8), Against (0), Absent (1-DeNapoli)

- **030 11 – Council President: Town Auditor Services**

Council President Ryan commented that at the December 6th meeting members voted to require qualifications for the town auditor position to include a certified public account (CPA) in good standing. Members now need to decide if the position will be a full-time employee or continue as an independent contractor.

Councilor Mullaney stated that he supports the position be an independent contractor rather than a full-time employee. In the three years the independent auditor has not reached the budgeted amount of \$74,000. The current auditor has saved the Town over \$70,000 plus the Town did not have to pay any benefits to him.

Councilor Kokoros commented that the contract allows the Town to terminate the contract with proper notice, giving the council flexibility to change if needed. He supports continuing with agreement.

Councilor Dingee noted that Weymouth started out with a full-time auditor when they changed over their government. They have since changed to an independent auditor. He believes Quincy also has an independent auditor.

Councilor Mullaney informed members that in an email from the Town Solicitor the Council could extend the current town auditor contract for 90-days. This would allow us to place an advertisement for an auditor in the newspaper and continue with auditing services.

Councilor Clifford asked by requiring candidates to be a CPA would it limit the number of applications received.

Councilor Dingee responded that he believed it would provide a better opportunity for CPA firms to bid for auditing services.

Councilor Kokoros noted that the auditing position is graded at the M17 level with a salary range of \$67,460 to \$78,337. Getting an outside auditor at \$125 per hour does not provide much coverage.

Councilor Mullaney responded that the current auditor charges \$125 per hour with a cap on payments of \$74,000. A clause in his contract requires him to continue providing auditing services at no cost if he goes above \$74,000 in the fiscal year.

Councilor Mullaney made a motion, seconded by Councilor Joyce, to extend the current contract with Eric Kinsherf for a period of 90-days and advertise for an independent auditor.

Council President Ryan has asked the Clerk of the Council to prepare an advertisement for the auditor position and have it available for the next Council meeting.

Motion: by Councilor Mullaney

Second: by Councilor Joyce

Vote: For (8), Against (0), Absent (1-DeNapoli)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Ways & Means

- 11 059 – Mayor: Notice of Appointment – Joan Carroll to Arts Lottery Committee
- 11 060 – Mayor: Notice of Appointment – Therese Jarrett to Arts Lottery Committee
- 11 064 – Mayor: FY2012 Line Item Transfers

Motion: by Councilor Kokoros to refer all three orders to committee

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-DeNapoli)

Refer to Committee on Public Works

- 11 061 – NationalGrid: Petition Elm Street/Elmlawn Road
- 11 062 – NationalGrid: Petition Hobart Street/Oakland Street
- 11 063 – NationalGrid: Petition Fairmont Avenue

Motion: by Councilor Kokoros to refer all three orders to committee

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-DeNapoli)

Council President Ryan informed member's that they will be sworn into office on January 3, 2012 at a ceremony that will be held in the auditorium beginning at 5:00pm. Additionally, he informed members that a Council meeting is scheduled that same evening at 7:30pm and suggested that it be rescheduled

to begin at 6:30pm. Members unanimously voted to reschedule the starting time to 6:30pm on January 3, 2012.

Councilor Clifford referred to members to a December 19, 2011 memo from Mayor Sullivan authorizing "Remote Participation In A Public Meeting". Councilor Clifford stated he would be out of the country on January 3, 2012 and wanted to participate in the meeting. The revised open meeting law allows remote participation under certain conditions; one being "geographic distance". He has asked the Clerk of the Council to have a speaker phone available at the next meeting in order for him to participate.

Council President Ryan asked Councilor Clifford if changing the meeting to 6:30pm cause a problem. Councilor Clifford said he would accommodate.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:13p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- December 6, 2011 Minutes
- 11 055 – School Department: Braintree Public School Statement of Interest - MSBA
- 11 056 – Mayor: Notice of Appointment – Nancy Venezia to Arts Lottery Committee
- 11 057 – Mayor: Notice of Appointment – Jonathan Young to Arts Lottery Committee
- 11 058 – Mayor: Notice of Appointment – Myles Maquire to Parks & Recreation Advisory Committee
- 031 11 – Council President: Outside Auditor Services
- 030 11 – Council President: Town Auditor Services
- 056 11 – Local Emergency Planning Committee: Storm Ready Presentation
- 11 059 – Mayor: Notice of Appointment – Joan Carroll to Arts Lottery Committee
- 11 060 – Mayor: Notice of Appointment – Therese Jarrett to Arts Lottery Committee
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- 11 061 – NationalGrid: Petition Elm Street/Elmlawn Road
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