

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

Charles B. Ryan
At Large

John C. Mullaney
District 2



Thomas M. Bowes
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

February 7, 2012

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, February 7, 2012 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

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

Others: Edward Spellman, Finance Director
Michael Nelligan, Powers & Sullivan
Eric Kinsherf, Town Auditor
Joseph Powers, Town Clerk
Mark & Pam Kiley, BFFE
Mullin Family, Braintree

CORRESPONDENCE

- **009 12 – Council President: Recognition of Eagle Scout**

Council President Kokoros presented William J. Mullin with a citation for attaining the Boy Scouts of America highest award of Eagle Scout.

ANNOUNCEMENTS

- 001 12 – Council President: Sustainable Braintree 4TH Annual Green Gala
- 006 12 – Council President: BFFE – Jim Plunkett Night
- 007 12 – Council President: Prayers For Charlotte

APPROVAL OF MINUTES

Motion: by Councilor Bowes to approve January 17, 2012 minutes

Second: by Councilor Ryan

Vote: Unanimous

Motion: by Councilor Bowes to approve January 24, 2012 minutes

Second: by Councilor Ryan

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

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

- **12 002 – Council President: Review of Sub-committees**

Committee on Ordinance & Rules Chairman, Councilor DeNapoli, reported that committee was recommending that all standing committees be reduced to three members. Members believed that committees representing a majority of the Council could possibly be a violation of the open meeting laws. As a courtesy to Councilor Joyce, a majority of the members, Councilor Clifford and Councilor Powers, tabled action on the order to allow the Town Solicitor to render an opinion regarding five member committees. Additionally, Chairman DeNapoli thanked the previous members of the committee for the work they had performed the past two years.

Councilor Mullaney alleged that the reduction in members serving on committees was a deliberate move to keep him off the Committee on Ways & Means. Councilor Mullaney pointed out that by Council Rules, the Committee on Ways & Means should operate with five members and the Committee on Ordinance & Rules should operate with four members.

Council President Kokoros commented that these committees conducted business these past two years with less than the required numbers.

Councilor Dingee noted that the Committee on Ways & Means had four members and the Committee on Ordinance & Rules had three members. The major reason these committee's were not fully staffed was that no other people put in for them. Councilor Dingee stated he hoped that an in-depth review is conducted with real dialogue on the issue.

Councilor DeNapoli commented that Quincy and Weymouth have been contacted and they were concerned about open meeting law violations if someone challenged.

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- **008 12 – FY2011 Outside Auditor Management Letter, Reports on Federal Award Programs and Report on Examination of Basic Statements**

Michael Nelligan, Powers & Sullivan, reported that the Town's finances are healthy and well managed. During the audit period all department heads were fully cooperative and no audit adjustment were required. As he had reported in previous years, the bonding companies like to see the town's reserves at between 5 to 15 percent. Braintree reserves are in excellent shape at 12 percent.

Mr. Nelligan noted that in the Management Letter three significant deficiencies were noted; 1) Treasury Operations – delays in accounts receivable reconciliation to the ledger on a timely monthly basis; 2) Internal Control Policies and Procedures Manual; and 3) Identification and Reporting of Federal Awards.

Councilor Joyce asked Mr. Nelligan does he anticipate the number of hours to perform the audit would be reduced in future years. Mr. Nelligan responded that he believes it would remain the same at about 600 hours.

Councilor DeNapoli asked how the Town compares with surrounding towns. Mr. Nelligan commented very well, any deficiencies would show up in the management letter.

Councilor Clifford noted that the Town auditor would be reviewing these reports in greater detail and comparing Braintree to other communities statewide.

Councilor Powers noted he has no relationship with Powers and Sullivan.

NEW BUSINESS

Refer to Committee on Ways & Means

- **12 004 Councilor Clifford: Chapter 134 of the Acts of 2008 – Extension to FY2014**

Motion: by Councilor Bowes to refer Order 12 004 to Committee

Second: by Councilor DeNapoli

Vote: Unanimous

- **12 005 Mayor: FY2012 Capital Plan**

Motion: by Councilor Bowes to refer Order 12 005 to Committee

Second: by Councilor DeNapoli

Vote: Unanimous

- **12 006 Mayor: Approval of Authorization for DPW Director to enter into a Five Year Lease/Purchase Agreement for the acquisition of a front-end loader (Refer to Committee or Take same night action or any action thereto) per MGL c.30B, Sec. 12**

Council President Kokoros informed members that the applicant has requested same night action on Order #12 006. Unless there is objection, Council Order #12 006 will have same night action. No member of the Council objected to same night action.

Thomas Whalen, DPW Director, commented that this was a key piece of equipment for the DPW. Pins in the middle of the loader, where the machine pivots, are worn and puts stress on the equipment. Windows on this piece of equipment then blow out. He has a lease offer which will expire on February 15th. The lease is for a 2012 front end loader. The cost of a 2013 front end loader will go up by \$15,000.

Councilor Dingee noted with the problems surrounding same night action at the last meeting he is hesitant to approve. However, if it can save the town money he would not have an objection. Councilor Dingee asked Mr. Whalen when the problem with the equipment came to his attention. Mr. Whalen responded that he had placed a request for this equipment on the capital plan request.

Councilor DeNapoli asked Mr. Whalen what was the year of the front end loader he wanted to replace and what was the trade-in value. Mr. Whalen commented that it was a 2005 and the trade-in value was \$32,500. Councilor DeNapoli asked if the vehicle could be repaired. Mr. Whalen stated that the Highway Superintendent, Richie Grey, informed him that it has been repaired in the past and would be too costly to continue to repair.

Motion: by Councilor Bowes to approve Order #12 006

Second: by Councilor Ryan

Vote: Unanimous

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:40p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- January 17, 2012 Minutes
- January 24, 2012 Minutes
- Town Council Citation for Michael J. Mullin
- 12 002 – Council President – Review of Sub-committees (2012-2013 Committee Assignments, Town Council Rules – 2011; pages 8 and 9)
- 008 12 – Town Council: FY2011 Outside Auditor Management Letter, Reports on Federal Award Programs and Report on Examination of Basic Statements
- 12 004 Councilor Clifford: Chapter 134 of the Acts of 2008 – Extension to FY2014
- 12 005 Mayor: Referral of FY2012 Capital Plan to Committee on Ways & Means
- 12 006 Mayor: Approval of Authorization for DPW Director to enter into a Five Year Lease/Purchase Agreement for the acquisition of a front-end loader (Refer to Committee or Take same night action or any action thereto) per MGL c.30B, Sec. 12