

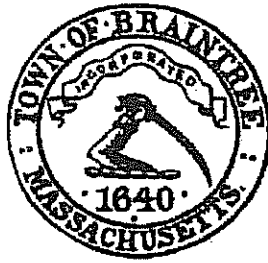
LELAND A. DINGEE  
President

CHARLES RYAN  
Vice President

HAROLD RANDOLPH  
At Large

CHARLES KOKOROS  
District 1

JOHN MULLANEY  
District 2



THOMAS BOWES  
District 3

HENRY JOYCE  
District 4

RONALD DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

December 16, 2008

### MINUTES

A meeting of the Town Council was held in the Johnson Memorial Chambers, Braintree Town Hall, on Tuesday, December 16, 2008 beginning at 7:40 p.m.

Council President Dingee was in the chair.

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

Present: Leland A. Dingee, President  
Charles B. Ryan, Vice-President  
John C. Mullaney  
Thomas Bowes  
Henry N. Joyce  
Paul Dan Clifford  
Charles Kokoros (arrived late; 7:46PM)  
Harold Randolph  
Ronald DeNapoli

Also Present: David Shaw  
Michael Barbuto

There was a moment of silence for all those serving in our armed services, past and present, and the meeting was opened with the pledge of allegiance to the flag.

#### CORRESPONDENCE

None

#### ANNOUNCEMENTS

- AN 08 011 Councilor Bowes: Holiday Open House – December 21, 2008

## **APPROVAL OF MINUTES**

**December 2, 2008**

- Motion:** by Councilor Ryan to accept minutes  
**Second:** by Councilor Randolph  
**Vote:** For (8), Against (0), Absent (1-Kokoros)

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

Councilor Kokoros arrived at 7:46p.m.

## **OLD BUSINESS**

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

- 08 072 Department of Planning and Community Development: Deed Acceptance – Ashworth Avenue

Chairman Ryan explained that Melissa Santucci, Principal Planner for the Town, forwarded a memo, dated December 4, 2008, indicating that the issues regarding Curbing, Sidewalk, Drainage and Roadway had been addressed in accordance with the Record Plan approved by the Planning Board and that the Deed Acceptance for the land parcel on Ashworth Avenue and the above noted issues were separate issues. The Committee recommended favorable action.

- Motion:** by Councilor Ryan to approve  
**Second:** by Councilor Randolph  
**Vote:** Unanimous

### **Committee on Ways & Means: Chairman John Mullaney**

- 08 075 Mayor: Notice of Appointment – Braintree's Representative to the MWRA

Chairman Mullaney reported that the Committee recommended favorable action.

- Motion:** by Councilor Mullaney to approve John Lavey as Braintree's representative to the Massachusetts Water Resources Authority.  
**Second:** by Councilor Randolph  
**Vote:** Unanimous

- 08 076 Mayor: Notice of Appointments – Department of Public Works Advisory Board

Chairman Mullaney reported that the Committee recommended not approving appointments due to the Committee not receiving requested resumes of appointee's as well as not having a written outline of the duties of the Advisory Board.

Councilor Joyce stated that he had twice requested, in writing, copies of resumes for all candidates and had not received them.

Council President Dingee explained that he had asked for a written “charter” or description of the duties and powers of this Advisory Board to eliminate any confusion as to what their role and responsibilities would be.

Chairman Mullaney explained that the vote should not reflect negatively against any of the candidates but by Braintree Charter rules, the Council must either approve or disapprove within thirty-days of notification from the Mayor’s Office. The Council is unable to table to a future meeting as the appointments would automatically be accepted if the Council did not act within the thirty-day time period.

Councilor Kokoros stated he would oppose the Committee recommendation as he knows each of the individuals being recommended for appointment and has confidence in each of them. In addition, he explained that the duties of the Advisory Committee are outlined in the legislation that was passed under the old government.

Councilor Randolph made a motion to move the question after much discussion from several Councilors’ interpretation of what the role and responsibilities of the Advisory Committee would be.

**Motion:** by Councilor Randolph to move the question  
**Second:** by Councilor Ryan  
**Vote:** Roll Call Vote: For (8), Against (1-Mullaney)

**Motion:** by Councilor Mullaney to not approve appointments  
**Second:** by Councilor Randolph  
**Vote:** Roll Call Vote: For (5), Against (4-Ryan, Kokoros, DeNapoli, Bowes)

**Committee on Personnel Issues: Chairman John Mullaney**

- 08 077 Policy for Executive and Legislative Personnel

Chairman Mullaney explained that this item remains in Committee and will be brought forward at a future Council meeting for action.

- Town Auditor Contract

Chairman Mullaney outlined the proposed contract for the Town Auditor Position. He explained that the position has been funded at \$74,000 for fiscal year 2009. However, because the position is not being filled for half the year, the contract states that for the remaining of fiscal year 2009, the contract shall not exceed \$37,000.

Councilor Clifford explained that much of the work for the position is front loaded in the calendar year; especially during the budget review process. Councilor Clifford made a motion to leave the contract amount for fiscal year 2009 at \$74,000.

**Motion:** by Councilor Clifford to leave contract amount at \$74,000 for FY2009  
**Second:** by Councilor Bowes  
**Vote:** Roll Call Vote: For (2-Clifford, Bowes), Against (7)

Councilor Ryan expressed his concern regarding the current economy and questioned if the Council could afford this position at this time. He felt that he hourly fee of \$125 was high and could not support the contract.

Councilor DeNapoli stated he agreed with Councilor Ryan.

Councilor Joyce wanted to know what alternative recommendations they had.

Councilor Mullaney noted that the news over the last several months was all about government corruption. He stated you “don’t save money by loosing it on the other side.”

Councilor Bowes reminded members that this position was posted last spring. There were no qualified candidates at that time and the recommendation of the Council was to look towards hiring an independent contractor.

**Motion:** by Councilor Mullaney to move the question

**Second:** by Councilor Ryan

**Vote:** Roll Call Vote: For (8), Against (1-Kokoros)

Councilor Mullaney made a motion to accept the contract language as proposed subject to approval of the Town Solicitor.

**Motion:** by Councilor Mullaney

**Second:** by Councilor Randolph

**Vote:** Roll Call Vote: For (5), Against (4-Ryan, Kokoros, DeNapoli, Clifford)

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

Prior to Mayor Joseph C. Sullivan addressing the Council, Councilor Clifford made a motion for reconsideration of Order #08 076 Mayor: Notice of Appointments – Department of Public Works Advisory Board.

**Motion:** by Councilor Clifford for reconsideration of order #08 076

**Second:** by Councilor Ryan

**Vote:** Unanimous

Councilor Clifford asked the Mayor if he would provide members of the Council what the role of the Advisory Board would be.

Mayor Sullivan explained that each of the individuals he proposed to serve on this Advisory board had served in good interest in the community in the past with several being prior Water/Sewer Commissioners. Their role would be to offer advice and recommendations in the area’s of the Trash Fee, Tri-Town and Water & Sewer operations.

Council President Dingee explained that he would like to see the role and responsibilities of this Advisory Board in writing for those who follow us to have a clear understanding of the Advisory Board’s role. It is more of a matter of process than anything else.

- Motion:** by Councilor Kokoros to approve appointments of Joseph Aiello, John Keaveney, Richard McDonough, Patricia Needham and Henry Russel to the Department of Public Works Advisory Board.
- Second:** by Councilor Mullaney
- Vote:** For (6), Against (3-Dingee, Randolph, Joyce)

At this time Mayor Sullivan provided a review of the past year as well as goals for the future.

The Mayor spoke on the current budget, including the loss of 23 positions, prohibiting many Town vehicles to be taken home, restrictions on cell phone usage as well as merging the Tax Collector and Treasurer Functions. In addition, Mayor Sullivan discussed the status of the following initiatives; 100 Road Program, Beautification Plan, Single Stream Recycling Program, Parks and Community Events, Peterson Pool, Weymouth Landing, South Shore Plaza Construction, Tri-Town Water Treatment Plant, Schools and Public Safety Departments as well as the relationship with the Braintree Electric Light Department.

Councilor Joyce asked the Mayor, with the current Treasurer and Assistant Treasurer leaving at the end of the year due to merging of the Tax Collector and Treasurer Departments will the Town be able to complete all of the year end payroll functions. Mayor Sullivan responded that he was confident things would get done.

Councilor Joyce then commented on the bleak economic outlook and questioned whether the Town should consider budget cuts now rather than at the start of the new fiscal year. Mayor Sullivan explained that he had directed all departments to look at budget cuts of approximately 5-7% for the next fiscal year. He further explained that the latest information out of Boston indicated that local aid would be cut 7%. For Braintree this would mean a decrease of \$1.2 million dollars for FY2010. The Mayor mentioned that there has been some new discussions on local aid and it may be reduced by 10%. This would represent a decrease of \$1.7 million dollars in local aid receipts. With regards to making cuts this fiscal year, the Mayor felt that with the reductions made in the budget this past June, the Town should be in a good position to get through this current fiscal year.

Mayor Sullivan indicated he had sent a letter to Congressman Lynch and Senator's Kennedy and Kerry regarding an \$8 million dollars stimulus package for infrastructure repairs for the Town.

Lastly, Mayor Sullivan announced a "Citizens Open House" for January 2, 2009 from 2:00pm until 6:00pm in the newly renovated Horace T. Cahill Auditorium. Department heads would be available to residents to discuss issues.

At 9:10pm, a five-minute recess was called.

The Council was called back to order at 9:18p.m.

## NEW BUSINESS

REFER TO COMMITTEE

- Motion:** by Councilor Clifford to take item CC08 001 out of order.  
**Second:** by Councilor Kokoros  
**Vote:** Unanimous

Council President Dingee turned the chair over to Vice President Ryan and left the chambers.

### Committee on Public Safety: Chairman Thomas Bowes

- CC 08 001 Councilor Clifford: South Street – Town Solicitor Opinion

Councilor Clifford explained that Mr. Barbuto has been in the audience to speak on the Town Solicitor's report on South Street. Councilor Clifford asked members to turn to page 3 of the report, to the following two areas:

1. Second last paragraph which reads "The MHD Traffic Code also provides that if the land use in the area is primarily residential and the municipality has requested a commercial vehicle exclusion only during night hours, a night exclusion may be granted by MHD."
2. Second main paragraph with the 9 items which reads "Along with identifying a suitable alternative route and obtaining the approval of Holbrook to a commercial vehicle exclusion on South Street, MHD requires the submission of an engineering study to present data to support the vehicle exclusion. The MHD Traffic Code outlines the specific data sought through the engineering study" [9 detailed items follow in the report]

Councilor Clifford indicated he would like to move along the information gathering so the Committee would be able to make a report as soon as possible.

Vice President Ryan explained to Councilor Clifford and Mr. Barbuto that the item before them is to refer the report to the Committee on Public Safety and the Council cannot direct any action until it is reported back to the Council by the Committee.

Mr. Barbuto addressed the Council and stated he has been putting up with the truck traffic and noise for far too many years now and the trucks using South Street do not have facilities in Braintree. He can't understand why Braintree needs to get permission from Holbrook to prohibit trucks located in Holbrook and Randolph from using Braintree roads.

- Motion:** by Councilor DeNapoli to refer to Committee  
**Second:** by Councilor Randolph  
**Vote:** For (8), Against (0), Absent (1-Dingee)

**Committee on Ways & Means: Chairman John Mullaney**

- CP 08 004 Council President: Blue Hills Regional School District FY10 Budget Review
- WM 08 001 Councilor Mullaney: Review of Commercial Property Valuations
- WM 08 002 Councilor Mullaney: Review of Residential Exemption
- WM 08 003 Councilor Mullaney: Town Auditor Assistance on Order #'s WM 08 001 and WM 08 002
- 08 078 Mayor: Notice of Appointment - Director of Planning and Community Development

**Motion:** by Councilor Kokoros to refer order numbers CP 08 004, WM 08 001, WM 08 002, WM 08 003 and 08 078 to the Committee of Ways and Means.

**Second:** by Councilor Randolph

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

Council President Dingee returned to the Chambers and wished all a safe holiday season.

It was unanimously voted to adjourn the meeting at 9:50 p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council