

MINUTES OF THE BRAINTREE TOWN COUNCIL  
Council Chambers, Cahill Auditorium, Town Hall

January 22, 2008

Present: Leland A. Dingee, President  
Charles B. Ryan, Vice-President  
Harold J. Randolph  
Charles C. Kokoros  
John C. Mullaney  
Thomas M. Bowes  
Henry N. Joyce  
Ronald E. DeNapoli  
Paul Dan Clifford

Also Present: Donna Fabiano, Town Clerk  
Peter Morin, Chief of Staff  
Carolyn Murray, Counsel

Council President Dingee called the Town Council Meeting to order at 7:30 p.m. All Councilors answered to a roll call.

**Correspondence**

Council President Dingee reported that there was no new correspondence.

**Announcements**

**Standing Committees**

Council President Dingee announced that he would be adding two additional members to the Ways and Means committee. Councilor Clifford has volunteered his services and expertise on the Ways and Means Committee as the fourth member and Council President Dingee will also serve on the committee as ex Officio.

After attending a recent Mass. Municipal Association Conference and speaking with councilors from across the state president Dingee determined that a great amount of work will be assigned to the Ways & Means Committee requiring the additional members.

President Dingee had initially tried to keep all committees to three people so as not to have a majority of the council serving on any one committee thus becoming a potential majority at full council Meetings.

Also, with an increased workload standing committees may wish to divide up work by forming sub committees which would be difficult at best with only three members.

Council President Dingee has been attending the Transition Committee Meetings and there will be a lot of work for the Ordinance and Rules Committee to do. He feels that that committee will also have to be increased by another member. He asked Councilor Kokoros if he would join that committee, and Councilor Kokoros agreed. Council President Dingee could be the ex officio for that committee too.

### House Fire on Elm Street

Council Vice-President Ryan reported that the Brow Family lost their home on Elm Street to a fire on Sunday, January 20. Some of the parents of Ross School students are collecting donations for the Brow Family. He provided a list of names and phone numbers of those who are accepting donations for this family.

Councilor Bowes stated that the closest fire station to where this catastrophic loss happened was less than a quarter of a mile from this scene. Due to the fact that this station still has not been renovated to house a ladder truck that has been purchased by this Town a few years ago is upsetting. The first arriving company had two firefighters and an officer whose first priority was to make sure everyone was out of the building safely. The lack of a ladder truck in East Braintree put those firefighters' lives in danger as the nearest ladder truck had to make its way from headquarters, which is approximately three miles away from this loss. Money for this project has been appropriated at Town Meeting and Councilor Bowes looks forward to

working with the Mayor's Office to see that this renovation takes place sooner than later.

Braintree Fund for Education

Council Vice-President Ryan received notice that the Braintree Fund for Education will be holding an evening of entertainment (Jim Plunkett night) on Friday, March 14, 2008, at Florian Hall.

Knights of Columbus

Councilor Joyce reported that the Knights of Columbus will be holding its annual Basketball Free Throw Contest for children ages 10-14 on Sunday, January 27, at South Middle School from 10:30 a.m. to 1:00 p.m.

**MINUTES**

Town Council Meeting – January 3, 2008

MOTION: by Council Vice-President Ryan to approve the Minutes

SECOND: by Councilor Kokoros

Discussion: Councilor Clifford stated that Mr. Morin's name was spelled incorrectly on page 5.

MOTION: by Council Vice-President Ryan to approve with the amendment

SECOND: by Councilor Randolph

VOTE: Unanimous to approve with the amendment

Joint Meeting - Ways and Means/Ordinance-Rules Committee, Jan. 8, 2008

MOTION: by Council Vice-President Ryan to approve the Minutes

SECOND: by Councilor Randolph

VOTE: Unanimous to approve the Minutes

Joint Meeting - Ways and Means/Ordinance-Rules Committee, Jan. 15, 2008

MOTION: by Councilor Bowes to approve the Minutes

SECOND: by Council Vice-President Ryan

VOTE: Unanimous to approve

**SAME NIGHT ACTION REQUEST**

08-009 Call of the Presidential Primary Elections – February 5, 2008

Council President Dingee stated there is a request from the Town Clerk’s Office for Same Night Action for the Call of the Presidential Primary Election February 5, 2008. He read Order No. 08-009. Same Night Action requires a unanimous vote. Council President Dingee asked for a vote and all members voted yea. There was no opposition.

MOTION: by Council Vice-President Ryan to call for the Presidential Primary Elections on February 5, 2008

SECOND: by Councilor Kokoros

VOTE: Unanimous

**PUBLIC HEARINGS:**

The Public Hearings are for ordinances and appropriations that were requested several meetings ago. They were referred to the particular standing committees and now come before the Council for Public Hearings. The Public Hearings have been advertised appropriately in the newspapers and they have been posted at Town Hall.

08-004 Proposed Ordinance: Chief of Staff and Operations – Grade M-25

MOTION: by Councilor Randolph to open Public Hearing 08-004 Proposed Ordinance: Chief of Staff and Operations – Grade M-25.

SECOND: by Council Vice-Chairman Ryan

Councilor DeNapoli read the report of the joint meeting for the Proposed Ordinance: Chief of Staff and Operations.

Councilor Mullaney stated that he supports the Motion for this position. He feels that Mr. Morin not only will add his skills as a wonder manager, but as an Attorney, he will be able to assist the Town Solicitor in making decisions.

Council President Dingee read the actual Ordinance for the Chief of Staff and Operations, which is the job description for the position.

Council President Dingee asked for any questions from the public. There were no comments or questions.

MOTION: by Council Vice-President Ryan to close the Public Hearing  
SECOND: by Councilor Randolph  
VOTE: Unanimous

MOTION: by Council Vice-President Ryan to accept 08-004  
SECOND: by Councilor Joyce  
VOTE: Unanimously Voted on a Roll Call Vote

08-005 Proposed Ordinance: Assistant to the Mayor – Grade M-4

MOTION: by Council Vice-President Ryan to open the Public Hearing  
SECOND: by Councilor Bowes  
VOTE: Unanimous

Councilor DeNapoli read the report for the Proposed Ordinance: Assistant to the Mayor.

Councilor Mullaney stated that the Mayor is setting up a team that will be responsive to the questions, desires and complaints of the community and the committee supported the M-4 position.

Council President Dingee asked for any questions from the public. There were no comments or questions.

MOTION: by Council Vice-President Ryan to close the Public Hearing  
SECOND: by Councilor Joyce

MOTION: by Councilor Randolph to accept 08-005  
SECOND: by Council Vice-President Ryan  
VOTE: Unanimous on a Roll Call Vote

08-006 Appropriation Request: Grant Writer – Grade M-13

MOTION: by Council Vice-President Ryan to open the Public Hearing  
SECOND: by Councilor Bowes  
VOTE: Unanimous

Councilor Mullaney stated that during the campaign of the Mayor, he pointed out that it was going to be important to raise money to correct problems and improve the situation in the Town and the best way of doing this was through a Grant Writer. Councilor Mullaney's concern is that when a Grant Writer secures money, that money will take care of a project, but the Grant Writer's salary will be coming out of the general budget. We take this salary and we are moving over the \$200,000 mark of additional salaries. The Chief of Staff assured us that the Mayor is going to come in with a budget that will consolidate departments to save money and incorporate this \$200,000 of total salaries of new employees. There will be a balanced budget and the Town will work more efficiently as a result of it. Councilor Mullaney and the Ways and Means Committee unanimously support the addition of a Grant Writer.

Council President Dingee read the job description of the Grant Writer.

Council President Dingee asked for questions from the public. There were no comments or questions from the public.

MOTION: by Council Vice-President Ryan to close the Public Hearing  
SECOND: by Councilor Bowes  
VOTE: Unanimous

MOTION: by Councilor Joyce to accept 08-006  
SECOND: by Councilor Randolph  
VOTE: Unanimous by Roll Call Vote

08-007 Appropriation Request: Assistant Grant Writer – Grade M-3

Council President Dingee stated that this position was presented to the Ways and Means Committee. That particular position was withdrawn by the Mayor's office for now.

08-008 Appropriation Request: Town Solicitor – Grade M-27

MOTION: by Council Vice-President Ryan to open the Public Hearing

SECOND: by Councilor Bowes  
VOTE: Unanimous

Councilor Mullaney stated that the Ways and Means Committee unanimously approved this request. The Mayor wanted a Town Solicitor and an attorney who was available to consult with the employees of the Town and to have an advisor by his side all the time. The grade M-27 position of approximately \$95,000 is compared to the total outlay for legal expenses of approximately \$252,000 this year. We will have a full-time attorney and save money at the same time. There was a concern about when the attorney is on leave, another attorney would be needed. Councilor Mullaney was assured that Mr. Morin would be of service in a legal way to the Town in this case.

Council President Dingee stated that the job description for this position is quite extensive and asked the Councilors to vote to waive the reading of the job description.

MOTION: by Council Vice-President Ryan to waive the reading of the  
job description  
SECOND: by Councilor Bowes

Discussion: Councilor Clifford stated that on page 2.16-2, it refers to the "Selectmen." This should be replaced by "Mayor." Also on page 2.16-2, it refers to the "Finance Committee." This should be replaced by "Ways and Means."

Councilor Kokoros stated that he is supporting this position and it makes sense to switch back to in-house Counsel.

VOTE: Unanimous to waive the reading of the job description

The revised job descriptions will be posted in the Town Clerk's office.

Council President Dingee asked for questions from the public. There were no comments or questions from the public.

MOTION: by Council President Dingee to close the Public Hearing  
SECOND: by Council Vice-President Ryan  
VOTE: Unanimous

MOTION: by Councilor Joyce to accept the position  
SECOND: by Councilor Kokoros  
VOTE: Unanimous by Roll Call Vote

Councilor Clifford commented that for those who are interested in the hiring of an in-house Counsel versus using Kopelman and Paige, it is a cost neutral proposition.

## **OLD BUSINESS**

There is no old business at this time.

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

Council President Dingee has a place holder for the Office of the Mayor for ordinance referrals to this Council. He has been attending the Transition Committee meetings and they are going over all the by-laws and changing them over to ordinances. The Transition Committee hoped to have something ready for the Council this evening, but it is not ready.

Mr. Morin spoke to the Council and informed them that he will have a message to them at the next meeting. The Mayor wants to fine tune the Transition Committee's work.

## **REPORTS OF COMMITTEES**

Sub-Committee on job descriptions (submission of job descriptions for Council Auditor and Council Clerk positions).

Council President Dingee stated that the Council Auditor and Council Clerk positions are mandated by the Charter. Council Vice-President Ryan chaired that sub-committee.

Council Vice-President Ryan provided the Council with job descriptions for these two positions. He thanked Councilor Bowes for writing the Town Auditor job description and he thanked Councilor Mullaney for working on the sub-committee.

The job descriptions will be referred to the Ways and Means Committee for purposes of funding. He added that they did not recommend a grade or salary and they did not recommend union versus non-union for these positions. They felt they should be fully discussed before these decisions are made.

Attorney Murray sent language to Council Vice-President Ryan from Chapter 150E that describes the job duties of what a confidential employee would do. Council Vice-President Ryan asked the Council members for comments regarding the job descriptions and changes can be made if needed. They need to be voted on as soon as possible so they can post them, advertise them and start interviewing people for the positions.

Council President Dingee will not read the job descriptions now in case there are any changes made.

MOTION: by Councilor Joyce to refer these two positions to the Ways and Means Committee for review.

SECOND: by Councilor Kokoros

VOTE: Unanimous

Ways & Means Committee, Councilor Mullaney, Chair

Appointment of Town Clerk (Section 2-8(b), Chapter 189 of the Acts of 2005

Council President Dingee announced that the Charter states that under Section 2-8(b), the Town Council will appoint the Town Clerk. When the Charter was written, it stated that the elected Town Clerk will serve out their term for a year. There is nothing in the Charter that states that, so he is looking to have a vote to re-affirm the appointment of the Town Clerk.

MOTION: by Councilor Joyce to appoint Donna Fabiano, Town Clerk, for three years.

SECOND: by Council Vice-President Ryan

VOTE: Unanimous

**NEW BUSINESS**

Councilor Clifford received a call from a resident who wrote a letter to department heads and has not received any kind of formal notice back. He asked if there is a formal process by which residents can write to the Town for a reply. In this case, it was an accident by hitting a pothole that caused more than \$600 in damages and the resident was irritated because they did not receive a reply.

Ms. Fabiano stated that she is now handling this issue. She informed the Council that residents should send the correspondence to the Town Clerk's Office and then it would go to the legal office.

Council Vice-President Ryan stated that the Councilors were instructed to go through the Mayor's Office if they wish to speak to department heads. He asked Council President Dingee if they could contact the department heads directly if they just had simple questions that would take only a few minutes. This would not involve directing the department heads.

Council President Dingee said that these few minutes of the Councilors talking to department heads would add up and the problem is that we don't have the Clerk of the Council in position yet. In the meantime, the Town Clerk and Assistant Town Clerk will continue to handle these situations until we have procedures in place.

## **MOTIONS, ORDER AND RESOLUTIONS**

There are none at this time.

## **FUTURE MEETINGS**

The Council cannot meet on February 5<sup>th</sup> because of the election. Council President Dingee stated that the Council will meet on Tuesday night, February 12 and then the following Tuesday night, February 19.

Councilor Joyce asked if the Council could meet on Wednesday, February 6 instead of Tuesday, February 5. Council President Dingee said he will try to reserve the Auditorium for the evening of February 6. The meetings would then be February 6 and February 19.

Councilor Mullaney suggested that the Ways and Means Committee meet on January 30 at 8:00 p.m.

Councilor DeNapoli suggested that the Ordinance and Rules Committee meet on January 29 at 8:00 p.m.

Councilor Clifford stated that the Elder Affairs and Veterans' Services Committee held their first meeting on January 15. The Minutes of that meeting will be reviewed and approved shortly. He will then distribute them to the rest of the Council. They have set up a number of initiatives and will be getting in touch with the Council on Aging and the Veterans' Agent to see what kind of liaison they can set up and how they can go about looking at the initiatives that they talked about.

Councilor Kokoros reported that the Elder Affairs and Veterans' Services Committee discussed having a moment of silence at the beginning of the Council meetings before the Pledge of Allegiance. Council President Dingee felt that this would be appropriate.

### **Adjournment**

MOTION: by Council Vice-President Ryan to adjourn the meeting at 8:35 p.m.

SECOND: by Councilor Kokoros

VOTE: Unanimous

Respectfully submitted,

Patricia Thorpe  
Recording Secretary