

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

October 7, 2008

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, October 7, 2008 beginning at 7:30 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
Harold Randolph
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford
Ronald DeNapoli
Charles Kokoros

Also Present: Carolyn Murray, Town Solicitor
Peter Morin, Chief of Staff
Paul Frazier, Police Chief
Mrs. Katherine Bickford and Family Members
Mr. and Mrs. 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

Councilor Bowes: Front Street Road Changes

ANNOUNCEMENTS

CP 08 001 Council President: Town Council Rule No. 21 & 28

APPROVAL OF MINUTES

September 23, 2008

Motion: by Councilor Ryan to accept minutes

Second: by Councilor Randolph

Discussion: Councilor Randolph noted that comments from Harold Randolph Cooper, NationalGrid representative were omitted from minutes and asked that they be included.

Vote: Unanimous

Motion: by Councilor Ryan to take Order No. 08 061 out of order

Second: by Councilor Randolph

Vote: Unanimous

Committee on the Department of Public Works

08 061 Mayor: Sewer Easement: Sherbrook Avenue

Councilor Ryan explained that Mrs. Bickford, is owner of 79 Sherbrook Avenue. Her family has owned the property since 1938. Sometime in the late 1960's an in-law apartment was built with all required permits and paperwork filed and approved by the Town. About a year ago she attempted to sell her home. A prospective buyer was found. However, during the loan application process of the buyer, it was found that there was an encroachment of the addition within a sewer easement. The sale was lost. Last year she attempted to clear the easment. However, she was told to wait until the new government was in place. She is requesting a modification of the variance so the title can be cleared. Additionally Chairman Ryan noted that a memo from the Director of Public Works dated August 26, 2008 states that "this small portion of the easement may be released".

Councilor Bowes read the following motion: "That the town vote to surrender a portion of its interest in a sewer easement across the property of 79 Sherbrook Avenue, said easement originally taken by the town in an order of taking dated July 21, 1960 and recorded with the Norfolk County Registry of Deeds at Book 3832, page 92 containing 722 square feet of land as shown on a plan entitled "sewer Commission, town of Braintree, Mass., Plan showing sewer taking, scale 1"=20', July 1960, Geo. F. Brousseau, Eng., Plan No. 199." The portion of the sewer easement to be surrendered is a twelve foot square triangle-shaped area fully described in the release of a portion of a sewer easement – 79 Sherbrooke Avenue, which is attached herto and incorporated by reference, and as shown on a plan attached hereto entitled "Plan showing sewer easement modification in Braintree, MA," dated March 12, 2008 and prepared by Hoyt Land Surveying. Further, that the Mayor and Department of Public Works be authorized to take any action necessary to carry out this vote."

Motion: by Councilor Bowes for approval

Second: by Councilor Ryan

Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

CC 08 001 Discussion - Traffic Issues: South Street – Michael Barbuto

Councilor Clifford pointed out that earlier today he emailed the Clerk of the Council documents which outlined the problems along South Street as well recommendations towards relief of the issues and asked that he distribute to all Council members.

Mr. Barbuto explained that truck traffic and speeding vehicles has been a problem along South Street for nearly fifteen years. He is concerned about the proposed Holbrook Transfer Station and the associated truck traffic and the Norfolk Country property. Trucks use South Street as a cut through.

Chief Frazier explained that the truck traffic is the same along Elm and Hayward Streets. Since the roundabout was put in several years back, speeding has not been a problem. Chief Fraizer provided a handout of motor vehicle stops covering a ten year period.

The Council President stated that all information should be provided to the Town Solicitor to give an opinion on what can and can not be done to address truck traffic on a townwide basis.

Councilor Mullaney suggested that the Council work with the Town Solicitor to write an ordinance and then forward it to the State for review.

Carolyn Murray, Town Solicitor, explained that back in 2000 Town Meeting attempted to place restrictions on truck traffic. She briefly explained the process and the approvals that would be needed prior to any restrictions on truck traffic could be implemented.

It was all agreed that over the course of the next several weeks that the Town Solicitor would put together a report that would be presented to the Council for further discussion.

OLD BUSINESS

Council Action

08 058 Mayor: Recreation Advisory Commission

Motion: by Councilor Mullaney to approve the appointments of the following individuals to the Recreation Advisory Commission: Nelson Chin, Diana Cutaia, Michael Dorn, Paul Machado, John MacPherson, Joseph O'Connor, Mark Preziosi, Kathleen Sharkey Jordan, and Bruce Tobin.

Second: by Councilor Ryan

Vote: Unanimous

08 060 Mayor: Reserve Fund Transfer – Dennis K. Burke (\$12,870)

Councilor Mullaney read a memo dated September 18, 2008 from Mayor Sullivan regarding payment of and outstanding bill owed to Dennis K. Burke for fuel delivered to the fuel depot.

Motion: by Councilor Mullaney to approve reserve fund transfer in the amount of \$12,870 to Dennis K. Burke.

Second: by Councilor Randolph

Vote: Unanimous

Committee on Personnel Issues: Chairman John Mullaney

Chairman Mullaney explained that the Council President distributed to each member a six-month Employee Evaluation form, provided by Mary Flanders of the Human Resource Department, and asked all members to complete the six-month probationary review of the Clerk of the Council, James Casey and then submit their evaluation forms to the Committee on Personnel Issues by September 23, 2008.

Chairman Mullaney provided a summary analysis of each Council member's rating on each attribute as well as summary of the performance score by the number of councilors on each attribute.

He explained, based on these scores, more than 75% of Council member's scored the Clerk of the Council as "excellent or better" on "Overall Employee Evaluation", "Quality of Work", "Quantity of Work", "Work Habits" and "Work Attitudes". In addition, all nine Council members recommended Clerk Casey for "Retention".

Chairman Mullaney stated based on these findings the Committee on Personnel Issues recommends that the Council President approves a one-step increase, from a M6A to M6B, in accordance with the Personnel By-Laws and that Clerk Casey probationary period has been successfully completed.

The Council President informed members he would notify the Human Resources Department of the result of the performance review to be come effective on November 1.

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

SAME NIGHT ACTION

- **08 063 Town Clerk: Call of the State Election, November 4, 2008**

Council Vice President read Order No. 08 063 “Town Clerk – Call of the State Election, November 4, 2008” into the records.

Motion: by Councilor Ryan to approve

Second: by Councilor Randolph

Vote: Unanimous

REFER TO COMMITTEE

Committee of Ways & Means

- 08 062 Mayor: Notice of Appointment – Braintree Cultural Council
- 08 064 Mayor: FY08 Unpaid Bills – Police Department (\$1,193.64)

Motion: by Councilor Ryan to refer Orders 08 062 and 08 064 to Committee of Ways & Means

Second: by Councilor Randolph

Vote: Unanimous

It was unanimously voted to adjourn the meeting at 8:53 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council