

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

June 16, 2009

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, June 16, 2009 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
Charles Kokoros
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Ronald DeNapoli
Paul Dan Clifford

Also Present: Dennis Regan, NationalGrid
Various Residents

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.

CORRESPONDENCE

- **068 09** Town Clerk's Office: Interim Appointment

The Council President asked if there was any objection to taking up the issue under emergency rules. No objections were noted. Council President Dingee then referenced a letter that was provided to each Council member the previous meeting (June 9th) by Town Clerk, Donna Fabiano. In this letter

the Town Clerk announced that she was appointing Lee Anne Griffin as the interim Assistant Town Clerk effective June 29, 2009. The Council President then stated that by the Braintree Charter, the Council was required to vote on the appointment.

Motion: by Councilor Joyce to accept the Town Clerk's recommendation

Second: by Councilor Ryan

Vote: Unanimous

ANNOUNCEMENTS

- **070 09** Councilor Joyce: Marge Crispin Center – Food Drive

APPROVAL OF MINUTES

June 9, 2009

Councilor DeNapoli stated that last week he had made quite a few comments about different things; on the resolution about not giving anyone raises and the comments made by the Town Solicitor to Mr. Joyce that no other employee, not fire or not police, got step raises. He then stated he was told that on 5103 it did not include step raises and he was corrected by a councilor and there was not one mention of his name. He said he can't approve and he would hope to discuss ways of getting minutes that reflect meetings.

The Councilor President explained that minutes were not suppose to be a verbatim report of every word that is spoken at a council meeting or any meeting for that matter; it is a summation. However, when going over these minutes any Councilor here has a right to amend the minutes to reflect what they wish. He then asked if Councilor DeNapoli would like to make an amendment and said he was certain the Council would be open to it.

Councilor DeNapoli stated he knows they are not verbatim but some of these things reflected stuff he wanted included. He would like to amend it by saying "I did make statements and I was here at the meeting. I was told that #5103 budget did not include step raises the previous meeting and it wasn't built in and Mr. Joyce told me that it was built in at the last meeting. I spoke about the resolution not to give anyone pay raises the council approved. And then the Council included a step increases for the Clerk. I would also like added in when the Solicitor, by one of the Council members asked the Solicitor about; and Chief of Staff, about step raises that the answer was , excuse me, the Councilor asked if any step raises built into 010 budget and the reply was there are no step raises built into 010 budget. Question was asked Police or Fire? The answer was no step raises in the 2010 budget."

The Council President then recognized Councilor Mullaney who made a motion to table approval of the minutes and in addition would like to suggest that at the next meeting Councilor DeNapoli could provide a type written memo as to what he would like to include in the minutes to make it simple.

Councilor Kokoros said it was difficult for individual councilors to reconcile what was said at any particular moment at a meeting and understands it is a summation. The point is well made that there were significant things were said and they should be documented in writing. And when an

individual speaks passionately about something it should be documented. I don't believe it should be up to the Councilor to keep track of all the minutes that is said at a meeting but I think that if you can supply any of us with a tape we can make our own formal minutes and the Council can decide to accept the minutes. I think it is a crazy way of doing it to be honest with you but hopefully we can have minutes that accurately reflect what the councilor says and it has more depth to it.

Councilor Joyce said we should table these minutes and have Mr. Casey type up new minutes to reflect Councilor Mullaney Amendment. Council President Dingee asked Councilor Joyce is that to type up Councilor DeNapoli concerns or we typing up the entire discussion that took place. Councilor Joyce we should type up any misgivings that Councilor DeNapoli noted.

Councilor Clifford remarked a couple of easy ones on page 2 of last week's minutes; approval of minutes for June 2 of 09 the vote is tallied at the bottom there saying 7 yes, abstain Clifford, abstain Randolph. Last week, I voted no. Council President Dingee stated for clarification you voted no on approval of minutes and it reflects Councilor Randolph as absent.

Councilor Clifford; next, page 12, under 09 027 Mayor, Line Item Transfer – Library it states Councilor Randolph said etc., Councilor Randolph was absent.

Motion: by Councilor Mullaney to table

Second: by Councilor Kokoros

Vote: Unanimous

Motion: by Councilor Ryan to take the NationalGrid Petition's out of order

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to open Public Hearing on the NationalGrid Petition's

Second: by Councilor Randolph

Vote: Unanimous

Councilor Ryan read each of the ten petitions into the record and provided comments that were supplied by BELD and DPW staff on each petition.

- **09 028** NationalGrid: Petition – Cedarcliff Road
 - **Petition #09- 028** Existing 15kv duct bank located on North side of Shaw St. opposite Cedarcliff Rd. to be marked out through Dig Safe.
 - 09-028 – **Cedarcliff Road** has been reconstructed last year, but only to the binder course to provide for a stable roadway in which to eventually install a new water main. Late last year the main broke and will be replaced this year, so this petition **should be approved with our "standard" repair specifications**

plus a reminder that the Town will have a water contractor on the street, so NationalGrid will have to coordinate their work with our contractor to avoid interference or delays.

- **09 029** NationalGrid: Petition – Beechwood Road
 - **Petition #09- 029** BELD has no issues with this permit.
 - 09-029 – Beechwood Road in that area is in pretty good condition, and will be recommended to be on the next road project for a preservation treatment, so this replacement **may be approved with our “standard” repair specifications.**

- **09 030** NationalGrid: Petition – Cabot Avenue
 - **Petition #09- 030** Gas petitions are in close proximity to the BELD **115kv** oil filled line in Cleveland Ave. The contractor shall notify BELD 48 hours prior to start of excavation.
 - 09-030 through 09-033 – Cabot Avenue, Bradley Road, Coolidge Avenue, and Harding Avenue are all part of the “Cleveland Avenue Area Special Project” which is getting water improvements this summer and roadway improvements next year. The roadways in this area are not in great condition, and will be dug up more, then reconstructed so these replacements **may be approved with our “standard” repair specifications.** Any work on these streets that must be done at their intersections with Cleveland Avenue must be completed before September 4th, 2009 to facilitate already-approved plans by BELD that require there be no underground utility work in that area through the Fall and Winter.

- **09 031** NationalGrid: Petition – Bradley Road
 - **Petition #09- 031** Gas petitions are in close proximity to the BELD **115kv** oil filled line in Cleveland Ave. The contractor shall notify BELD 48 hours prior to start of excavation.
 - 09-030 through 09-033 – Cabot Avenue, Bradley Road, Coolidge Avenue, and Harding Avenue are all part of the “Cleveland Avenue Area Special Project” which is getting water improvements this summer and roadway improvements next year. The roadways in this area are not in great condition, and will be dug up more, then reconstructed so these replacements **may be approved with our “standard” repair specifications.** Any work on these streets that must be done at their intersections with Cleveland Avenue must be completed before September 4th, 2009 to facilitate already-approved plans by BELD that require there be no underground utility work in that area through the Fall and Winter.

- **09 032** NationalGrid: Petition – Coolidge Avenue
 - **Petition #09- 032** Gas petitions are in close proximity to the BELD **115kv** oil filled line in Cleveland Ave. The contractor shall notify BELD 48 hours prior to start of excavation.
 - 09-030 through 09-033 – **Cabot Avenue, Bradley Road, Coolidge Avenue, and Harding Avenue** are all part of the “Cleveland Avenue Area Special Project” which is getting water improvements this summer and roadway improvements next year. The roadways in this area are not in great condition, and will be dug up more, then reconstructed so these replacements **may be approved with our “standard” repair specifications.** Any work on these streets that must be done at their intersections with Cleveland Avenue must be completed before September 4th, 2009 to facilitate already-approved plans by BELD that require there be no underground utility work in that area through the Fall and Winter.
- **09 033** NationalGrid: Petition – Harding Avenue
 - **Petition #09- 033** Gas petitions are in close proximity to the BELD **115kv** oil filled line in Cleveland Ave. The contractor shall notify BELD 48 hours prior to start of excavation.
 - 09-030 through 09-033 – **Cabot Avenue, Bradley Road, Coolidge Avenue, and Harding Avenue** are all part of the “Cleveland Avenue Area Special Project” which is getting water improvements this summer and roadway improvements next year. The roadways in this area are not in great condition, and will be dug up more, then reconstructed so these replacements **may be approved with our “standard” repair specifications.** Any work on these streets that must be done at their intersections with Cleveland Avenue must be completed before September 4th, 2009 to facilitate already-approved plans by BELD that require there be no underground utility work in that area through the Fall and Winter.
- **09 034** NationalGrid: Petition – Walnut Street
 - **Petition #09- 034** Storrs Ave and Walnut St. have **(2) 115kv** oil filled lines and a 15kv duct bank. The contractor shall notify BELD 48 hours prior to start of excavation.
 - 09-034 – **Walnut Street** has been reconstructed last year, but only to the binder as a repair after installation of the new water main. This relocation is being done to facilitate removal of two unsafe trees so curbing, sidewalks and another course of pavement can be constructed this year, so this petition **should be approved with our “standard” repair specifications.** We also remind Nationalgrid that the Town will have a sidewalk contractor on the street, so Nationalgrid will have to coordinate their work with our contractor to avoid interference or delays.

- **09 035** NationalGrid: Petition – Cochato Road
 - **Petition #09- 035** Storrs Ave. has **(2) 115kv** oil filled lines and a 15kv duct bank in close proximity to the proposed gas connection. The contractor shall notify BELD 48 hours prior to start of excavation.
 - **09-035 –Cochato Road** is in fairly decent condition and is not scheduled for roadway work, except its intersection with Storrs Avenue, which is to be reconstructed this year. To ensure that the gas main will be in before Town roadway work begins this petition **should be approved with our “standard” repair specifications.**

- **09 036** NationalGrid: Petition – Capen Road
 - **Petition #09- 036** BELD has no issues with this permit.
 - **09-036 – Capen Road** is scheduled to be reconstructed this year as the final repair for a water main installation by Water & Sewer Division crews last year. We are waiting for the gas main work to be completed. Much of the proposed work though, is not in the reconstruction area but rather in the dirt road section between Bushnell Terrace and Pleasant Street, where through traffic is generally discouraged. **Within the limits of the reconstruction, the main replacement can be approved with our “standard” specifications. Outside of the reconstruction limits, the trench and area should be restored to its pre-gas-main-construction condition.**

- **09 037** NationalGrid: Petition – Massachusetts Avenue
 - **Petition #09- 037** BELD has no issues with this permit.
 - **09-037 – Massachusetts Avenue** was just a quick overlay, so that replacement **may be approved with our “standard” repair specifications.** The start of the replacement is in Washington Street (Route 37) in a section that is State Highway, and will require an MHD permit as well.
 - Councilor Ryan read into the record a letter provided by a resident of Massachusetts Avenue, Peter Morin, asking that that the roadway be restored to its present acceptable condition. Councilor Ryan commented that the DPW staff goes out and checks to see if there are any issues with the quality of the work. He also stated that he had given a copy of the resident’s letter to the NationalGrid Representative.

Councilor Ryan commented that the Committee on Public Works reviewed each of the petitions and has recommended favorable action with conditions as noted by staff.

At this time the Council President asked if there were any public comments from those in attendance. Mr. Harold Betzger of 25 Cochato Road asked when the work on Cochato Road would begin as he was very happy that a new gas main was going in. Mr. Regan from NationalGrid explained that the work would be performed this construction season, now through November 15th. He did not have the actual date this project would start but he would check and find out.

Councilor Kokoros made a comment which he hoped would be included in with the approval of the petitions; the Town receives payment from necessary police details. He spoke of past problems with

the Town receiving timely payment of detail money. Councilor Kokoros next spoke about using “flowable fill” to backfill the trenches. NationalGrid Representative, Dennis Regan, said they would not use flowable fill because you would not be able to find any leaks in the gas line. Councilor Kokoros stated the policy of the DPW was to use flowable fill as backfill and he urged that they find some way to ensure the trenches are compacted properly.

Council President Dingee said Councilor Kokoros comments on police details would be included in the conditions and asked the NationalGrid Representative if he had copies of the staff conditions and understood them. Mr. Regan replied yes.

Motion: by Councilor Ryan to Close Public Hearing on the NationalGrid Petition’s

Second: by Councilor Mullaney

Vote: Unanimous

Councilor Ryan made a singular motion to approve all ten petitions (09 028 to 09 037) including comments as recommended by staff.

Motion: by Councilor Ryan approve

Second: by Councilor Randolph

Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

- **069 09** Councilor DeNapoli: Fraud Allegations (Placeholder per Council President)
Council President Dingee comments that after reading the newspaper last week Councilor DeNapoli wanted to address the Council on certain fraud allegations he mentioned he would have something in by the 11th [June]. When he didn’t see that happen he took the liberty because he knew Councilor DeNapoli wanted to speak so he put a placeholder in. And indeed, Councilor DeNapoli sent an email on Friday morning asking that this item be added.

Councilor DeNapoli states he was going to read a statement and pass out two copies to each Councilor. “The Massachusetts State Ethics Commission has instructed me not to discuss this matter. With that said, Multi-complaints, multi-complaints have been submitted to the Massachusetts State Ethics Commission and filed by Mrs. Kathy Gallant in the Enforcement Division. Those complaints are under review. Their advisory opinion including next steps shall be available in about thirty days. I can add this; the multi-complaints within the filing are supported by more than thirty pages of documentation. These complaints may extend beyond the Massachusetts State Ethics Commission. I have also been in contact with Kristina of the Attorney General’s Office. Another package is being delivered to them for investigation in another matter. Like I said multi-complaints. I just want to clear up one thing the newspaper reported in that article that the complaint was to do with the Town Clerk search. They are multi-complaints not directly related to the Town search Clerk. But, they are multi-complaints. And with that all I can say at this time and I will pass out the tracking number and delivery confirmation and the Express Mail Cover that I submitted.”

The Council President commented that he was glad it was moving forward but was hoping some transparency on this issue would be brought forward this evening.

- **071-09** Town Clerk Search Committee: Update
Councilor Mullaney handed out to each Councilor Member a letter that he had drafted to update the Council on the progress of the Search Committee. [A copy was not provided to the Clerk of the Council as he is an applicant for the position]. Councilor Mullaney read the letter into the records.
- **065 09** Planning & Community Development: Grant
- **066 09** Planning & Community Development: CPA

Motion: by Councilor Ryan to table 065 09 and 066 09
Second: by Councilor Joyce
Vote: Unanimous

NEW BUSINESS

REFER TO COMMITTEE

Committee of Public Works: Chairman Charles Ryan

- **09 038** NationalGrid: Petition – Faxon Street
- **09 039** NationalGrid: Petition – Cocheto Street
- **09 040** NationalGrid: Petition – Sheppard Avenue
- **09 041** NationalGrid: Petition – Circuit Road
- **09 042** NationalGrid: Petition – Fountain Street, Victoria Avenue, Boscobel Street, Columbus Avenue and Sagamore Street

Motion: by Councilor Ryan to refer 09 038 through 09 042 to Committee
Second: by Councilor Randolph
Vote: Unanimous

The Clerk of the Council requested that one additional NationalGrid Petition be included with the above request. NationalGrid will be filing it tomorrow. And, with the summer schedule beginning next month the petition could not be approved until August 11th.

Motion: by Councilor Kokoros to refer the new petition to Committee
Second: by Councilor Ryan
Vote: Unanimous

Emolument

It was unanimously voted to adjourn the meeting at 8:33 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council