

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

March 18, 2009

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Wednesday, March 18, 2009 beginning at 7:33 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
Ronald DeNapoli
Paul Dan Clifford

Absent: Henry N. Joyce

Also Present: Eric Kinsherf, Town Auditor
Edward Spellman, Finance Director
Peter Morin, Chief of Staff
Peter Kurzberg, Superintendent of Schools
Peter Kress, Business Manager
Sean Powers, Chairman School Committee
James Powers, Powers & Sullivan
Michael Nelligan, Powers & Sullivan
David Shaw, Resident
Boys Scout Troop #22

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

None

ANNOUNCEMENTS

- **027-09** Councilor Kokoros: Braintree American Little League
- **028-09** Council President: New Town of Braintree Web Site
- **031-09** Councilor Clifford: Citizen Solider Bill

APPROVAL OF MINUTES

March 3, 2009

Motion: by Councilor Ryan to accept minutes
Second: by Councilor Randolph
Vote: Unaminious

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

PUBLIC HEARING

- **09 005** Mayor: Request for Transfer of Funds for Feasibility Study Authorization

Motion: by Councilor Ryan to open Pulic Hearing
Second: by Councilor Randolph
Vote: Unaminious

Council President informed the public that a legal notice was placed in the newspaper as required by law.

Councilor Ryan read into the record a memo dated February 25, 2009 from Mayor Sullivan regarding the subject request. After the memo was read, the Council President asked if anyone from the audience would like to speak on the matter at hand. No members of the public came forward.

The Council President then asked if any members of the Council would like to speak. Councilor Mullaney remarked that a learning facility should be the best it can be and this was a step in the right direction. Councilor DeNapoli stated he had children attending South Middle School and the building was in dire need of repairs. The Council President explained that, as a member of the Capital Needs Committee some ten years ago he had taken a tour of all school buildings and South Middle School was in need of repairs that long ago. He then asked if anyone else would like to speak on the matter at hand. No additional comments were provided.

Motion: by Councilor Ryan to close Pulic Hearing
Second: by Councilor Randolph
Vote: Unaminious

At this time, Councilor Ryan read the motion as written in the February 25, 2009 memo from Mayor Sullivan.

Motion: by Councilor Ryan to approve as read
Second: by Councilor Randolph
Vote: Unanimous

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

James Powers and Michael Nelligan of Powers & Sullivan, and independent outside auditing firm hired by the Town presented their findings on the FY2008 Budget Closing.

Mr. Powers provided an overview of the first of three reports, “Report on Federal Award Programs”. He explains that a total of \$2.5 million dollars we received by the Town of Braintree – all school related. A clean opinion was reported.

Next, Mr. Powers provided an overview of the “Report on Examination of Basic Financial Statements”. He notes, although comments are made relative to the Braintree Electric Department (BELD) financial statements, BELD hires their own outside auditor and the findings from that audit are required to be shown in the overall Town report. Mr. Powers explains that Power & Sullivan gives only an opinion as to following Government Audit Standards. He summarizes the financial position of the town at a \$90+ million dollar operation and revenues were sufficient to cover expenses. The town is at the minimum level of “free cash” (5%) expected by bond companies. And, this level is a function of the political climate in each individual community. He cautions that the town should not get too aggressive in revenue projections. The current financial markets have shown a decline on investment income and excise revenues have been trending downwards.

Mr. Nelligan provided an overview of the last of the three reports “Management Letter”. He explains there were no significant deficiencies. Although the report lists seven (7) ongoing comments, most comments should go away next year as several have already been addressed by the new administration.

Councilor Mullaney asks if they had spoken with Department Heads regarding “Rules of Conduct” [ethics issues]. Mr. Nelligan said it had not. The Council President asked if the “Fraud Risk” comments were new. Mr. Nelligan stated it was and is now a requirement of “Sass 99) reporting. Additionally, the Council President pointed out an error on page 27 of the report; it shows “Board of Selectmen” rather than “Mayor/Council”. Councilor Clifford questioned if the Council area was audited. Mr. Nelligan stated it was not as the council was not in place all year.

Council President thanked members of Boys Scout #22 for attending the Council meeting.

NEW BUSINESS

REFER TO COMMITTEE

Committee on Ways & Means: Chairman John Mullaney

- **09 006** Mayor: Request for Transfer of Funds for Police Department
- **09 007** Mayor: Notice of Appointment – Metropolitan Area Planning Council
- **029-09** Councilor Mullaney: Fraud Risk Management Program

Motion: by Councilor Ryan to move order numbers 09 006 and 09 007 and Council item 029-09 to the Committee on Ways & Means

Second: by Councilor Randolph

Vote: Unanimous

Committee on Ordinance & Rules: Chairman Ronald DeNapoli

- **030 09** Councilor Clifford: Committee Tracking Program

Councilor Clifford handed out a form and explained that he would like to establish a new reporting process that would replace Council Rules numbers 36 through 39 with a purpose of tracking measures on a timelier basis and to identify bottlenecks within the process of moving these measures forward. He stated that he would work with the Ordinance & Rules Committee if they so desire.

Motion: by Councilor Ryan to move Council item 030-09 to the Committee on Ordinance & Rules

Second: by Councilor Randolph

Vote: Unanimous

The Council President read a last minute announcement from the Town Clerk regarding a request for residents to return the Annual Census information by March 31st.

On a motion by Councilor Ryan and seconded by Councilor Randolph, the April 21, 2009 meeting was rescheduled to April 28, 2009 due to the previous week being the school vacation week. This motions was unanimously passed.

It was unanimously voted to adjourn the meeting at 8:43 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council