

CHARLES RYAN
President

LELAND DINGEE
At Large

SEAN POWERS
At Large

JOHN MULLANEY
District 2

THOMAS BOWES
District 3



CHARLES KOKOROS
Vice President
District 1

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

April 6, 2010

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, April 6, 2010 beginning at 7:30p.m.

Council President Ryan was in the chair.

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

Present: Charles B. Ryan, President
Charles Kokoros, Vice President
Leland A. Dingee
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford

Not Present: Sean E. Powers
Ronald DeNapoli

Others: Robert Campbell, Town Engineer
Joseph Powers, Town Clerk
Daryn Brown, Superintendent of Golf Course

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

- **020 10 Councilor Ryan:** Added Council Meetings
- **021 10 Town Clerk:** Certification/Monthly Update

ANNOUNCEMENTS

- **023 10 Councilor Ryan:** PIP – Racing for Robotics
- **013 10 Councilor Ryan:** Ross School PTO Upcoming Events
- **019 10 Councilor Kokoros:** Liberty School PTO Upcoming Event
- **008 10 Councilor Kokoros:** Prayers for Charlotte
- **Councilor Clifford:** Amusement Games Ordinance

APPROVAL OF MINUTES

- March 16, 2010

Motion: by Councilor Kokoros to approve

Second: by Councilor Bowes

Vote: For (4), Against (0), Abstain (3-Clifford, Dingee, Joyce)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Public Hearing

- **10 034 Mayor:** Appropriations – Golf Course

Motion: by Councilor Kokoros to open public hearing

Second: by Councilor Bowes

Vote: Unanimous

Committee Chairman Mullaney commented that the Committee recommended action. He then read into the record the May 15, 2010 letter from Mayor Sullivan detailing the reasons for the request.

Councilor Joyce asked Daryn Brown, Superintendent of the Golf Course, to explain why the decision was made to go with a three-year lease of golf carts rather than a five-year lease. Mr. Brown explained that in speaking with his counterparts in Brookline and Hingham a three-year lease would be more advantageous due to the high maintenance costs of the carts during year's four and five of a longer lease. Maintenance costs during the first two years of a lease agreement minimal as the golf carts are new and begin to increase beyond three years.

Council President Ryan asked if anyone in the chambers would like to speak on the issue. No one came forward.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor Bowes

Vote: Unanimous

Councilor Mullaney read the first of two motions:

MOTION #1: THAT THE SUM OF \$14,500 BE TRANSFERRED FROM THE GOLF COURSE/PROGRAM 03 – FY 10 CAPITAL PLAN ACCOUNT INTO TO THE GOLF COURSE/PROGRAM 01- ADMINISTRATION/OTHER CHARGES & EXPENSES ACCOUNT.

Motion: by Councilor Mullaney
Second: by Councilor Kokoros
Vote: Unanimous

Councilor Mullaney read the second motion:

MOTION: THAT THE SUM OF \$79,750 BE TRANSFERRED FROM THE GOLF COURSE ENTERPRISE FUND/ RETAINED EARNINGS ACCOUNT, SAID AMOUNTS TO BE TRANSFERRED TO THE FOLLOWING ACCOUNTS:

\$8,500 TO THE GOLF COURSE/PROGRAM 01-ADMINISTRATION/PENSION FUND ACCOUNT;
\$11,000 TO THE GOLF COURSE/PROGRAM 01-ADMINISTRATION/GROUP LIFE & MEDICAL INSURANCE ACCOUNT;
\$5,800 TO THE GOLF COURSE/PROGRAM 01-ADMINISTRATION/PART-TIME LABOR ACCOUNT;
\$30,000 TO THE GOLF COURSE/PROGRAM 05-GOLF PRO/PROFESSIONAL STAFF EXPENSE ACCOUNT;
\$7,000 TO THE GOLF COURSE/PROGRAM 04-TURF MAINTENANCE/IMPROVMENTS ACCOUNT;
\$12,000 TO THE GOLF COURSE/PROGRAM 01 – WORKERS COMPENSATION ACCOUNT;
\$3,000 TO THE GOLF COURSE/PROGRAM 04-TURF MAINTENANCE/OVERTIME ACCOUNT; AND
\$2,450 TO THE GOLF COURSE/PROGRAM 05-GOLF PRO/GOLF PRO SALARY ACCOUNT.

Motion: by Councilor Mullaney
Second: by Councilor Kokoros
Vote: Unanimous

Public Hearing: Same Night Action (Charter Section 2-9 (b))

- **10 036 Mayor:** Adoption of Order – Union, Middle and Lisle Streets

Motion: by Councilor Kokoros to open public hearing
Second: by Councilor Bowes
Vote: Unanimous

Bob Campbell, Town Engineer, explained that that the improvements on the Union Street Project are eligible for Federal Stimulus Funds and Mass DOT (former Massachusetts Highway Department) designated the project as a high priority to receive funding. The project was submitted in 1997 and has been waiting funding from the State however; design work has been

ongoing since that time. The Town needs to adopt an Order of taking relative to the acquisition of property interests and then vote its intention to alter the layouts of these streets. Three homes would be impacted by landing taking of a five foot wide strip along the property lines on Middle Street.

Councilor Dingee asked if any zoning issues would be created because of the land taking. Mr. Campbell responded that the front property lines would remain the same and there would be no issues.

Councilor Mullaney asked what compensation the property owners would receive. Mr. Campbell responded that it was a private matter and, as explained in a letter from the Town Solicitor, is confidential as this time. The properties had been appraised by a certified appraiser.

Mr. and Mrs. Metro of 401 Union Street, homeowners impacted by the land taking, commented that at a meeting years earlier they had asked that the lights be altered to see if lessens the impact of the traffic problems. They don't understand why you would want to spend five million dollars before trying an inexpensive alternative.

Mr. Campbell explained that the \$5 million dollar costs accounts for work to be performed beyond the intersection. The scope of the project goes back to the Liberty/Union Street intersection. Review of altering the lights was reviewed and it was determined through computer modeling that adjusting the timing of the lights would solve the problem.

Councilor Mullaney asked if given a fair price for the land taking would that make a difference on how you feel. Mrs. Metro commented that no amount of money will make her feel better about it, because it will ruin her property. She has lived in the house her entire life. Additionally, things need to be done to resolve driveway issues with the land taking.

Councilor Clifford asked if there was any way to fix the intersection without taking property. Mr. Campbell explained that the without the property taking you would not gain better traffic flow.

Council President Ryan asked Mr. Campbell what would happen with the project if the Council took no action this evening. Mr. Campbell responded that he wasn't sure, the project may not move forward.

Council President Ryan asked if anyone in the chambers would like to speak on the issue. No one came forward.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor Bowes

Vote: Unanimous

Councilor Kokoros made a motion to take same night action on Order 10 036. Council President Ryan asked for a roll-call vote. [Braintree Charter reads “if a single member objects to the taking of a vote, the vote shall be postponed until the next regular or special meeting of the town council.”]

Ryan	Yes	Dingee	No
Bowes	Yes	Mullaney	No
Kokoros	Yes	Joyce	No
		Clifford	No

Motion does not pass: For (3), Against (4)

Motion: by Councilor Kokoros to withdraw earlier motion to close public hearing
Second: by Councilor Bowes
Vote: Unanimous

Motion: by Councilor Kokoros to continue public hearing until April 12th @ 6:30pm
Second: by Councilor Bowes
Vote: Unanimous

Councilor Mullaney left the Chambers at 9:20pm

Same Night Action (Charter Section 2-9 (b))

- **10 037 Councilor Clifford:** Citizen Solider Bill - Extension

Councilor Clifford read into the records the document submitted by him and dated March 31, 2010.

Motion: by Councilor Kokoros for same night action on Order 10 037
Second: by Councilor Bowes
Vote: For (6), Against (0), Absent (1-Mullaney)

Councilor Clifford made the following motion “To extend Chapter134 of the Acts of 2008 of the Massachusetts General Laws through fiscal year 2012 at which time the Town Council may vote to extend Chapter 134 of the Acts of 2008.”

Motion: by Councilor Clifford
Second: by Councilor Bowes
Vote: For (6), Against (0), Absent (1-Mullaney)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

NEW BUSINESS

REFER TO COMMITTEE

Committee on Rules & Ordinances

- **10 035 Messina Residential Properties:** Rezone Land – 741 Granite Street
- **10 038 Mayor:** Title 6 Ordinance - Animals
- **10 039 Mayor:** Title 7 Ordinance - Reserved
- **10 040 Mayor:** Title 8 Ordinance – Health & Safety
- **10 041 Mayor:** Title 9 Ordinance – Public Peace, Morals and Welfare

Motion: by Councilor Kokoros to refer each of the above orders to committee.

Second: by Councilor Bowes

Vote: Unanimous

Councilor Mullaney left the Chambers at 9:20pm

OTHER

- **015 10 Councilor Ryan:** Employee Evaluations

The Council President asked members to submit their employee evaluation for the Town Clerk by the end of the week and submit them to the Director of Human Resources.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:33p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council