

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

**August 17, 2010**

### MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, August 17, 2010 beginning at 7:40p.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  
Sean Powers  
John C. Mullaney  
Thomas Bowes  
Henry N. Joyce  
Ronald DeNapoli  
Paul Dan Clifford

Others: Peter Morin, Chief of Staff  
Edward Spellman, Finance Director  
Peter Kress, School Department Business Manager  
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**

None

## **ANNOUNCEMENTS**

- **030 10** Announcement: Councilor Ryan —Sustainable Braintree
- **035 10** Announcement: Councilor Ryan —Household Hazardous Waste Collection Day  
David Shaw, 632 Washington Street, commented that the scheduled date of the Hazardous Waste Collection Day is on Yom Kippur and asked if it could be changed. The Council President requested that the request be forwarded to the Recycling Committee.
- Announcement: Councilor Ryan —Thayer Public Library

## **APPROVAL OF MINUTES**

- July 13, 2010

**Motion:** by Councilor Kokoros to Approve

**Second:** by Councilor Bowes

**Vote:** Unanimous

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

- **034 10** Councilor Kokoros —Jefferson Street

Several residents of the Jefferson Street neighborhood highlighted several issues regarding the poor condition of the roadway, flooding, safety issues, cut-thru traffic and usage of neighborhood streets by the Registry of Motor Vehicles (RMV) for road tests as well as new drivers using the area to practice for the road test. Mr. Ronald Walsh of 190 Jefferson Street filed a letter with the Mayor's Office regarding damage caused to his vehicle due to the poor road conditions and numerous pot holes in the street.

Council Members requested that a letter be sent to the Registrar of Motor Vehicles requesting that all road test be conducted on-site at their facility off Plain Street. Additionally, members requested that Mayor's Office be notified to have the pot holes repaired and Jefferson Street be added to the next list of road reconstruction. Further, members requested that the safety issues be forwarded to the Traffic Advisory Safety Committee (TASC) for review.

**Motion:** by Councilor Kokoros to forward issues to the Committee on Public Works

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

- **036 10** Councilor Kokoros —Fairfield Avenue

Several residents of the Fairfield Avenue neighborhood explained that a crosswalk at the intersection of Fairfield/Hawthorn/Washington Streets was not repainted after the road was resurfaced over two years ago and requested that it be replaced. Residents further explained that the intersection is a safety issue due to it being a blind corner and should also have a blinking crosswalk light.

Council Members requested that the Mayor's Office be notified to have the crosswalk repainted.

**Motion:** by Councilor Kokoros to forward issues to the Committee on Public Works

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

- **037 10** Councilor Kokoros —Pond Street

Councilor Kokoros explained that he would like to see a Public Works Economic Development (PWED) Grant be pursued along Pond Street.

**Motion:** by Councilor Kokoros to forward issues to the Committee on Public Works

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

The Council President called a recess at 8:30pm. At 8:40pm the Council was called back to session.

#### **OLD BUSINESS**

#### **PUBLIC HEARING (CONTINUATION FROM JULY 13<sup>TH</sup>)**

- **10 012 Mayor:** Title 5 Ordinance – Licenses and Permits

**Motion:** by Councilor Kokoros to continue public hearing from July 13, 2010

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

- Chapter 5-550 Gasoline Stations
- Chapter 5-570 Precious Metal Dealers

Council President Ryan commented that the Mayor's Office and the Licensing Board have requested that the public hearing be continued until September 21, 2010.

Prior to taking a vote to continue the public hearing Mr. Michael Stone, owner of a precious metal dealer at 24 Commercial Street explained that he has several issues with the current proposal. The Council President suggested that he attend the next meeting of the Licensing Board to present his comments.

**Motion:** by Councilor Kokoros to continue public hearing until September 21, 2010.

**Second:** by Councilor Bowes

**Vote:** Unanimous

- **10 052 NationalGrid:** Petition – Hancock Street

**Motion:** by Councilor Kokoros to open public hearing

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

Councilor DeNapoli, Chairman of the Public Works Committee, outlined the petition to install and maintain approximately 780 feet, more or less of 4 inch gas main in Hancock Street, Braintree. From the existing 4 inch gas main at Washington Street Northerly to the existing 1 inch gas main at Highland Avenue, Braintree. Staff comments from the DPW reported that Hancock Street in that area is State Highway and a MassDOT permit will be required. It is there recommendation that this petition should be approved with there “standard” conditions and with the conditions of MassDOT’s permit incorporated into the Town approval. BELD has no utility conflicts within the proposed scope of work and no special conditions for this project. Councilor DeNapoli reported that the Committee recommended favorable action on the petition.

Council President Ryan asked if there were any comments from the public. No comments were presented.

**Motion:** by Councilor Kokoros to close public hearing

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

**Motion:** by Councilor DeNapoli to approve

**Second:** by Councilor Powers

**Vote:** Unanimous

- **10 055 Mayor:** Bond Authorizations for FY2011 Capital

**Motion:** by Councilor Kokoros to open public hearing

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

Councilor Mullaney, Chairman of the Ways & Means Committee, highlighted the request as outlined in the July 1, 2010 letter from Mayor Sullivan and reported that the Committee recommends favorable action on both motions.

Council President Ryan asked if there were any comments from the public. No comments were presented.

**Motion:** by Councilor Kokoros to close public hearing

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

Councilor Kokoros read the first motion in the amount of \$2,400,000 as printed in the July 1, 2010 letter from Mayor Sullivan.

**Motion:** by Councilor Kokoros to approve \$2,400,000 request as read  
**Second:** by Councilor DeNapoli  
**Vote:** Unanimous

Councilor Kokoros read the second motion in the amount of \$450,000 as printed in the July 1, 2010 letter from Mayor Sullivan.

**Motion:** by Councilor Kokoros to approve \$450,000 request as read  
**Second:** by Councilor DeNapoli  
**Vote:** Unanimous

- **10 056 Mayor:** Acceptance of Statute – Mutual Aid Agreements for Joint Fire & Rescue Services

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

Councilor Mullaney, Chairman of the Ways & Means Committee reported the Committee recommended favorable action.

Councilor Kokoros commented that he had no problem with the agreement as long as it does not take the dispatching of equipment out of the hands of the Town. Councilor Bowes had some concerns with surrounding Towns cutting back on fire personnel and did not want to see Braintree becoming over used.

Council President Ryan asked if there were any comments from the public. No comments were presented.

**Motion:** by Councilor Kokoros to close public hearing  
**Second:** by Councilor DeNapoli  
**Vote:** Unanimous

**Motion:** by Councilor Kokoros to approve  
**Second:** by Councilor DeNapoli  
**Vote:** Unanimous

- **015 10 Councilor Ryan:** Personnel Issues

Council President Ryan commented that the Town Clerk and the Clerk of the Council were due a step increase. Information on the step increases are highlighted in the handout.

Councilor Kokoros presented the following motion: "Upon the six-month review date move the Town Clerk to a Step C." Motion was seconded by Councilor DeNapoli.

Councilor Dingee commented that has no problem granting the Town Clerk a one-step increase however he cannot support the two-step increase being proposed. He reminded Council Members that last fiscal year members voted not to give step increases for fiscal year 2010 due to the difficult economic times.

Councilor Clifford commented that both employees were given reviews and a summary of their reviews should be before the membership. He would like to continue the issue to the next meeting. Council President Ryan explained that the first motion is properly before the body.

Council Mullaney commented that Town Clerk Powers and Clerk of the Council Casey were eligible for a wage step increase in FY2010. Mr. Powers were eligible on March 9, 2010 and Mr. Casey eligible on November 1, 2009. In June 2009, Council members vote not to give step increases to Council employees during fiscal year 2010 to be consistent with the financial give-backs other Town employees gave the Town last fiscal year. During the budget process this past June, Council Members unanimously voted to approve the FY2011 Budget which restored the financial give-backs of other Town employees. To be consistent with that Councilor Mullaney offered the following amendment: "To grant a one-step increase to the Town Clerk, Joseph Powers, and a one-step increase to Clerk of the Council, James Casey, to be effective July 1, 2010." Amended motion was seconded by Councilor Joyce.

Councilor Clifford made a motion to Table. Motion was seconded by Councilor Powers.

**Motion:** by Councilor Clifford to table.

**Second:** by Councilor Powers

**Vote:** For (4-Bowes, Clifford, Powers, Ryan), Against (5)

The Council President opened discussion on the amended motion by Councilor Mullaney.

Councilor DeNapoli commented that the Town Clerk and the Clerk of the Council are doing fine. Councilor Kokoros explained based on the performance of the Town Clerk he deserves to be moved to a step-C. Councilor Bowes commented that he did both reviews and both are qualified however he would like to see more information. Councilor Clifford commented that it was inappropriate to give a step increase without evidence that both have done good work. Councilor Dingee commented that it would have been nice to see a summary on both

employees. A summary of the performance of one of the two employees was provided previously to members. Councilor Powers commented that the vote should be based on experience.

Councilor Joyce wanted clarification as when the step increase was to become effective. The Council President responded it was July 1, 2010.

On the amended motion to grant a one-step increase to the Town Clerk, Joseph Powers, and a one-step increase to Clerk of the Council, James Casey, to be effective July 1, 2010.

**Motion:** by Councilor Mullaney

**Second:** by Councilor Joyce

**Vote:** For (4-Mullaney, Joyce, Dingee, Ryan), Against (5)

On the main motion of upon the six-month review date move the Town Clerk to a Step C.

**Motion:** by Councilor Kokoros

**Second:** by Councilor DeNapoli

**Vote:** For (3-Kokoros, DeNapoli, Powers), Against (6)

Councilor DeNapoli made a motion to Table. Motion was seconded by Councilor Clifford.

**Motion:** by Councilor DeNapoli to table.

**Second:** by Councilor Clifford

**Vote:** For (5-Bowes, DeNapoli, Clifford, Powers, Ryan), Against (4)

Councilor Joyce made the following motion "The Council President is granted the power to approve a one-step wage increase upon a satisfactory performance evaluation for the Town Clerk and Clerk of the Council. Any increase above one-step shall be referred to the Committee on Ways & Means and be presented to the Council for consideration." Motion was seconded by Councilor Dingee.

Councilor Joyce commented that granting of a step increase is an administrative function and should be signed-off by the Manager. There is no need to bring a one step increase before the body.

Council President Ryan stated that, if approved, it would go to the Committee on Ordinance and Rules for a recommendation.

**Motion:** by Councilor Joyce to send to Committee on Ordinance and Rules

**Second:** by Councilor Dingee

**Vote:** Unanimous

## COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

### NEW BUSINESS

- **10 057 Town Clerk:** Call of the Election – State Primary, September 14<sup>th</sup>

Council President Ryan explained that this item requires same night action and would require a vote to suspend rule #23.

**Motion:** by Councilor Kokoros suspend rule #23.

**Second:** by Councilor DeNapoli

**Vote:** Unanimous

Councilor Kokoros read the motion as printed in the letter Joseph Powers, Town Clerk, dated August 11, 2010 regarding call of the election for the state primary on Tuesday, September 14, 2010.

### ADJOURNMENT

It was unanimously voted to adjourn the meeting at 10:00p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## Documents provided for Meeting

- Citizen Recognition: Andrew MacDougall
- **030 10** Announcement: Councilor Ryan —Sustainable Braintree
- **035 10** Announcement: Councilor Ryan —Household Hazardous Waste Collection Day
- Announcement: Councilor Ryan —Thayer Public Library
- **July 13, 2010** Council Meeting Minutes
- **034 10** Councilor Kokoros —Jefferson Street
- **036 10** Councilor Kokoros —Fairfield Avenue
- **037 10** Councilor Kokoros —Pond Street
- **10 012** Mayor: Title 5 Ordinance – Licenses and Permits
  - Chapter 5-550 Gasoline Stations: Licensing Board Recommendations
  - Chapter 5-570 Precious Metal Dealers: Licensing Board Recommendations
  - July 4<sup>th</sup> email from Council Kokoros: Gasoline Station Pricing Signage
- **10 052** June 15<sup>th</sup> Petition from NationalGrid – Hancock Street
- **10 055** July 1<sup>st</sup> Memo from Mayor: Bond Authorizations for FY2011 Capital
- **10 056** June 28<sup>th</sup> Memo from Mayor: Acceptance of Statute – Mutual Aid Agreements for Joint Fire & Rescue Services
- **015 10** Councilor Ryan: Personnel Issues – Summary of Town Wage Scale
- **10 057 Town Clerk:** Call of the Election – State Primary, September 14<sup>th</sup>