

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

October 5, 2010

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, October 5, 2010 beginning at 7:30p.m.

Council Vice-President Kokoros was in the chair.

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

Present: Charles Kokoros, Vice President
Leland A. Dingee
Sean Powers
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford (Arrived Late at 7:40pm)

Not Present: Charles B. Ryan, President
Ronald DeNapoli

Others: Mayor Sullivan
Mayor Kay, Weymouth
Eric Kinsharf, Town Auditor
Peter Morin, Chief of Staff
Carolyn Murray, Town Solicitor
Edward Spellman, Finance Director
Karen Shanley, Director Human Resources
Joseph Powers, Town Clerk
NationalGrid Representatives

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

- **042 10 Recognition:** John C. Connors

ANNOUNCEMENTS

- **030 10** Announcement: Sustainable Braintree
- **041 10** Announcement: 50's Benefit Dance
Councilor Joyce: Grown-Up Spelling Bee

APPROVAL OF MINUTES

- September 21, 2010

Motion: by Councilor Dingee to Approve

Second: by Councilor Bowes

Vote: For (6), Against (0), Absent (3-Clifford, DeNapoli, Ryan)

Councilor Clifford arrived in the auditorium at 7:40pm

- **10 067 Mayor:** Weymouth Landing – Proposed Zoning Ordinances

Council Vice-President Kokoros asked for a motion to take Order 10-067 out of order to allow Mayor Sullivan and Mayor Kay speak on the issue.

Motion: by Councilor Bowes to take 10-067 out of order

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Mayor Sullivan, along with Mayor Kay, has filed zoning improvements in the East Braintree/ Weymouth Landing area. Earlier in the year the two communities obtained a \$2.3 million PWED Grant for StreetScape and Beautification improvements. The project is scheduled to begin in the Spring of 2011. The proposed zoning changes relax parking requirements and structure height changes; 2.5 stories and 4 stories with special permit. The project boundaries are between Gordon Road in Braintree and Broad Street in Weymouth.

Mayor Kay explained that it was a cooperative effort between the Towns to develop the zoning proposal. The area is a gateway to both communities. The zoning changes are specific to the area.

Motion: by Councilor Bowes to refer to Committee

Second: by Councilor Joyce

Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

- **044 10 Town Clerk:** Appointment of Assistant Town Clerk

Motion: by Councilor Bowes to take 044-10 out of order

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Joseph Powers, Town Clerk, informed Council Members that a total of 48 resumes were received for the Assistant Town Clerk position; 11 were Braintree residents. A total of 13 interviews were conducted (14 were scheduled/ one candidate withdrew) including 5 Braintree residents. He has selected Debbie Carlino from Carver, MA. She has served as an assistant Town Clerk in another Town and has experience in Braintree government, serving as the recording secretary for a number of years for various boards and committees.

Councilor Mullaney commented that this was the second candidate he had presented to the Council for this position and both were not from Braintree residents. He commented further recalling during the interviews for Town Clerk position how Mr. Powers spoke on how essential it was that a person from Braintree be selected. Mr. Powers commented that he believed he stated to seek the best candidate. If there are two equal candidates and one is from Braintree then you should select the Braintree resident.

Councilor Mullaney stated with the recording secretary experience Ms. Carlino has would she be able to fill-in for the Clerk of the Council if needed. Mr. Powers replied that he would have to check with the Council president and he would invoke his right to assign staff.

Motion: by Councilor Bowes for same night action on 044-10

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Motion: by Councilor Bowes to approve Ms. Carlino as Assistant Town Clerk.

Second: by Councilor Powers

Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

CITIZEN CONCERNS/COUNCIL RESPONSE

- **043 10 Councilor Kokoros:** District 1 Issue – Margaret/Regis Roads

Resident Joseph Vannelli of Regis Road informed the Council that the noise issues generated by the businesses in the industrial park residents presented to the Council several years ago is back; beginning around 4:30am to at least 10:00pm, seven days a week. The residents in the area would like the Town to take some action to provide relief from the noise. He presented several letters from residents to Councilor Kokoros.

Residents Paul and Laurie Hannigan of Margaret Drive, two streets away from the industrial park, stated that the need to keep their windows closed to minimize the noise. They are also seeking relief from the noise.

Peter Morin, Chief of Staff, informed Council Members that the Mayor's office has received a number of complaints from residents. The Mayor has requested that the Inspectional Staff re-write the ordinance and make it more restrictive. Much of the noise generated is from the back-up alarms from the vehicles and is an issue in other areas of Town as well. The Town is purchasing decibel meters to document these type events to strengthen the Town's position if legal action is required. He explains that the back-up alarms are required under Federal regulations.

Councilor Powers points out that under the current ordinance any work prior to 7:00am is a violation.

Councilor Kokoros asked Mr. Morin if the Mayor's office could have inspections conducted prior to 7:00am in the morning. Mr. Morin responded that he would arrange to have an inspector in the area on Thursday morning.

Robert McCarthy of United Rental, a company in the industrial park, thought he had mitigated the noise issue at the last meeting several years ago and apologized for an inconvenience. He would not deny the noise is an issue and clearly United a source of the noise; but not the only source. There is a school bus company in the industrial park that begins operations early in the morning. He stated he would be down at the site at 5:00am tomorrow morning to speak to the workers regarding the noise.

Councilor Clifford asked if sound proof barriers could be used. Mr. McCarthy he would have to investigate the effectiveness of their use.

Councilor Kokoros requested that the item be placed on the agenda in two weeks to see if any improvements have been made.

OLD BUSINESS

- **10 062 NationalGrid:** Petition – Adams Street

Councilor Powers reported that the Committee on Public Works recommends favorable action with staff recommendations. Due to the significant traffic in the work area staff has recommended that the project be conducted at night.

Councilor Bowes commented that the project would last approximately three weeks because of the evening hours. He asked the NationalGrid Representatives to contact the Town Engineer, Bob Campbell, to define the evening hours.

Motion: by Councilor Powers to approve with staff recommendations
Second: by Councilor Bowes
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

- **10 059 (B) Mayor:** Supplemental Appropriation – Water & Sewer Rehabilitation

Motion: by Councilor Bowes to open public hearing
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Mullaney reported that the Committee on Ways & Means recommends favorable action.

Council Vice-President Kokoros asked if there were any comments from the public. No one came forward.

Motion: by Councilor Bowes to close public hearing
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Bowes read the motion as printed in the September 2, 2010 memo from Mayor Sullivan.

Motion: by Councilor Bowes to approve
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

- **10 063 Mayor:** CPC Recommendations

Motion: by Councilor Bowes to open public hearing
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Motion: by Councilor Bowes to continue public hearing until October 19, 2010
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

- **10 064 Mayor:** Funding Request – Local 466 Collective Bargaining Agreement

Motion: by Councilor Bowes to open public hearing
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Mullaney reported that the Committee on Ways & Means recommends favorable action.

Councilor Clifford asked if detail of the salary increase could be provided. Mr. Morin commented that the Local 466 Collective Bargaining Agreement (CBA) calls for a 2% increase for each of the three years of the contract; for a total of 6%.

Councilor Clifford asked if all CBA's reached have settled for 6% over three years. Mr. Morin all CBA's have been settled for 6% but the 6% has been spread in various ways. The BPMA CBA to be presented tonight calls for a 2 ½% for FY2011, 2% for FY2012 and 1 ½% for FY2013.

Council Vice-President Kokoros asked if there were any comments from the public. No one came forward.

Motion: by Councilor Bowes to close public hearing
Second: by Councilor Clifford
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Bowes read the motion as printed in the September 16, 2010 memo from Mayor Sullivan.

Motion: by Councilor Bowes to approve
Second: by Councilor Clifford
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

- **10 065 Mayor:** Funding Request – BPMA Collective Bargaining Agreement

Motion: by Councilor Bowes to open public hearing
Second: by Councilor Clifford
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Bowes commented that the wage increase is 6% to be paid out at 2 ½% for FY2011, 2% for FY 2012 and 1 ½% for FY2013.

Council Vice-President Kokoros asked if there were any comments from the public. No one came forward.

Motion: by Councilor Bowes to close public hearing
Second: by Councilor Clifford
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Bowes read the motion as printed in the September 16, 2010 memo from Mayor Sullivan.

Motion: by Councilor Bowes to approve
Second: by Councilor Clifford
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

- **10 066 Town Clerk:** Call of the November 2, 2010 Election

Joseph Powers, Town Clerk, commented that a State Election is to be held on November 2, 2010.

Councilor Bowes read the motion as printed.

Motion: by Councilor Bowes to approve
Second: by Councilor Clifford
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Refer to Committee on Ordinance & Rules

- **10 068 Councilor Clifford:** E-Verification of Contractors

Motion: by Councilor Bowes to refer to Committee
Second: by Councilor Powers
Vote: For (7), Against (0), Absent (2-DeNapoli, Ryan)

Councilor Clifford explained that he was not present when the minutes were approved however he would like to make a correction on page 3. Council Vice-President Kokoros instructed Councilor Clifford to meet with the Clerk of the Council to make any changes.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 9:01p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- **042 10 Recognition:** John C. Connors
- **030 10 Council President:** Sustainable Braintree
- **041 10 Council President:** 50's Benefit Dance
- **046 10 Council President:** Great Grown-Up Spelling Bee – Town Council Team
- **September 21, 2010**
- **043 10 Councilor Kokoros:** District 1 Issue – Margaret/Regis Roads
- **10 062 NationalGrid:** Petition – Adams Street
- **10 059 (B) Mayor:** Supplemental Appropriation – Water & Sewer Rehabilitation
- **10 063 Mayor:** CPC Recommendations
- **10 064 Mayor:** Funding Request – Local 466 Collective Bargaining Agreement
- **10 065 Mayor:** Funding Request – BPMA Collective Bargaining Agreement
- **10 066 Town Clerk:** Call of the November 2, 2010 Election
- **10 067 Mayor:** Weymouth Landing – Proposed Zoning Ordinances
- **10 068 Councilor Clifford:** E-Verification of Contractors