

CHARLES C. KOKOROS  
President  
District 1

LELAND A. DINGEE  
At Large

SEAN E. POWERS  
At Large

CHARLES B. RYAN  
At Large

JOHN C. MULLANEY  
District 2



THOMAS M. BOWES  
Vice President  
District 3

HENRY N. JOYCE  
District 4

RONALD E. DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### December 18, 2012

## MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, December 18, 2012 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

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

Not Present: Ronald DeNapoli

Others: Carolyn Murray, Town Solicitor  
Karen Shanley, Human Resource Director  
Joseph Powers, Town Clerk

### **CORRESPONDENCE**

Council President read into the records a letter from Mayor Sullivan regarding the tragic incident in Newtown CT.

## **ANNOUNCEMENTS**

- 053 12 Council President: Marathon Fundraiser for Braintree Challenger Division  
Councilor Bowes: Braintree Pop Warner A Team Cheerleaders  
Councilor Powes: 3<sup>rd</sup> Annual Braintree Christmas Party to Benefit Toys for Tots

## **APPROVAL OF MINUTES**

- **December 4, 2012**
- **December 5, 2012**

**Motion:** by Councilor Bowes to approve minutes of December 4 and 5, 2012

**Second:** by Councilor Powers

**Vote:** For (7), Against (0), Absent (1-DeNapoli), Abstain (1-Bowes)

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

## **OLD BUSINESS**

### **Committee on Personnel Issues**

- 12 055 Mayor: Notice of Appointment to Zoning Board of Appeals – Michael Ford

Councilor Powers reported that the Committee on Personnel Issues recommends favorable action on the appointment of Michael Ford to the ZBA.

**Motion:** by Councilor Bowes to appoint Michael Ford to ZBA

**Second:** by Councilor Powers

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

## **COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS**

None

## **NEW BUSINESS**

### **Refer to Committee on Ways & Means**

- 12 056 Mayor: Request for Line Item Transfer – Golf Course

**Motion:** by Councilor Bowes to refer Order 12 056 to Committee

**Second:** by Councilor Ryan

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

- 12 057 Mayor: Golf Course – Authorization of Five Year Lease Agreement – Golf Carts

**Motion:** by Councilor Bowes to refer Order 12 057 to Committee

**Second:** by Councilor Ryan

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

**EXECUTIVE SESSION**

- 051 12 To discuss complaints or charges brought against a public officer or employee pursuant to G.L. c. 30A, §21(a)(1) and to comply with the provisions of G.L c. 214, §1B (Right to Privacy) and G.L. c. 151B

At 7:40pm Council President Kokoros announced that the Council would be going into Executive Session for the reason described above and would return to open session only to adjourn. On a roll call vote to go into Executive Session:

Kokoros	Yes	Dingee	Yes	Powers	Yes
Ryan	Yes	Mullaney	Yes	Bowes	Yes
Joyce	Yes	DeNapoli	Absent	Clifford	Yes

On a vote of 8 for, 0 against and 1 absent, the Council went into Executive Session.

Council President Kokoros called for a recess at 7:42pm to move the Executive Session into the Johnson Chambers.

**ADJOURNMENT**

At 8:30pm the Council came out of Executive Session.

It was unanimously voted to adjourn the meeting at 8:30p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## **Documents provided for Meeting**

- December 4, 2012 Minutes
- December 5, 2012 Minutes
- 12 055 Mayor: Notice of Appointment to Zoning Board of Appeals – Michael Ford
- 12 056 Mayor: Request for Line Item Transfer – Golf Course
- 12 057 Mayor: Golf Course – Authorization of Five Year Lease Agreement – Golf Carts

**Braintree Town Council**  
**Minutes of Executive Session**  
**December 18, 2012 at 7:30 p.m.**  
**Johnson Chambers**

On a roll call vote of 8-0-1 (Councilor DeNapoli was absent), the Braintree Town Council voted to go into executive session pursuant to G.L. Chapter 30 A, Section 21(a)(1), for the purpose of discussing charges and complaints made against Town officials/employees. The Council president advised that the Council would come back into public session for the sole purpose of adjourning. The Council proceeded to the Johnson Chambers where the executive session was held, beginning at 7:50 p.m.

Councilors present: President Charles Kokoros, Thomas Bowes, Leland Dingée, Charles Ryan, Sean Powers, John Mullaney, Henry Joyce, and Paul Dan Clifford.

Councilor absent: Ronald DeNapoli

Also present: Joseph Powers, Town Clerk; James Casey, Clerk of the Council; Karen Shanley, Human Resources Director; and Carolyn Murray, Town Solicitor.

The Town Solicitor volunteered to take the minutes of the executive session.

The Town Solicitor informed the Council that the complaints that are the subject of this executive session are Hostile Work Environment complaints filed under the Town's Discriminatory Harassment in the Workplace Policy, which designates the Human Resources Director as the person authorized to investigate such complaints. The individuals involved were given prior written notice of this executive discussion in accordance with the Open Meeting Law, and both were present for the executive session. The Town Solicitor cautioned the Council about the confidential nature of this investigation under the Town's policy and the fact that the Human Resources Director is restricted in terms of what information may be disclosed. The Town Solicitor also advised the Council that the employees involved have an expectation of privacy with respect to the complaints and the investigation of those complaints. This particular case presents a unique situation in that two employees filed complaints against each other, and there is little that one may divulge without infringing upon the other's right to privacy.

The Human Resources Director advised the Council that two complaints were filed and investigated, and in her professional opinion, neither constituted a violation of federal or state or the Town's policy, nor was discipline warranted. If the Human Resources Director found that discipline was warranted, she would have referred the matter to the Council for appropriate action. However, the Human Resources Director noted some communication issues between the employees and contacted the Town's Employee Assistance Program ("EAP"), whose representative has met with the Council President and is devising ways to improve communication.

Councilor Dingée inquired as to whether the nature of the complaints involved job duties, and if so, suggested that the job descriptions be revised by the Council to clarify responsibilities. Council President Kokoros confirmed that job duties were part of the conflict and that discussion have begun with the EAP representative and the Human Resources Director to assist in revising job descriptions to be approved by the Council.

Councilor Mullaney described the situation as one involving two good employees with a chemistry problem and suggested that, in the future, if the two employees have a disagreement, they should cease their conversation and go to the Council President. In response to a question posed by Councilor Mullaney, each employee affirmed that they felt they could work together.

Councilor Bowes offered a motion to come out of executive session, and upon a roll call vote of 8-0-1, the Council voted to come out of executive session at 8:30 p.m.