

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

January 24, 2012

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, January 24, 2012 beginning at 7:34p.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 C. Mullaney
Ronald DeNapoli
Paul Dan Clifford

Not Present: Henry N. Joyce

Others: Gerry Ridge, Blue Hill Cemetery
Donald Crispin, Civil Engineer for Blue Hill Cemetery
David Shaw, Resident
Michael Modestino, Attorney for Blue Hill Cemetery

Council President Kokoros read the following statement regarding the Town Council meeting held on January 17, 2012; "In light of the fact that the Council President has determined that portions of the meeting notice for the January 17, 2012 Braintree Town Council meeting did not conform with the requirements of the Open Meeting Law and correlating regulations, specifically M.G.L., c.30A, S20(b) and 940 CMR 29.03(1) (b), the following actions are recommended to serve as remedies for the aforementioned deficiencies and should cure any harmful or negative effects of such deficiencies:

1. A meeting notice was posted, in conformity with the provisions of c.39, s20, stating that a meeting of the Town Council will be held on Tuesday, January 24, 2012 at 7:30pm in Horace T. Cahill Auditorium, Town Hall, 1 JFK Memorial Drive Braintree.

2. The list of topics that the Chair reasonably anticipates will be discussed shall include:
 - a. Acceptance of the Open Session Minutes for the January 3, 2012 Town Council Meeting
 - b. Order 030-11 Update on Town Auditor Request for Proposal
 - c. Or 12-001: Referral of Review of Council Rules to the Committee on Ordinance and Rules per Council Rule Fifty-Five
 - d. Order 12-002: Referral of Review of Council Subcommittees to Committee on Ordinance and Rules to determine composition of and adding or deleting Subcommittees
 - e. Order 12-003: Dedication of land at 692-700 West Street, Blue Hill Cemetery (Assessors' Map No. 2050, Plot 5) for cemetery purposes (Refer to Committee or Take Same Night Action or any action thereto)
 - f. New Business: Topics the Chair does not reasonably anticipate will be discussed
3. The Town Council will engage in full discussion and deliberations on the above referenced items as though no previous discussions, deliberations or votes had occurred.

The Council recognizes and respects the importance of and adherence to the requirements of the Open Meeting Law and takes these actions to immediately cure any ill effects of any errors that were committed inadvertently. The Council does so while recognizing that:

1. No written complaint or allegations has been made against the Town Council concerning any alleged, perceived or admitted violations of the Open Meeting Law;
2. The receipt of any such written complaint would require the Town Council to review the complaint and send to the Attorney General's Office a copy of the complaint along with a description of any action taken to resolve the issue that was raised by the complaint with 14 days of receipt of the written complaint;
3. The Town Council took immediate corrective action within a period of seven (7) days demonstrating the seriousness with which the Town Council regards this matter."

CORRESPONDENCE

- 030 11 – Council President: Town Auditor – Update

Council President Kokoros asked members if they had any comments regarding the advertisement for the Town Auditor position. No members expressed concerns over the proposed advertisement. The Clerk of the Council noted that the due date for applications has been extended to February 29, 2012.

ANNOUNCEMENTS

None

APPROVAL OF MINUTES

Motion: by Councilor Bowes to approve January 3, 2012 minutes

Second: by Councilor Ryan

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

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

None

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Ordinance & Rules

- 12 001 – Council President: Town Council Rules
- 12 002 – Council President: Review of Sub-committees

Motion: by Councilor Bowes to refer Order # 12 001 and #12 002 to committee

Second: by Councilor Ryan

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

- **12 003 Mayor: Dedication of 692-700 West Street as Cemetery**

Council President Kokoros informed members that the applicant has requested same night action on Order #12 003. Unless there is objection, Council Order #12 003 will have same night action. No member of the Council objected to same night action.

Michael Modestino, Attorney for Blue Hills Cemetery, commented that the cemetery has initiated a permitting request to construct a crematory on the southern parcel of land. Public notification has been provided at both the Planning Board and Health Board meetings held over the last few months. The Health Board has given approval with a condition that no casket burials be performed on the Southern parcel. The permitting request has been before the Conservation Commission and all wet land issues have been addressed. The Planning Board will be hearing this request on February 7, 2012 to finalize any order of conditions.

Mr. Keenan, a resident living near the cemetery, asked if the land would be taken off the tax rolls or is it tax exempt. Attorney Modestino stated that the land is tax exempt.

David Shaw, resident of Washington Street, expressed his pleasure that the deficiencies of the last meeting have been addressed. Mr. Shaw committed that he believed that state law requires a five year waiting period before construction of a crematory could begin. Additionally, the proposed site is on wet lands, has a great deal of ledge, is next to a residential neighborhood and near the towns water supply.

Attorney Modestino stated that the Town Solicitor issued an opinion to the board of health dated December 15, 2012 that the statute does not require a five year waiting period.

Councilor Ryan asked if the Council needed to rescind the vote taken on January 17th. Council President Kokoros by statute, all items noted at the beginning of the meeting never took place.

Councilor Bowes read the motion as printed in the January 12, 2012 memo from Mayor Sullivan on the issue.

Motion: by Councilor Bowes to approve Order #12 003

Second: by Councilor Ryan

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

Council President Kokoros informed members that he would email members with the new committee assignments within the next few days.

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:02p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- January 3, 2012 Minutes
- 030 11 – Council President: Town Auditor - Update
- 12 001 – Council President: Town Council Rules
- 12 002 – Council President: Review of Sub-committees
- 12 003 Mayor: Dedication of 692-700 West Street as Cemetery, Blue Hill Cemetery