

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

February 5, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, February 5, 2013 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 Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Joseph Powers, Town Clerk
Eric Kinsherf, Town Auditor

CORRESPONDENCE

None

ANNOUNCEMENTS

- **004 13 Council President: Sustainable Braintree – 5th Annual Green Gala**
- **Council President: Joe Zarella/Dr. Kurzberg**
- **Councilor Joyce: Youth Center Open House**

APPROVAL OF MINUTES

- **January 22, 2013**

Motion: by Councilor Bowes to approve minutes of January 22, 2013

Second: by Councilor Ryan

Discussion: Councilor Joyce pointed out corrections on votes on pages 6 and 7

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

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Committee on Ways & Means and Committee on Ordinance & Rules

(CONTINUATION OF PUBLIC HEARING)

- **12 035 Councilor Mullaney: Amendment to Title 2, Chapter 2-200, Mayor, Section: 2.200.010 Powers, In General relative to Mayors' Compensation**

Motion: by Councilor Ryan to open public hearing on Order 12 035

Second: by Councilor Clifford

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

Councilor Clifford, Chairman of the Ways & Means Committee, reported that the committee has recommended favorable action on a salary level of \$125,000. Councilor Clifford commented that members need to be mindful of their fiduciary responsibilities to the taxpayers; assure that the salary recommendation is fair, equitable, and competitive; and, identify any unintended consequences of the final recommendation.

Eric Kinsherf, Town Auditor, explained that he was asked to evaluate each of the salary recommendations to identify any unintended financial consequences. Mr. Kinsherf noted that the initial salary recommendation of \$130,000 has a potential unintended financial consequence of approximately \$3.35 million dollars; assuming, during contract negotiations, a salary increase is given equal to the percentage given to the Mayor. The Ways & Means Committee recommendation of \$125,000 has a potential unintended financial consequence of approximately two million dollars; while, the Ordinance & Rules recommendation of \$123,225 has a potential unintended financial consequence of approximately a million and a half dollars.

Councilor Clifford emphasized the “unintended consequences” of all 4 recommended mayoral salaries increases as shown and presented by Council Auditor/CPA Kinsherk; and expressed concerns that 3 Of the 4 recommendations could potentially cost Braintree taxpayers as much as \$3.35 million dollars and that only 1 was “cost neutral” relative to the 11 year union contract’s average of 2%. “It is our fiduciary responsibility to the taxpayers to consider these potential unintended consequences. At the same time the mayoral salary increase of \$117,890 and moving to \$120,248 in 2015 and \$122,653 in 2016 meets the principles of a fair, equitable and competitive salary adjustment. In fact this would make the mayor salary 4th highest among peer group mayors and only behind Quincy, Waltham and Medford.”

Committee on Ordinance & Rules Chairman, Councilor Powers, reported that the Committee has recommended a salary proposal presented by Councilor Dingee which moves the Mayor from the M26E level to the M28E level of the Non-BPMA scale; providing for a salary of \$123,225.

Councilor Dingee explained in presenting his proposal he was trying to keep the politics out of the Mayor’s salary increase. After the Committee had voted favorably on his proposal the Town Solicitor has advised his that the proposal would require that it be advertised prior to any vote on adoption of this plan.

Vincent Joyce, resident, commented that he was in support of a salary of \$125,000 for the Mayor.

Brian Muello, resident, stated he was not in favor of increasing the Mayor’s salary from its current level. He said \$105,000 was ample for a town this size.

Councilor President Kokoros asked if any member of the Council or public had any other comments they would like to present. No one came forward.

Motion: by Councilor Ryan to close public hearing on Order 12 035

Second: by Councilor Powers

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

Council President Kokoros asked that the Town Clerk, Joseph Powers, explain the voting procedure as outlined in an email provided by the Town Solicitor.

Mr. Powers explained that the highest salary recommendation would need to be voted on first before the next highest salary recommendation could be presented. Once a salary recommendation had a majority vote of the members that salary amount would then be adopted for the Mayor’s salary. Mr. Powers noted that Robert Rules offers an alternate way the motion could be made; “Blank Motion”. The overall motion is the same except that the dollar amount is left blank. Any member can fill in the blank with a salary amount however; the amount could not exceed the advertised amount of \$130,000. The amount presented does not require a second. Once all members had the opportunity to present a salary amount then the highest amount would fill the blank. Members would then vote that amount to fill the blank, and, if accepted, then the full motion would be in order for a council vote. If the amount to fill the blank did not receive a majority vote, then the next highest amount would be offered. The process would be repeated until a salary amount receives a majority amount or until all salary amounts presented were exhausted.

Council President Kokoros stated to members if there are no objections to the blank motion process then he would entertain dollar amounts from members. There were no objections.

Motion: by Councilor Mullaney to accept blank motions

Second: by Councilor Ryan

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

Councilor Mullaney offered the Committee on Ways & Means recommendation of \$125,000.

Councilor Dingee offered the Committee on Ways & Means recommendation of \$123,225.18.

Councilor Clifford offered a salary recommendation of \$117,890; describing it as cost neutral to Braintree tax payers based on a 12% (2% per annum) mayoral salary adjustment reflective of the past 11 years union contractual increases averaging 2%.

Council President Kokoros asked members if there were any other amounts to be presented. No member offered an amount.

The Clerk of the Council, following Roberts Rules for “blank motions”, asked members, on a roll call vote, on inserting \$125,000 as the blank motion.

Councilor Kokoros	Yes	Councilor Dingee	No
Councilor Powers	No	Councilor Ryan	Yes
Councilor Mullaney	Yes	Councilor Bowes	Yes
Councilor Joyce	Yes	Councilor DeNapoli	Absent
Councilor Clifford	No		

Motion carries on a vote of 5-For, 3-Against, 2-Absent.

On the main motion, read by Council President Kokoros:

“At the request of Councilor John C. Mullaney, that the Town Council vote to amend the Municipal Code for the Town of Braintree, Title 2 of the Town’s Ordinances by amending, Chapter 2-200, Mayor, Section 2.200.010 – Powers, In General by deleting the existing paragraph C, which currently states: replacing “Effective January, 2010, the Mayor shall receive an annual salary of \$105,261.53.” and inserting a new paragraph C that states: with “Effective January, 2014, the Mayor shall receive an annual salary of **\$125,000.00.**”

Motion: by Councilor Bowes to approve as read

Second: by Councilor Ryan

Vote: For (6), Against (2-Clifford, Powers), Absent (1-DeNapoli)

Councilor Mullaney for a vote of unanimity

Motion: by Councilor Mullaney

Second: by Councilor Ryan

Vote: For (7), Against (1-Powers), Absent (1-DeNapoli)

Vote of unanimity does not carry.

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

- 13 003 Mayor: Release Deed for 30 Howard Court – Carole and Kevin Mahoney

A request for same night action was requested by the Town Solicitor.

Council President Kokoros informed members if there are no objections Order 13 003 will be taken up as same night action. No members objected.

Councilor Ryan read the following motion

Upon request of his Honor, Mayor Sullivan, the Town of Braintree, through the Braintree Town Council vote to approve the Release Deed conveying a certain parcel of land situated in Braintree, Norfolk County, Massachusetts, being shown as Lot 2 on a plan entitled "Subdivision Plan of Land," prepared by John F. Fehan, Town Engineer, dated October 28, 1975 recorded with Norfolk County Registry of Deeds in Book 5251, Page 688 and more particularly bounded and described as follows:

EASTERLY by Howard Court, Seventy-Eight and Twenty-Two Hundredths (78.22) feet;

SOUTHERLY by Lot 1 shown on said plan, Ninety-Seven and Thirty-Seven Hundredths (97.37) feet;

WESTERLY by land now or formerly of DeLeo, Ninety-One and Twenty-Six Hundredths (91.26) feet; and

NORTHERLY by Lot 3 shown on said plan, One Hundred Eleven and Thirty-One Hundredths (111.31) feet.

Said Lot 2 contains 8,805 square feet according to said plan.

Further, the Mayor is authorized to execute said deed and to take any action necessary to carry out this vote.

Motion: by Councilor Bowes to approve Order 13 003

Second: by Councilor Ryan

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

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:55p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- January 22, 2013 Minutes
- 12 035 Councilor Mullaney: Amendment to Title 2, Chapter 2-200, Mayor, Section: 2.200.010 Powers, In General relative to Mayors' Compensation
- 13 003 Mayor: Release Deed for 30 Howard Court – Carole and Kevin Mahoney