

LELAND A. DINGEE
President

CHARLES RYAN
Vice President

HAROLD RANDOLPH
At Large

CHARLES KOKOROS
District 1

JOHN MULLANEY
District 2



THOMAS BOWES
District 3

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

December 2, 2008

MINUTES

A meeting of the Town Council was held in the Johnson Memorial Chambers, Braintree Town Hall, on Tuesday, December 2, 2008 beginning at 7:30 p.m.

Council President Dingee was in the chair.

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

Present: Leland A. Dingee, President
Charles B. Ryan, Vice-President
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford
Charles Kokoros
Harold Randolph
Ronald DeNapoli (arrived late; 7:40PM/left early; 8:35PM)

Also Present: Peter Morin, Chief of Staff
Edward Spellman, Finance Director
Robert Cusack, Board of Assessors
Marie George, Deputy Assessor
Various Residents

There was a moment of silence for all those serving in our armed services, past and present, and the meeting was opened with the pledge of allegiance to the flag.

CORRESPONDENCE

None

ANNOUNCEMENTS

- AN 08 007 Councilor DeNapoli: Braintree Pop Warner B Cheerleading Team
- AN 08 008 Recreation Department: Boston Bruins Tickets (February 7 and April 4, 2009)
- AN 08 009 Recreation Department: High School Musical 2 Tickets (January 11, 2009)
- AN 08 010 Health Department: Final Flu Clinics – December 4th and December 11th
- AN 08 011 Councilor Bowes: Holiday Open House – December 21, 2008

APPROVAL OF MINUTES

November 18, 2008

Motion: by Councilor Ryan to accept minutes

Second: by Councilor Kokoros

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

CITIZEN CONCERNS/COUNCIL RESPONSE

None

Councilor DeNapoli arrived AT 7:40p.m.

OLD BUSINESS

The Council President asked for a motion to take the Fiscal Year 2009 Tax Levy Public Hearing out of order.

Motion: by Councilor Ryan to take out of order

Second: by Councilor Randolph

Vote: Unanimous

- 08 071 Board of Assessors: FY2009 Tax Levy – Public Hearing

Motion: by Councilor Ryan to re-open the Public Hearing

Second: by Councilor Kokoros

Vote: Unanimous

Councilor Mullaney read an article from the Patriot Ledger regarding a significant increase in the property tax for the City of Quincy. He stated that he has not reached full agreement with the Board of Assessors recommendations but will address several issues before the next tax classification issues.

The Chief of Staff, Peter Morin, stated that the residential and commercial valuations have been certified by the Department of Revenue.

Councilor Clifford discussed a revised document (rev. 5) he prepared pertaining to the Town of Braintree Local Option Measure Related to M.G.L. 59, Section 5, Clause 41c. Councilor Clifford explained that this option allows the Town to adjust the eligibility requirements to allow more seniors to take advantage of the \$500 tax credit. He revised the income to reflect the FY08 level adjusted for inflation. He expects that no more than 196 residents would be eligible for this program with the State reimbursing the Town up to 187 exemptions for FY2009. He explained that the risk to the Town

would be \$4,500. Councilor Clifford stated that the subject expert at DOR assured him that this exemption would not be cut by the Governor.

Mr. David Shaw, Braintree resident, pointed out that if the State did not reimburse the Town for any or all of the exemptions then the cost would fall to the Town.

Councilor Mullaney stated he asked the same question at the Committee meeting and was informed by the Chief of Staff that the funding would then come out of the Overlay Surplus Account.

Councilor Mullaney explained that the Committee of Ways & Means voted favorably on the 175% tax classification shift.

Mr. Shaw stated that this shift places a higher portion of the tax burden on the Commercial properties when they don't utilize all of the services of the town; Police, Fire, Highway, Schools.

Councilor Mullaney explained that in 1996 Commercial Properties were paying approximately 46% of the tax burden and in 2008 they paid only 38%. The impacts of business in the community are above the usage of Town services.

Before asking a motion to close the public hearing Council President Dingee asked if anyone in the Chambers would like to speak on the issue at hand. No one asked to speak.

Motion: by Councilor Ryan to close public hearing
Second: by Councilor Randolph
Vote: Unanimous

Councilor Clifford read the following motion:

“Be it ordained by the Town Council of the Town of Braintree that the Town of Braintree pursuant to M.G.L. Chapter 59, Section 5, Clause 41c (the “statute”) hereby adjusts the eligibility requirements within the limits set forth in this statute, commencing with Fiscal Year 2009 as follows:

1. The requisite age of eligibility shall be reduced **from 70 years** or older **to 65 years** or older;
2. The gross receipts limit contained in subclause (B) of said first sentence of this statute whenever they appear in said subclause shall be increased **from** the existing **\$13,000 to \$16,085, if single**, and from the existing **\$15,000 to \$19,302, if married**;
3. The asset limits contained in subclause (C) of said first sentence of this statute whenever they appear in said subclause shall be increased **from** the existing **\$28,000 to \$29,881, if single**, and from the existing **\$30,000 to \$32,015, if married**.

Motion: by Councilor Clifford
Second: by Councilor Mullaney
Vote: Unanimous

The following motions were made on the Fiscal Year 2009 Tax Levy:

Motion: by Councilor Mullaney to **approve** the “Small Business Exemption” as recommended by the Mayor and Board of Assessors

Second: by Councilor Ryan

Vote: For (8), Against (0), Abstain (1-Kokoros)

Motion: by Councilor Mullaney to **approve** the “Tax Classification Shift” at 175% as recommended by the Mayor and Board of Assessors.

Second: by Councilor Ryan

Vote: Unanimous

Motion: by Councilor Mullaney that the Council does **not** adopt the “Open Space” discount as recommended by the Mayor and Board of Assessors

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Mullaney to **reject** the “Supplemental Assessments” as recommended by the Mayor and Board of Assessors.

Second: by Councilor Ryan

Vote: Unanimous

Motion: by Councilor Mullaney that the Council does **not** adopt the “Residential Exemption” as recommended by the Mayor and Board of Assessors.

Second: by Councilor Ryan

Vote: Unanimous

Town Auditor Position: Interviews of Candidates

- Eric Kinsherf
- Kathryn Griffin
- Ehab Tadros

The Council President informed Council Members that Mr. Ehab Tadros has withdrawn himself for consideration for the Town Auditor’s Position.

Mr. Kinsherf and Ms. Griffin were interviewed separately by members of the Council.

Councilor DeNapoli left the meeting at 8:35p.m.

At the conclusion of interviews the following motions were made:

Motion: by Councilor Kokoros to open nominations

Second: by Councilor Ryan

Vote: Unanimous

The Council President asked for nominations. Councilor Joyce nominated Mr. Kinsherf. Mr. Kinsherf nomination was seconded by Councilor Kokoros.

The Council President asked if there were any other nominations. No other nominations were made.

Motion: by Councilor Kokoros to close nominations
Second: by Councilor Ryan
Vote: Unanimous

Motion: by Councilor Joyce to approve Eric Kinsherf as Town Auditor for a period of three years with yearly reviews.
Second: by Councilor Mullaney
Vote: For (8), Against (0), Absent (1-DeNapoli: Left Early)

Motion: by Councilor Randolph to make appointment of Eric Kinsherf as Town Auditor to become effective on January 1, 2009.
Second: by Councilor Clifford
Vote: For (8), Against (0), Absent (1-DeNapoli: Left Early)

• **08 073 Mayor: Notice of Appointment – Fence Viewer**

Motion: by Councilor Ryan to approve the Mayor's appointment of David Sarney as Braintree's Fence Viewer.
Second: by Councilor Randolph
Vote: For (8), Against (0), Absent (1-DeNapoli: Left Early)

• **08 074 Mayor: Fiscal Year 2008 Unpaid Bills – Medical Payments for Police Officer (\$315.81)**

Motion: by Councilor Ryan to approve FY2008 Unpaid bills in the amount of \$315.81.
Second: by Councilor Randolph
Vote: For (8), Against (0), Absent (1-DeNapoli: Left Early)

• **08 072 Department of Planning and Community Development: Deed Acceptance – Ashworth Avenue**

Motion: by Councilor Ryan to Table until December 16, 2008.
Second: by Councilor Randolph
Vote: For (8), Against (0), Absent (1-DeNapoli: Left Early)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

REFER TO COMMITTEE

- **08 075 Mayor: Notice of Appointment – Braintree's Representative to the MWRA**
- **08 076 Mayor: Notice of Appointments – Department of Public Works Advisory Board**

Motion: by Councilor Ryan to refer order numbers 08 075 and 08 076 to the Committee of Ways and Means.

Second: by Councilor Randolph

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

It was unanimously voted to adjourn the meeting at 9:25 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council