

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

July 14, 2008

MINUTES – 7:30pm MEETING

A second meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Monday, July 14, 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
Harold J. Randolph
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford

Absent: Charles Kokoros
Ronald DeNapoli

Also Present: Peter Morin, Chief of Staff
Carolyn Murray, Town Solicitor
Members of the Press

The pledge of allegiance and a moment of silence were observed at the 7:15PM meeting of the Council.

CORRESPONDENCE

None

ANNOUNCEMENTS

- Council President Dingee read a public service announcement regarding the upcoming Local Emergency Planning Committee (LEPC) Full-Scale Exercise planned for early August 2008.
- Council President Dingee wished, on behalf of the Braintree Town Council, a Happy 100th Birthday to Mr. Thomas Moody of Hollis Avenue.

APPROVAL OF MINUTES

- **June 17, 2008**
Motion: by Councilor Bowes to accept minutes
Second: by Councilor Randolph
Discussion: Councilor Randolph noted a correction on page 6, last line “then” vs “than”
Vote: Unanimous
- **June 17, 2008 (Executive Session)**
Motion: by Councilor Ryan to accept minutes
Second: by Councilor Randolph
Discussion: Councilor Randolph noted a correction on page 1, line 11 “then” vs “than” and on page 2, paragraph 3, last line “Chief’s” vs “Chiefs”
Vote: Unanimous
- **June 18, 2008**
Motion: by Councilor Bowes to accept minutes
Second: by Councilor Randolph
Vote: 6 “Yea”, 0 “Nay”, 1 Abstain (Ryan)

Councilor Mullaney requested that the approval of the June 17, 2008 Executive Session Minutes be taken up for reconsideration. He stated, after speaking with the Town Solicitor, he had concern that confidentiality of Item #1 in the minutes would be at risk.

Motion: by Councilor Mullaney for reconsideration
Second: by Councilor Randolph
Vote: Unanimous

Motion: by Councilor Mullaney to table June 17, 2008 Executive Session Minutes
Second: by Councilor Randolph
Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

Councilor Mullaney informed members of an ongoing complaint from a resident on Adams Street regarding debris being deposited along the roadway from Graziano Cement Company.

Motion: by Councilor Mullaney to refer issue to DPW Committee
Second: by Councilor Randolph
Vote: Unanimous

OLD BUSINESS

Committee of Ways & Means

Chairman John Mullaney reported that the Committee voted favorable action on each of the following requests:

- 08 039 Mayor: Re-Appropriation for Financial Consultant (\$15,000)
- 08 040 Mayor: Additional Departmental Line Item Transfers (\$88,300)
- 08 042 Mayor: Borrowing Authorization – Road Project (\$1,700,000)
- 08 043 Mayor: Borrowing Authorization – School Building Project (\$700,000)
- 08 044 Mayor: Borrowing Authorization – Water & Sewer/Tri-Town (\$700,000)
- Request for Transfer From Reserve Fund:
 - Water & Sewer: \$37,000 – Electricity (Water)
 - Water & Sewer: \$ 8,000 – Power (Tri-Town)
 - Water & Sewer: \$ 5,000 – Electricity (Sewer)
 - Water & Sewer: \$ 3,000 – Natural Gas (Water)

Public Hearings

- **08 039 Mayor: Re-Appropriation for Financial Consultant (\$15,000)**

Motion: by Councilor Ryan to open public hearing

Second: by Councilor Randolph

Vote: Unanimous

MOTION: Be it ordained by the Town Council for the Town of Braintree that the sum of \$15,000 be transferred from the Planning/Personnel Services/Department head line item to the Finance Director Consultant line item for the purpose of funding the town's contract with its financial consultant.

Discussion: Council: No Comments / Public: No Comments.

Motion: by Councilor Ryan to close public hearing

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to approve as read

Second: by Councilor Randolph

Vote: Unanimous

- **08 040-151 Line Item Transfer: Department 151 – Law (\$15,800)**

Motion: by Councilor Ryan to open public hearing

Second: by Councilor Randolph

Vote: Unanimous

MOTION: That the sum of \$2,100 be transferred from the Finance Committee/Personnel Services/Administrative Clerical line item, the sum of \$2,900 be transferred from the Finance Committee/General Expenses line item, the sum of \$4,000 be transferred from the Building Department/Personnel Services/Casual Employee line item, the sum of \$5,000 be transferred from the Building Department/Personnel Services/Inspectors line item, and the sum of \$1,800 be transferred from MIS/Operating Supplies, for a total of \$15,800 be transferred to the Law Department/Legal Services/Outside Counsel line item.

Discussion: Council: No Comments / Public: No Comments.

Motion: by Councilor Ryan to close public hearing

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to approve as read

Second: by Councilor Randolph

Vote: Unanimous

- **08 040-912 Line Item Transfer: Department 912 – Employee Benefits (\$24,800)**

Motion: by Councilor Ryan to open public hearing

Second: by Councilor Randolph

Vote: Unanimous

MOTION: That the sum of \$2,600 be transferred from the Personnel Department/Personnel Services/Department Head line item, the sum of \$4,500 be transferred from the Planning Department/Personnel Services/Department Head line item, the sum of \$3,000 be transferred from the Building Department/Personnel Services/Inspectors line item, and the sum of \$14,700 be transferred from the Police Department/Personnel Services/Educational line item for a total of \$24,800 be transferred to the Employee Benefits/Workers' Compensation Insurance line item.

Discussion: Council: No Comments / Public: No Comments.

Motion: by Councilor Ryan to close public hearing

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to approve as read

Second: by Councilor Randolph

Vote: Unanimous

- **08 040-421 Line Item Transfer: Department 421 – Highway (\$2,700)**

Motion: by Councilor Ryan to open public hearing

Second: by Councilor Randolph

Vote: Unanimous

MOTION: That the sum of \$2,700 be transferred from the Highway Department/Operations Expenses/Building Repairs account, of which, \$2,300 is to be transferred to the Highway Department/Utilities/Lighting account and the sum of \$400 is to be transferred to the Highway Department/Utilities/Water and Sewer account.

Discussion: Council: No Comments / Public: No Comments.

Motion: by Councilor Ryan to close public hearing

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to approve as read

Second: by Councilor Randolph

Vote: Unanimous

- **08 040-439 Line Item Transfer: Department 439 – Water & Sewer (\$45,000)**

Motion: by Councilor Ryan to open public hearing

Second: by Councilor Randolph

Vote: Unanimous

MOTION: That the sum of \$45,000 be transferred from the Water and Sewer/Administrative General/Personnel Services/Administrative Clerical line item, of which \$15,000 is to be transferred to the Water and Sewer/Administrative General/Personnel Services/Overtime/Labor line item and the sum of \$30,000 is to be transferred to the Water and Sewer/Personnel Services/Labor/Custodians/Mechanics line item.

Discussion: Council: No Comments / Public: No Comments.

Motion: by Councilor Ryan to close public hearing

Second: by Councilor Randolph

Vote: Unanimous

Motion: by Councilor Ryan to approve as read

Second: by Councilor Randolph

Vote: Unanimous

Public Hearings – Borrowing Authorizations

The Town Solicitor, Carolyn Murray, informed Council Members that a legal notice for a public hearing was placed in the local newspaper for borrowing authorizations. However, the Council would be unable to vote on these authorizations this evening due to a requirement of law firm that serves as the Town’s Bond Council that a separate legal notice for each borrowing authorization be placed in the newspaper rather than the combined borrowing authorization legal notice that was placed on July 4, 2008. The Council would be required to hold the already advertised public hearing and solícite comments from the public this evening.

• **08 042 BORROWING AUTHORIZATION – ROAD PROJECT: \$1,700,000**

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

MOTION: That the sum of \$1,700,000 be raised and appropriated for the purposes of constructing and reconstructing streets and sidewalks, making drainage improvements, purchasing related equipment, and for the purpose of acquiring easements related thereto by gift, purchase, or eminent domain. To meet this appropriation, the Treasurer, with the approval of the Mayor and Town Council, is authorized to borrow said sum, under Massachusetts General Laws Chapter 44, Section 7, or any other enabling statute.

Discussion: Council: No Comments / Public: No Comments.

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

• **08 043 BORROWING AUTHORIZATION – SCHOOL BUILDING PROJECT: \$700,000**

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

MOTION: That the sum of \$700,000 be raised and appropriated for the purposes of repairing and reconstructing roofs to various school buildings, including purchasing related equipment, engineering services, and other site improvements incidentally or directly related thereto. To meet this appropriation, the Treasurer, with the approval of the Mayor and Town Council, is authorized to borrow said sum, under Massachusetts General Laws Chapter 44, Section 7, or any other enabling statute.

Discussion: Council: No Comments / Public: No Comments.

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

• **08 044 BORROWING AUTHORIZATION – WATER&SEWER/TRI-TOWN: \$700,000**

Motion: by Councilor Ryan to open public hearing

Second: by Councilor Randolph

Vote: Unanimous

MOTION: That the sum of \$700,000 be raised and appropriated as Braintree's share of designing and preparing construction documents for a new Tri-Town regional Water Treatment Plant and facility for the public water supply, including purchasing related equipment, engineering services, other site improvements incidentally or directly related thereto, and for the purpose of acquiring easements or other interests in land related thereto by gift, purchase, or eminent domain. To meet this appropriation, the Treasurer, with the approval of the Mayor and Town Council, is authorized to borrow said sum, under Massachusetts General Laws Chapter 44, Section 8, or any other enabling statute.

Discussion: Council: No Comments / Public: No Comments.

Motion: by Councilor Ryan to close public hearing

Second: by Councilor Randolph

Vote: Unanimous

• **REQUEST FOR TRANSFER FROM RESERVE FUND**

• **Water & Sewer: Water Division – Electricity (\$37,000)**

Motion: by Councilor Ryan for approval

Second: by Councilor Randolph

Vote: Unanimous

• **Water & Sewer: Tri-Town – Power (\$8,000)**

Motion: by Councilor Ryan for approval

Second: by Councilor Randolph

Vote: Unanimous

• **Water & Sewer: Sewer Division – Electricity (\$5,000)**

Motion: by Councilor Ryan for approval

Second: by Councilor Randolph

Vote: Unanimous

• **Water & Sewer: Water Division – Natural Gas (\$3,000)**

Motion: by Councilor Ryan for approval

Second: by Councilor Randolph

Vote: Unanimous

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

REPORTS OF COMMITTEES

None

NEW BUSINESS

- Proxy Signing Procedure

Council President Dingee informed members that a policy needs to be put in place that provides direction to the Clerk of the Council regarding authority in signing documents on behalf of members of the Council.

Councilor Clifford stated that he had recently requested the Clerk of the Council to mail a letter to the Governor he had emailed to him. The letter was mailed however, the letter was sent unsigned.

A motion was made by Councilor Clifford to go into Executive Session to discuss the issue as it affects an employee. Council President Dingee informed members that the motion was out of order as rules for convening an executive session, in this case, would require notifying that person in writing at least 48 hours in advance of the meeting.

Motion: by Councilor Mullany to refer to Rules Committee

Second: by Councilor Bowes

Vote: (6) "Yea", (0) "Nay", (1) "Abstain" (Clifford)

Councilor Clifford requested that members take up an issue he had regarding the lack of coverage for the Clerk of the Council while he was out of the office for the past two-weeks. Council President Dingee reminded members that the Clerk of the Council sent members an email notifying them of his absence and noted that he would have his personal computer with him if anyone needed to reach him. The Council President further stated that the Town Clerk's Office provides the coverage as they did prior to the hiring of the Clerk of the Council. The Council President then informed Councilor Clifford that to take up this issue this evening it would require a motion for "Suspension of Rules".

Motion: by Councilor Clifford to suspend the rules

Second: by Councilor Randolph

Vote: (1) "Yea" (Clifford), (6) "Nay"

- Establishment of Committee

Council President Dingee informed members that he would like to establish a new committee of two Council members to review existing town bylaws policies regarding town employee benefits and make recommendations to the Council regarding the three positions that fall under the Council; Town Clerk, Clerk of the Council and Auditor.

Motion: by Councilor Ryan to establish a new committee

Second: by Councilor Randolph

Vote: Unanimous

The Council President then appointed Councilor Mullaney and Councilor Bowes to this committee.

It was unanimously voted to adjourn the meeting at 8:23 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council