

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

June 17, 2008

### MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, June 17, 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  
Charles Kokoros  
John C. Mullaney  
Thomas Bowes  
Henry N. Joyce  
Ronald DeNapoli  
Paul Dan Clifford

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

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

The Council President read a letter dated June 2, 2008 from Daniel A. Grabauskas, General Manager MBTA regarding the Fire Department, first responders – Newton (Trolley Car)

## **ANNOUNCEMENTS**

Council President Dingee informed members that Eugene Walsh – Retired (2006) superintendent of the Braintree town cemeteries had passed away on June 7, 2008. Councilor Kokoros reported that the noise issue within the Regis Road neighborhood has been recently resolved. Councilor Clifford announced that Bronze Star Recipient SSG Kenny Butler would be the Grand Marshall at the Independence Day Parade that is to held on June 28. In addition, he wanted to inform the public that he will be holding office hours at Town Hall on June 19<sup>th</sup>.

## **APPROVAL OF MINUTES**

- June 4:

**Motion:** by Councilor Ryan to approve

**Second:** by Councilor Randolph

**Vote:** For: (8), Against (0), Abstain: (1) Joyce

- June 10:

**Motion:** by Councilor Ryan to approve

**Second:** by Councilor Randolph

**Vote:** Unanimous

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

## **OLD BUSINESS**

Committee of Ways & Means Chairman John Mullaney reported that the committee voted favorable action on each of the following order numbers:

- 08 033 Verizon/BELD Joint Pole Petition-Wood Road
- 08 034 Authorization Policy to Sign Bills
- 08 035 Mayor: Re-appropriation for Human Resource Consultant (\$16,000)
- 08 036 Mayor: Re-appropriation for Stabilization Fund (\$500,000)
- 08 037 Mayor: Appropriation from Water and Sewer Rehabilitation Fund (\$250,000)
- 08 038 Mayor: Departmental Line Item Transfers (\$1,156,244.23)

## **Public Hearings**

- 08 033 Verizon/BELD Joint Pole Petition-Wood Road

**Motion:** by Councilor Ryan to open public hearing for order number 08 033

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Discussion:** Council President read into the record that Robert Campbell, Town Engineer, Richard Grey, Highway Superintendent and Joseph Morley, Operations Manager at BELD have provided comments on the petition and reported “no objections”. John Hooper,

Verizon Engineer for the Braintree area provided a brief explanation on the reason for the need of an additional pole being installed. Public Comment: None

**Motion:** by Councilor Ryan to close public hearing for order number 08 033

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Motion:** by Councilor Ryan to approve order number 08 033

**Second:** by Councilor Randolph

**Vote:** Unanimous

- 08 035 Mayor: Re-appropriation for Human Resource Consultant (\$16,000)

**Motion:** by Councilor Ryan to open public hearing for order number 08 035

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Discussion:** Council: None / Public Comment: None

**Motion:** by Councilor Ryan to close public hearing for order number 08 035

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Motion:** by Councilor Ryan to approve order number 08 035

**Second:** by Councilor Randolph

**Vote:** Unanimous

- 08 036 Mayor: Re-appropriation for Stabilization Fund (\$500,000)

**Motion:** by Councilor Ryan to open public hearing for order number 08 036

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Discussion:** Council: None / Public Comment: None

**Motion:** by Councilor Ryan to close public hearing for order number 08 036

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Motion:** by Councilor Ryan to approve order number 08 036

**Second:** by Councilor Randolph

**Vote:** Unanimous

- 08 037 Mayor: Appropriation from Water and Sewer Rehabilitation Fund (\$250,000)

**Motion:** by Councilor Ryan to open public hearing for order number 08 037

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Discussion:** Council: None / Public Comment: None

**Motion:** by Councilor Ryan to close public hearing for order number 08 037

**Second:** by Councilor Randolph

**Vote:** Unanimous

**Motion:** by Councilor Ryan to approve order number 08 037

**Second:** by Councilor Randolph

**Vote:** Unanimous

- 08 038 Mayor: Departmental Line Item Transfers (\$1,156,244.23)  
Order number 08 038 represented line item transfers from 20 different departments, consisting of a total of 30 separate motions as detailed in a June 4, 2008 memo from Mayor Sullivan and as summarized below. Council Vice-President Ryan began by making a motion to open a public hearing, reading one motion, as printed in the June 4 memo, at a time with the Council President asking for council and public comment after each motion and then a vote of council members. For each motion read, no council or public comment came forward and each vote was unanimous.

08 038-192: Maintenance of Town Hall (\$4,000) [PG 2/POINT 1/MOTION #1]

08 038-159: General Government (\$3,950) [PG 2/POINT 1/ONE MOTION #2]

08 038-135: Accounting (\$15,029) [PG 2/POINT 2/MOTION #1 (\$2,918)/MOTION #2 (\$12,111)]

08 038-141: Assessing (\$1,500) [PG 2/POINT 3/ONE MOTION]

08 038-161: Town Clerk (\$766.72) [PG 3/POINT 4/ONE MOTION]

08 038-411: Engineering (\$3,729) [PG 3/POINT 5/MOTION #1 (\$3,359)/MOTION #2 (\$370)]

08 038-220/221: Fire (\$14,000) [PG 3/POINT 6/ONE MOTION]

08 038-510: Health (\$658) [PG 3/POINT 7/ONE MOTION]

08 038-610: Library (\$25,000) [PG 3/POINT 8/ONE MOTION]

08 038-210/211: Police (\$96,755) [PG 4/POINT 9/MOTION #1 (\$67,355)/MOTION #2 (\$10,000)/ MOTION #3 (\$18,000)/ MOTION #4 (1,400)]

08 038-300: Schools (\$275,000) [PG 5/POINT 10/ONE MOTION]

08 038-151: Law (\$4,809) [PG 5/POINT 11/ONE MOTION]

08 038-155: MIS (\$1,400) [PG 5/POINT 12/ONE MOTION]

08 038-152: Personnel (\$25,367) [PG 6/POINT 13/MOTION #1 (\$24,301)/MOTION #2 (\$1,066)]

08 038-650: Parks (\$13,309) [PG 6/POINT 14/ONE MOTION]

08 038-630: Golf (\$1,150) [PG 6/POINT 15/ONE MOTION]

08 038-421: Highway (\$380,000) [PG 6/POINT 16/ONE MOTION]

08 038-491: Cemetery (\$1,550) [PG 6/POINT 17/MOTION #1 (\$1,300)/MOTION #2 (\$250)]

08 038-541: Council on Aging (\$1,371) [PG 6/POINT 18/ONE MOTION]

08 038-436-438: Water and Sewer (\$288,900.51) [PG 8/POINT 9/MOTION #1 (\$20,000)/MOTION #2 (\$232,935.51) / MOTION #3 (\$25,000)/MOTION #4 (\$7,440)/MOTION #5 (\$3,525)]

**Motion:** by Councilor Ryan to open public hearing for order number 08 038  
**Second:** by Councilor Randolph  
**Vote:** Unanimous

**Discussion:** Council: None / Public Comment: None

**Motion:** by Councilor Ryan to close public hearing for order number 08 038  
**Second:** by Councilor Randolph  
**Vote:** Unanimous

**Motion:** by Councilor Ryan to approve order number 08 038  
**Second:** by Councilor Randolph  
**Vote:** Unanimous

**Other**

08 034 Authorization Policy to Sign Bills

On May 30, 2008, the Clerk of the Council informed council members that a policy did not exist regarding signing authority for bills, vouchers, payrolls, and similar documents pertaining to expenditures under the jurisdiction of the Town Council. The Town Solicitor provided the following motion for consideration to address this oversight.

- BE IT ORDAINED THAT THE PRESIDENT OF THE COUNCIL IS AUTHORIZED TO SIGN ALL BILLS, VOUCHERS, PAYROLLS, AND SIMILAR DOCUMENTS PERTAINING TO EXPENDITURES UNDER THE JURISDICTION OF THE TOWN COUNCIL ON BEHALF OF THE TOWN COUNCIL, AND FURTHER, BE IT ORDAINED THAT, IN THE ABSENCE OR UNAVAILABILITY OF THE PRESIDENT OF THE COUNCIL, THE VICE PRESIDENT OF THE COUNCIL IS HEREBY AUTHORIZED TO SIGN SUCH DOCUMENTS, SUBJECT TO THE SAME RESTRICTIONS. A CERTIFIED COPY OF THIS VOTE SHALL BE FILED IN THE OFFICE OF THE TOWN CLERK, THE TOWN ACCOUNTANT AND THE DIRECTOR OF MUNICIPAL FINANCE.

**Motion:** by Councilor Ryan to approve order number 08 034  
**Second:** by Councilor Randolph  
**Vote:** Unanimous

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

Council President Dingee read a letter dated June 17, 2008 from Mayor Sullivan indicating that he had signed the Fiscal Year 2009 Budget and Reorganization Plan.

## NEW BUSINESS

- 08 039 Mayor: Re-Appropriation for Financial Consultant (\$15,000)
- 08 040 Mayor: Additional Departmental Line Item Transfers (\$42,600)

**Motion:** by Councilor Ryan to refer order numbers 08 039 and 08 040 to the Committee on Ways and Means

**Second:** by Councilor Randolph

**Vote:** Unanimous

Council President Dingee informed members that upcoming vacation plans of various members reveal that a majority of members will not be available for the next scheduled council meeting on July 1. In addition, he informed the members that July 14 was the last day the council could take action on FY08 budget matters as the FY08 books closed on July 15. He suggested that the council cancel the previously scheduled meetings on July 1 and 15, and hold a council meeting on July 14 at 7:30 p.m. to address any last minute FY08 budget matters.

**Motion:** by Councilor Ryan to approve as noted

**Second:** by Councilor Randolph

**Vote:** Unanimous

Further, the Council President suggested that the Committee of Ways and Means meet on the same evening at 6:30 p.m. to take up order numbers 08 039 and 08 040 as well as approve the following motion to allow the Committee of Ways and Means to take action on any last minute FY08 budget matters.

Motion: Any and all budgetary transfers submitted to and stamped as received by the close of business on July 1, 2008 at the Town Clerks' Office be transferred to the Committee of Ways & Means to be taken up at their next scheduled meeting of July 14<sup>th</sup>.

**Motion:** by Councilor Ryan to approve as noted

**Second:** by Councilor Randolph

**Vote:** Unanimous

### Executive Session: M.G.L. Chapter 39, S.23B - #3

At 8:50 p.m. the Council President announced that the Council would need to go into executive session to discuss two qualifying items under M.G.L. Chapter 39, S.23B - #3. The first item concerned a litigation matter that the Town Solicitor, Carolyn Murray, wanted to brief council members on while; the second matter, bargaining, for which council members were provided an advanced copy of the bargaining document in their meeting packets.

Prior to taking a vote to go into executive session, Councilor Mullaney had issue with the second matter (bargaining) qualifying for executive session. The Town Solicitor spoke on the issue indicating that if the majority of council members deemed it met the qualifications to convene an executive session, then it could be held in executive session. And, if the majority did not deem it to meet the qualifications, than it could be held in open session. On a roll call vote on the second

matter, for which a motion was made by Councilor Mullaney and seconded by Councilor Kokoros, “not” to go into executive session, three (3) members voted “Yea” (Mullaney, Kokoros, DeNapoli) and five (5) members vote “Nay” (Dingee, Ryan, Randolph, Bowes, Joyce) and one member, Councilor Clifford, voted to abstain.

On a roll call vote to go into executive session regarding the bargaining matter for which a motion was made by Councilor Ryan and seconded by Councilor Randolph,, six (6) members voted “Yea” (Dingee, Ryan, Randolph, Bowes, Joyce, Kokoros), two (2) members voted “Nay” (Mullaney, DeNapoli) and one member, Councilor Clifford, voted to abstain.

On a roll call vote, it was unanimously voted to go into executive session regarding the litigation matter.

Prior to going into executive session Council President Dingee announced that the council will reconvene the open session meeting only to announce votes taken, if any, in executive session and to adjourn for the evening.

At 9:33 p.m., on a roll call vote, it was unanimously voted to come out of executive session.

At this time, members of the press were invited back into the meeting. Council President Dingee stated that other than a motion to table, no votes were taken in executive session.

It was unanimously voted to adjourn the meeting at 9:35 p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council