

CHARLES RYAN
President

LELAND DINGEE
At Large

SEAN POWERS
At Large

JOHN MULLANEY
District 2

THOMAS BOWES
District 3



CHARLES KOKOROS
Vice President
District 1

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

June 8, 2010

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, June 8, 2010 beginning at 7:30p.m.

Council President Ryan was in the chair.

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

Present: Charles B. Ryan, President
Charles Kokoros, Vice President
Leland A. Dingee
Sean Powers
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Ronald DeNapoli
Paul Dan Clifford

Others: Joseph Sullivan, Mayor
Mayor Staff Members and Department Heads
Members School Committee
Peter Kurzberg, School Superintendent and Staff Members
Eric Kinsherf, Town Auditor
Carlo Guarino and Family Members

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

CORRESPONDENCE

- Citizens Recognition – Carol Guarino

ANNOUNCEMENTS

- **030 10** Announcement: Councilor Ryan—Sustainable Braintree
- **031 10** Announcement: Councilor Ryan—Braintree Fund for Education
- **032 10** Announcement: Councilor Ryan—Gardeners' Guild Plant Sale
Announcement: Councilor Bowes—FY2010 Jag Grant
Announcement: Councilor Joyce—July 4th Events
Announcement: Councilor Mullaney—G.I. Ginger Betty Foundation

APPROVAL OF MINUTES

- June 1, 2010

Motion: by Councilor Kokoros to Approve

Second: by Councilor Bowes

Vote: Unanimous

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

PUBLIC HEARINGS

Committee on Ways & Means

- **10 043 Mayor:** FY2011 Proposed Departmental Budgets

Motion: by Councilor Kokoros to continue public hearing for orders #10 043 and #10 044

Second: by Councilor Bowes

Vote: Unanimous

Councilor Mullaney reported that the Committee on Ways and Means recommends favorable action on the proposed budget and the revolving funds as presented by the Mayor.

Council President Ryan asked if anyone from the public would speak on the proposed budget. No one came forward.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

Councilor read each of the motions for orders # 10 043 and #10 044:

1. That the Town of Braintree accept the provisions of General Laws Chapter 32B, Section 20 for the purpose of establishing a trust fund for Other Post Employment Benefits.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

2. That the Town of Braintree raise and appropriate the sum of \$93,080,037 to provide for all of the expenses for the maintenance and operation of the Town's several departments and programs for the fiscal year 2011 and that the several sums herein set forth are hereby approved for the several purposes and are subject to the source of funding for said expenditures as outlined on the attached Exhibit A, specifically, that the sum of \$43,026 be transferred from Golf Course receipts, the sum of \$4,100 be transferred from the Waterways Improvement fund, the sum of \$22,000 be transferred from the Sale of Cemetery Lots, the sum of \$241,770 be transferred from Water and Sewer receipts, the sum of \$263,359 from the Reserve for Future Appropriation 53rd Pay Period account, and the balance be raised in the tax levy.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

3. That the Town of Braintree vote to accept the sum of \$224,319 as the State Fiscal Stabilization Fund allocation of federal funds from the American Recovery and Reinvestment Act to further provide for the Support of Schools for fiscal year 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

4. That the Town of Braintree appropriate the sum of \$1,314,358 to provide for all of the expenses for the maintenance and operation of the Town's Golf Course and related programs for the fiscal year 2011 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and further, that the sum of \$6,060 be transferred from the Reserve for Future Appropriation 53rd Pay Period account and the balance of \$1,308,298 be raised in the Golf Course receipts.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

5. That the Town of Braintree appropriate the sum of \$13,879,600 to provide for all of the expenses for the maintenance and operation of the Town's Water and Sewer Department and related programs for the fiscal year 2011 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and further, that the sum of \$27,857 be transferred from the Reserve for Future Appropriation 53rd Pay Period account, the sum of \$1,000,000 be transferred from Water and Sewer Retained Earnings, and the balance of \$12,851,743 be raised in the Water and Sewer receipts.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

6. Pursuant to General Laws Chapter 44, Section 31D, the Town is authorized to incur a liability in excess of the amount appropriated for snow and ice removal for fiscal year 2011.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

7. That the Town vote to approve a 1% wage increase for fiscal year 2011 for all non-union management personnel, and for this purpose, that the sum of \$12,946.50 be appropriated from the fiscal year 2011 budget for the Department of Human Resources/Program 04 – Employee Benefits/Salary Reserve for the purpose of funding said increase effective July 1, 2010, and further, that the Director of Municipal Finance be authorized to allocate said sums to and among the personnel affected thereby in such amounts as are proper and required.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

- **10 044 Mayor:** FY2011 Revolving Funds

1 – COUNCIL ON AGING

THAT THE COUNCIL ON AGING BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE COUNCIL ON AGING WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, TO PAY SALARIES, EXPENSES, AND CONTRACTUAL SERVICES REQUIRED TO PROVIDE SERVICES AND ACTIVITIES FOR THE TOWN'S ELDERLY RESIDENTS. THE COUNCIL ON AGING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES RECEIVED DURING FISCAL YEAR 2011 FROM PERSONS USING SAID PROGRAMS. THE COUNCIL ON AGING MAY SPEND UP TO \$30,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

2 – BOARD OF HEALTH

THAT THE BOARD OF HEALTH BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E 1/2 THAT MAY BE SPENT BY THE BOARD OF HEALTH WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH PURCHASING, PROMOTING, AND ADMINISTERING PUBLIC HEALTH IMMUNIZATIONS AND FOR PUBLIC HEALTH EDUCATION PROGRAMS. THE BOARD OF HEALTH REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES COLLECTED DURING FISCAL YEAR 2011 FOR IMMUNIZATIONS ADMINISTERED UNDER THE DEPARTMENT OF PUBLIC HEALTH. THE BOARD OF HEALTH MAY SPEND UP TO \$50,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

3 – LIBRARY TRUSTEES: (Library Books/Audiovisual Materials)

THAT THE LIBRARY TRUSTEES BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE LIBRARY TRUSTEES WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, FOR THE PURCHASE OF LIBRARY BOOKS AND AUDIOVISUAL MATERIALS. THE LIBRARY TRUSTEES REVOLVING FUND IS TO BE CREDITED WITH ALL FINES AND FEES COLLECTED DURING FISCAL YEAR 2011 FOR LOST OR OVERDUE LIBRARY MATERIALS. THE LIBRARY TRUSTEES MAY SPEND UP TO \$40,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

4 – LIBRARY TRUSTEES: (Support & Promotion of Special Programs)

THAT THE LIBRARY TRUSTEES BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE LIBRARY TRUSTEES WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, FOR THE COSTS ASSOCIATED WITH THE SUPPORT AND PROMOTION OF SPECIAL PROGRAMS, INCLUDING SALARIES RELATED THERETO. THE LIBRARY TRUSTEES REVOLVING FUND IS TO BE CREDITED WITH ALL REVENUE FROM THE RENTAL OF MEETING ROOMS COLLECTED DURING FISCAL YEAR 2011. THE LIBRARY TRUSTEES MAY SPEND UP TO \$5,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

5 – MAYOR: (Composting/Recycling Bins/Bags)

THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE RECYCLING COORDINATOR, WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, FOR THE PURCHASE OF HOME COMPOSTING BINS, CURBSIDE RECYCLING BINS, RECYCLING BAGS AND FOR THE COLLECTION OF FEES AND PAYMENTS FOR RECYCLING MATERIALS, INCLUDING HAZARDOUS WASTE. THE RECYCLING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR 2011. THE MAYOR MAY SPEND UP TO \$3,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

6 – MAYOR: (Recycling Initiatives & Events)

THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE RECYCLING COORDINATOR WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, FOR THE COLLECTION OF FEES AND PAYMENTS FROM THE COLLECTION OF REVENUE-GENERATING MATERIALS AND TO USE THE INCOME TO PROMOTE TOWN RECYCLING INITIATIVES AND EVENTS, INCLUDING HOUSEHOLD HAZARDOUS WASTE EVENTS. THE RECYCLING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR 2011. THE MAYOR MAY SPEND UP TO \$45,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

7 – SCHOOL COMMITTEE: (Extra Curricular Activities)

THAT THE SCHOOL COMMITTEE BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE SCHOOL COMMITTEE WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010 FOR THE OPERATION OF EXTRA CURRICULAR ACTIVITIES. THE SCHOOL DEPARTMENT REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES FROM ALL EXTRA CURRICULAR ACTIVITIES COLLECTED DURING FISCAL YEAR 2011 FROM STUDENTS ENGAGING IN SUCH ACTIVITIES. THE SCHOOL COMMITTEE MAY SPEND UP TO \$135,000 IN REVOLVING FUND MONIES IN FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

8 – SCHOOL COMMITTEE: (School Bus Transportation)

THAT THE SCHOOL COMMITTEE BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE SCHOOL COMMITTEE WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2010, FOR THE OPERATION OF SCHOOL BUS TRANSPORTATION SERVICES. THE REVOLVING FUND IS TO BE CREDITED WITH ALL SCHOOL BUS FEES AND CHARGES COLLECTED DURING FISCAL YEAR 2011. THE SCHOOL COMMITTEE MAY SPEND UP TO \$175,000 IN REVOLVING FUND MONIES IN FISCAL YEAR 2011.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

• **10 049 Mayor:** FY2009 Unpaid Bills—DPW

Motion: by Councilor Kokoros to open public hearing
Second: by Councilor DeNapoli
Vote: Unanimous

Councilor Mullaney reported that the Committee on Ways and Means recommends favorable action on each of the ten (10) unpaid bills as presented.

Council President Ryan asked if anyone from the public would speak on the matter before the Council. No one came forward.

Motion: by Councilor Kokoros to close public hearing

Second: by Councilor DeNapoli

Vote: Unanimous

Councilor Kokoros read the motion as printed in the May 20, 2010 memo from Edward Spellman, Director of Municipal Finance.

1. Verizon – Park Department Fax Machine

Be it ordained by the Town Council of the Town of Braintree that the sum of \$109.06 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 16 – Watson Building Maintenance/Telephone account for the purpose of paying an unpaid bill to Verizon for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

2. Direct Energy – 90 Pond Street

Be it ordained by the Town Council of the Town of Braintree that the sum of \$13,954.88 be transferred from the Department of Public Works/Sewer Division/Program 07 – MWRA/Mass Water Resources Assessment Account to the Department of Public Works/Water Division/Program 02 – Building Maintenance/Natural Gas Account for the purpose of paying an unpaid bill to Direct Energy for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

3. BELD – DPW Traffic Signals

Be it ordained by the Town Council of the Town of Braintree that the sum of \$82.22 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 10 – Traffic/Traffic Signals Account for the purpose of paying an unpaid bill to BELD for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

4. Braintree Water and Sewer – 90 Pond Street

Be it ordained by the Town Council of the Town of Braintree that the sum of \$138.44 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 14 – Maintenance of Town Hall/Water/Sewer Account for the purpose of paying an unpaid bill to the Braintree Water and Sewer Division for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

5. Braintree Water and Sewer – 90 Pond Street

Be it ordained by the Town Council of the Town of Braintree that the sum of \$207.66 be transferred from the Department of Public Works/ Sewer Division/Program 07 – MWRA/Mass Water Resources Assessment Account to the Department of Public Works/Water Division/Program 02 – Building Maintenance/Water/Sewer Account for the purpose of paying an unpaid bill to the Braintree Water and Sewer Division for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

6. Braintree Water and Sewer – 74 Pond Street

Be it ordained by the Town Council of the Town of Braintree that the sum of \$600.80 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 02 – Facilities and Equipment Maintenance/Water and Sewer Account for the purpose of paying an unpaid bill to the Braintree Water and Sewer Division for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

7. **Key Span – 90 Pond Street**

Be it ordained by the Town Council of the Town of Braintree that the sum of \$1,139.20 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 14 – Maintenance of Town Hall/ Natural Gas Account for the purpose of paying an unpaid bill to the Key Span for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

8. **Key Span – 90 Pond Street**

Be it ordained by the Town Council of the Town of Braintree that the sum of \$1,708.80 be transferred from the Department of Public Works/ Sewer Division/Program 07 – MWRA/Mass Water Resources Assessment Account to the Department of Public Works/Water Division/Program 02 – Building Maintenance/Natural Gas Account for the purpose of paying an unpaid bill to Key Span for expenses which were incurred prior to July 1, 2009, which were not in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

9. **Key Span – One JFK Memorial Drive**

Be it ordained by the Town Council of the Town of Braintree that the sum of \$4,850.57 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 14 – Maintenance of Town Hall/Natural Gas Account for the purpose of paying an unpaid bill to Key Span for expenses which were incurred prior to July 1, 2009, which were in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve

Second: by Councilor DeNapoli

Vote: Unanimous

10. **Direct Energy – 90 Pond Street**

Be it ordained by the Town Council of the Town of Braintree that the sum of \$9,303.25 be transferred from the FY10 9C Reductions Reserve Account to the Department of Public Works/Program 14 – Maintenance of Town Hall/Natural Gas Account for the purpose of paying an unpaid bill to Direct Energy for expenses which were incurred prior to July 1, 2009, which were in excess of the fiscal year 2009 appropriation.

Motion: by Councilor Kokoros to Approve
Second: by Councilor DeNapoli
Vote: Unanimous

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

None

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:25p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council