

**BRAINTREE BOARD OF SELECTMEN**

**MINUTES**

**September 11, 2006**

**IN ATTENDANCE:** Charles B. Ryan, Chairman; Joseph W. Hubbard, Vice Chairman; Darrin M. McAuliffe, Clerk; Charles Kokoros; Joseph Powers

**ALSO PRESENT:** Sue Kay, Interim Executive Secretary; Carolyn Murray, Town Counsel; Deborah Carlino, Recording Secretary; members of the press and public

Chairman Ryan opened the meeting at 7:00 p.m.; all members of the Board who were present answered to a roll call. Chairman Ryan then led those present in a moment of silence and the Pledge of Allegiance.

Chairman Ryan read the announcements:

-There are several vacancies: Fair Housing Committee (several vacancies); Conservation Commission (1 vacancy).

-Help Thayer Public Library Expand Patron Parking – join the Friends of Thayer Public Library for a fabulous night out. All proceeds will be used to purchase property for more parking. Friday, October 13, 2006, 6-10 p.m. at F1 Boston, Wood Road, Braintree. For more information call 781-848-1489.

-Annual Fall Leaf Pickup by Waste Management for six weeks as follows: October 10–14; October 23-27; November 6-10; November 20-25; November 27-December 1; December 4-8. Any questions call the Highway Dept. at 781-794-8950 or Waste Management at 1-800-262-5633.

**APPROVAL OF MINUTES:**

MOTION: by Mr. Hubbard to approve the minutes of August 28, 2006

SECOND: by Mr. Kokoros

VOTE: 4:0:1 (abstaining: Mr. Powers)

**NEW BUSINESS:**

**RE: Request from Highway Dept. to Award Salt Bid**

IN ATTENDANCE: Richard Grey, Highway Superintendent

Mr. Grey advised that the salt bids were advertised and submitted as part of a consortium by the Town of Medfield, which were opened on August 22, 2006. The recommendations are as follows: American Rock Salt Co. (low bidder) \$44.44 per ton; Eastern Minerals, Inc. (alternate bidder) \$46.82 per ton.

MOTION: by Mr. Kokoros to award the bids as per Staff's recommendation

SECOND: by Mr. Hubbard

UNANIMOUSLY VOTED

**RE: Request from Highway Dept. for Approval of Contract – Street Sweeper**

IN ATTENDANCE: Richard Grey, Highway Superintendent

MOTION: by Mr. Kokoros to award the contract for a street sweeper to Harr Motor Co. d/b/a MHQ Municipal Vehicles in the amount of \$114,443.00

SECOND: by Mr. Hubbard

UNANIMOUSLY VOTED

**RE: Take Position: Special Town Meeting Articles**

**Article 4 – GASB 45 Actuarial Study**

**Article 7 – Highway Dept. – replacement of 3 front line vehicles**

**Article 8 – Highway Dept. – purchase office copier**

**Article 15 – COA – to renovate restrooms at Senior Center**

**Article 21 – Town Clerk – cancel annual Town Election**

**Article 22 – Town Accountant – Amend Approp. to Sale of Cemetery Lots Account**  
**Article 23 – Town Accountant – Amend Appropriation to Reflect Reduction**  
**Article 24 – Town Accountant – Amend Approp. to Sale of Cemetery Lots Account**

**Article 7 – Highway Dept. – replacement of 3 front line vehicles**

**Article 8 – Highway Dept. – purchase office copier**

IN ATTENDANCE: Richard Grey, Highway Superintendent

MOTION: by Mr. McAuliffe to recommend favorable action for Articles 7 and 8

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

**Article 4 – GASB 45 Actuarial Study**

IN ATTENDANCE: Brian Connolly, Finance Director

MOTION: by Mr. McAuliffe to recommend favorable action

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

**Article 15 – COA – to renovate restrooms at Senior Center**

IN ATTENDANCE: Mrs. Polio; Shameela \_\_\_\_\_, Director

MOTION: by Mr. McAuliffe to recommend favorable action

SECOND: by Mr. Kokoros

UNANIMOUSLY VOTED

**Article 21 – Town Clerk – cancel annual Town Election**

MOTION: by Mr. Hubbard to recommend favorable action

SECOND: by Mr. Kokoros

DISCUSSION:

Tom Reynolds, Town Meeting member, would ask that the BOS not support this article.

Mr. Hubbard stated that he was not seeking reelection next year; however there will be a new form of government elected next November. He does not feel that it would be in the best interest of the Town to expend \$15,000 to hold an election for new Selectmen for a term of about six months. We should have a smooth transition to the new form of government and hold the elections in November.

Mr. Powers stated that he does not feel that the BOS should decide as to whether or not here is an election next April. We should let town meeting decide. It should be on the warrant and allow town meeting to vote on same. He does not feel that this Board should take any action on this this evening and leave it up to town meeting.

Mr. Kokoros stated that in order to bring this article to Town Meeting we will need a positive motion.

Mr. Powers stated that this article is on the Warrant for the October Town Meeting and no action is needed by the Board.

VOTE: 2:2:1 (against: Mr. McAuliffe; Mr. Powers)(abstaining; Mr. Ryan)

**Article 22 – Town Accountant – Amend Approp. to Sale of Cemetery Lots Account**  
**Article 23 – Town Accountant – Amend Appropriation to Reflect Reduction**  
**Article 24 – Town Accountant – Amend Approp. to Sale of Cemetery Lots Account**

IN ATTENDANCE: Brian Connolly, Finance Director

MOTION: by Mr. Kokoros to recommend favorable action on Article 22  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to recommend favorable action on Article 23  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to recommend favorable action on Article 24  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request for Approval of Agreement to Provide Sewer Bank Flows – Lenox Farms Project**

IN ATTENDANCE: Ben Fehan, Senior Engineer, Water/Sewer Dept.

The Board was requested to approve an Agreement to provide sewer bank capacity to the Lenox Farms Project. In order for the project to proceed through the DEP regulatory review process they have to encumber the sewer bank flows up front. We have been working with them to identify ways that they can immediately remove I/I and also to determine a means of ensuring that they have the flow capacity needed for the project. The total flow they must tie up amounts to approximately 60,000 gpd. We have identified certain I/I removal work that will result in a credit of about 30,000 gpd. Thus they need assurance that the other 30,000 will be set aside for them. We have verbally agreed to do this. When construction is ready to start we will receive about \$550,000 from them to fund our sewer rehabilitation program. We will then use that money to replenish the sewer bank. We will also be crediting the sewer bank with approximately 25,000 gpd from sump pump contract no. 9 when it is completed this fall and we will also be gaining about 30,000 gpd of credit from the Howie Road project.

MOTION: by Mr. Kokoros to approve the Agreement to Provide Sewer Bank Flows for the Lenox Farms Project as recommended by Staff  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

MOTION: by Mr. Kokoros to authorize the Chairman to sign the necessary documents on behalf of the Board  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from Water/Sewer for an Extension on the following contracts:**

**-Neptune TI-Sales Inc.**

**-Water Safety Services Cross-connection/back flow protection testing**

IN ATTENDANCE: Tom Whalen, DPW Director

On August 29, 2005, the Town of Braintree Water/Sewer Dept. entered into a contract with Ti-Sales, Inc. as the sole source provider for Neptune T10 meters and R900 radio reads. This contract was for one year with the option to renew for two one year periods. The Water/Sewer Dept. would like to extend this contract for one more year with the option to review for a third year.

MOTION: by Mr. Kokoros to approve to extend this contract for one more year with the option to review for a third year at the same prices  
SECOND: by Mr. McAuliffe  
UNANIMOUSLY VOTED

On July 3, 2003, the Town of Braintree Water/Sewer Dept. entered into a contract with Water Safety Services for a period of three years with two additional one year renewals per the bid specs. Water Safety Services is responsible for all the testing of cross connections and back flow devises in the Town. They also do not charge the town for the testing of our municipal buildings. At this time, it is recommended that we extend this contract for one more year.

MOTION: by Mr. Kokoros to approve to extend this contract for one more year  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Request from DPW Director for Support of Revised Staffing Plan**

IN ATTENDANCE: Tom Whalen, DPW Director

Mr. Whalen was before the Board asking for support for a reorganization of the staff at the DPW Water/Sewer Dept. to encompass the day to day work load of the staff and allow for the full staff needed to get the work done in a timely and efficient manner. (Mr. Whalen referred to his memo dated September 8, 2006, re: Dept. of Public Works Reorganization Vote of Approval to Move Forward to Personnel and Finance Committees dated September 8, 2006). The proposed new positions are: S-10 Senior Billings/Delinquent Account Collections Clerk; GIS Operator and Developer for DPW Engineering; Dept of Public Works Collections Clerk; Director of Public Works Administrative Assistant.

Mr. Powers stated that he was having a difficult time with the current 66 positions under the DPW being increased to 70. We are about to open a Pandora's Box; there is probably not one dept. that does not have the public contact that this dept. has. We are in the process of turning off the lights of one form of government and beginning another. He will not vote to support this reorganization of this Dept. at this time.

Mr. Kokoros stated that back when he was on the Water/Sewer Board we were always in the position of needing new staff. We took back in house the sewer side of the dept.; however we never took care of increasing the office staff to cover the additional work. Our previous DPW Director never returned phone calls, as he did not have an Administrative Assistant. We set the DPW Director up to fail if we don't supply the necessities. This reorganization is needed no matter what form of government the Town is under.

Mr. Whalen advised that we have been understaffed for years. There is no other dept. in town except for the Tax Collector's office that collects \$1 million a month. We need the staff in order to collect the money.

Mr. Hubbard stated that bringing things in house and adding more work to this force; we need to take care of employees and if need be hire these four new employees. We are asking the current staff to do more work. In order for us to be efficient, we need to supply the staff with what is needed.

Mr. Powers stated that this matter has been brought before Town Meeting for years and it has been denied. The flimsiest reason to increase staff because the Dept. Head has come before the Board to request much needed items. We are adding four to total 70 and not taking away from anywhere else; without any offset.

Mr. Kokoros stated that the Board should not sit back and let these problems wait for the new form of government. We need to stand up and fix the problems that we know are there. We need to stand behind this and fix the problem, no matter what. We need to give the DPW Director the tools that he needs to succeed.

Mr. Powers stated that sometimes leadership means to say no and stand behind it.

Mr. Ryan stated that he was happy to see the proposed GIS position as this is a very important position that will save money in the long run.

MOTION: by Mr. Hubbard to recommend favorable action and support these positions  
SECOND: by Mr. Kokoros  
VOTE: 4:1 (against: Mr. Powers)

**RE: Vote to Authorize the Use of 74 Pond Street as the Future Site of the DeVanna and Teen is Centers**

The Board was advised that there is space available above the Marge Crispin Center. There is also enough space for the Retirement Dept. offices as well.

MOTION: by Mr. Kokoros to authorize the use of 74 Pond Street as the future site of the DeVanna and Teen Centers and move forward with the proposed contractual agreement to be discussed at a future meeting assessing the utilities and any utility costs  
SECOND: by Mr. Powers

**AMENDMENT:**

MOTION: by Mr. Powers that this is subject to compliance with applicable laws  
SECOND: by Mr. Hubbard

AMENDMENT: VOTE: 4:1 (against: Mr. Kokoros)  
MAIN MOTION: UNANIMOUSLY VOTED

**RE: Vote to Overlay Pond, Middle and Union Streets with Additional Ch. 90 Funds**

IN ATTENDANCE: Robert Campbell, Town Engineer

The Board was advised of proposed roadwork on Pond Street from the town line to Granite Street; Middle Street from Union Street to Liberty Street; and Union Street from the Rotary to Liberty Street; at a total cost of \$187,900. The cost will include asphalt, police details and pavement markings.

MOTION: by Mr. Kokoros to approve the overlay of Pond, Middle and Union Streets with additional Ch. 90 funds  
SECOND: by Mr. Hubbard  
UNANIMOUSLY VOTED

**RE: Executive Session**

MOTION: by Mr. Hubbard to go into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. Also to consider the purchase, exchange, taking, lease or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

SECOND: by Mr. McAuliffe  
ROLL CALL VOTE: 5:0 (Mr. McAuliffe; Mr. Hubbard; Mr. Ryan; Mr. Kokoros; Mr. Powers)

MOTION: by Mr. Hubbard to come out of Executive Session to adjourn  
SECOND: by Mr. Kokoros  
ROLL CALL VOTE: 5:0 (Mr. Hubbard; Mr. Ryan; Mr. Kokoros; Mr. McAuliffe; Mr. Powers)

It was unanimously voted to adjourn the meeting.

Respectfully submitted,  
Deborah Carlino  
Recording Secretary