

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

CHARLES B. RYAN
At Large

JOHN C. MULLANEY
District 2



THOMAS M. BOWES
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

- AGENDA -

December 9, 2013 • Johnson Memorial Chambers, Town Hall • Starting Time: 7:30_{PM}

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

ROLL CALL

CORRESPONDENCE

None

ANNOUNCEMENTS

None

APPROVAL OF MINUTES

- December 18, 2012 (Executive Session)

CITIZEN CONCERNS/COUNCIL RESPONSE

- 052 13 Council President: Discussion of Open Meeting Law Complaint filed on December 3, 2013 and take appropriate remedial action, if any : Joseph Powers

NEW BUSINESS

Refer to Committee on Ordinance & Rules

- 053 13 Council President: Consider adopting a Policy and Procedure for Travel, Conferences and Meetings for departments under the jurisdiction of the Town Council

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

OLD BUSINESS

Committee on Ways & Means/Ordinance & Rules

- 039 13 Councilor Dingee: Financial Audit Meeting Expenses

Committee on Ordinance & Rules

- 053 13 Council President: Consider adopting a Policy and Procedure for Travel, Conferences and Meetings for departments under the jurisdiction of the Town Council

Topics the Chair does not reasonably anticipate will be discussed

ADJOURNMENT

- Next Council Meetings: **Tuesday, December 17, 2013 @ 7:30pm**



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Joseph Last Name: Powers

Address: 35 Holmes Street

City: Braintree State: MA Zip Code: 02184

Phone Number: +1 (781) 356-5280 Ext. _____

Email: joepowers68@verizon.net

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

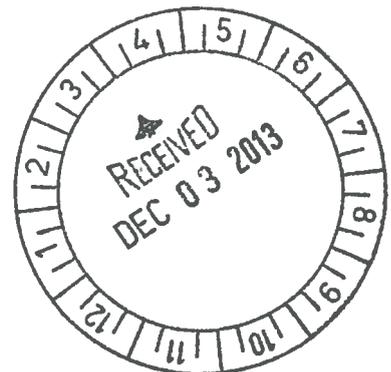
Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/ town, county or region, if applicable): Braintree Town Council as a body acting through committee; specifically the Ways & Means Committee and the Ordinance & Rules Committee.

Specific person(s), if any, you allege committed the violation: James M. Casey in his capacity as Clerk of the Council and signer of the relevant meeting notices; Paul Dan Clifford in capacity as Chairman of Ways & Means Committee; Sean E. Powers in capacity as Chairman of Ordinance & Rules Committee.

Date of alleged violation: 11/19/2013; 11/25/2013



Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

I believe that the Braintree Town Council acting as a body as well as through its staff as well as acting as committees and through the committee Chairmen intentionally violated G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b). The Town Council discussed Order 039 13 at its meeting on Wednesday, November 6, 2013.

According to the minutes of the Town Council meeting for November 6, 2013, the following statements were recorded as well as the subsequent action:
"Councilor Bowes asked if the questionnaire on travel expenses were to be included with the review. Council President responded that they would. Councilor Powers questioned why it was not being referred to Rules and Ordinances as a new policy may be put into place. Councilor Dingee responded that it should be referred to both committees. Ways & Means will be reviewing financial issues and make a recommendation the Rules & Ordinance Committee to establish a policy.
Motion: by Councilor Bowes to refer Order 039 13 to both Committees Second: by Councilor Ryan Vote: For (8), Against (0), Absent (1-DeNapoli)"

A notice of meeting was filed with the Office of the Town Clerk on November 14, 2013 relative to a meeting of the Committee on Ways & Means to be held on Tuesday, November 19, 2013 at 6:00pm. The only topic listed was under "New Business, 039 13, Councilor Dingee: Financial Audit Meeting Expenses". The notice of meeting makes no reference to any discussion on policy relative to financial audits or travel expenses as was expressly discussed by the full Town Council.

A notice of meeting was filed with the Office of the Town Clerk on November 21, 2013 relative to a meeting of the Committee on Ordinance & Rules. Among the topics listed was "New Business, 039 13, Councilor Dingee: Financial Audit Meeting Expenses". The notice of meeting makes no reference to any policy relative to financial audits or travel expenses as was expressly discussed by the full Town Council.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Braintree Town Council, as a body, through its staff and acting through its committees, must re-file proper notices of meetings and re-convene meetings of the Committee on Ways & Means as well as the Committee on Ordinance & Rules giving full and specific notice of discussion relative to adopting a policy on travel expenses as voted by the Town Council on November 6, 2013.

Review, sign, and submit your complaint

Read this important notice and sign your complaint.

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: 

Date: December 3, 2013

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

039 13

From: Kokoros Charles
Sent: Monday, October 14, 2013 4:21 PM
To: Dingee Leland
Cc: Casey, Jim M.
Subject: Re: Item for Referral to Ways & Means Committee

Lee,
I will have Jim add it to the agenda.
Thanks,
Chuck

Sent from my iPhone

> On Oct 14, 2013, at 3:48 PM, "Dingee Leland" <ladingee@braintreema.gov> wrote:
>
> Chuck,
>
> Several weeks ago I expressed to you my concern about expenses for conference
fees, travel, accommodations and any other costs relative to these categories,
which fall within the management jurisdiction of the Town Council, including the
Council itself. I appreciate your quick response in assigning Council Auditor
Eric Kinsherf, to research this information.
>
> I recently met with Eric to evaluate his findings. These findings affirm to me,
that that Council needs to put in place a more structured system of checks and
balances to better manage requests in these categories.
>
> Eric and I discussed a program that would help the Council better manage and
audit future requests. Eric is in the process of developing this system and
should have something to present before the end of the month.
>
> I would like to this program and Eric's findings, to be placed on the November
6th Council meeting for referral to the Ways & Means Committee for review.
>
> Regards,
>
> Lee
>
>
>
>
> Sent from my iPad

RECEIVED TOWN CLERK
BRAintree, MA

2013 OCT 30 AM 10:18

Received and posted by the Office of the Town Clerk

TOWN OF BRAINTREE

NOTICE OF MEETING

In conformity with the provisions of Chapter 39, § 20, Massachusetts General Laws, I hereby file notice that a meeting of the:

Braintree Town Council will be held on Wednesday, November 6, 2013
COMMITTEE/BOARD DAY, MONTH, DATE, YEAR

at 7:30 PM in the Horace T. Cahill Auditorium, Town Hall, 1 JFK Memorial Drive in Braintree.
TIME AM/PM ROOM LOCATION BUILDING ADDRESS

Said meeting will be open to the public and the press as required by the provisions of the Open Meeting Law.

Furthermore, below is a list of topics that the Chair reasonably anticipates will be discussed at the meeting:

Page 2 of 2

New Business:

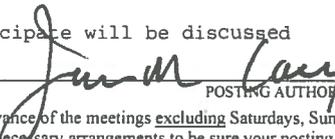
Refer to the Committee

- 039 13 Councilor Dingee: Financial Audit Meeting Expenses
- 13 047 Mayor: Supplemental Appropriations FY14 - School
- 13 048 Mayor: Supplemental Appropriations FY14 - Municipal License and Inspection/Mileage Account
- 13 049 Mayor: Line Item Transfer FY14 - DPW/Vandalism Repairs Account
- 13 050 Mayor: Line Item Transfer FY14 - Municipal License and Inspection/Mileage Account
- 13 051 Mayor: Line Item Transfer FY14 - Municipal License and Inspection/Administrative Clerical Account
- 13 052 Mayor: Line Item Transfer FY14 - Finance/IT Maintenance Account
- 13 053 Mayor: Line Item Transfer FY14 - DPW/Waste Collections Consultant Account
- 13 054 Mayor: Line Item Transfer FY14 - DPW/Building Repairs Account
- 13 055 Mayor: Line Item Transfer FY14 - Sewer/Bond Principal Account
- 13 057 Board of Assessors: FY2014 Tax Levy
- 13 059 Mayor: Appointment of Richard McDonough to Zoning Board of Appeals
- 13 060 Mayor: Appropriation from Community Preservation Fund - Braintree Soldier's Memorial Statue
- 13 061 Councilor Clifford: Council Compensation
- 040 13 Councilor Powers: Policy and Procedure for Storm Communications

Topics the Chair does not reasonably anticipate will be discussed

ADJOURNMENT

Signature


POSTING AUTHORITY

NOTE: Notices and lists of topics are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the hours of operation of the Office of the Town Clerk and make the necessary arrangements to be sure your posting is made in an adequate amount of time.

RECEIVED TOWN CLERK
BRAINTREE, MA

2013 NOV 14 PM 1:35

Received and posted by the Office of the Town Clerk

TOWN OF BRAINTREE

NOTICE OF MEETING

In conformity with the provisions of Chapter 39, § 20, Massachusetts General Laws, I hereby file notice that a meeting of the:

Committee on Ways & Means will be held on Tuesday, November 19, 2013
COMMITTEE/BOARD DAY, MONTH, DATE, YEAR

at 6:00 PM in the Horace T. Cahill Auditorium, Town Hall, 1 JFK Memorial Drive in Braintree.
TIME AM/PM ROOM LOCATION BUILDING ADDRESS

Said meeting will be open to the public and the press as required by the provisions of the Open Meeting Law.

Furthermore, below is a list of topics that the Chair reasonably anticipates will be discussed at the meeting:

Acceptance of the Minutes

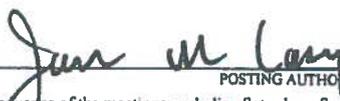
New Business

•039 13 Councilor Dingee: Financial Audit Meeting Expenses

Topics the Chair does not reasonably anticipate will be discussed

Adjournment

Signature



POSTING AUTHORITY

NOTE: Notices and lists of topics are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the hours of operation of the Office of the Town Clerk and make the necessary arrangements to be sure your posting is made in an adequate amount of time.

RECEIVED TOWN CLERK
BRAintree, MA

2013 NOV 21 AM 10:19

Received and posted by the Office of the Town Clerk

TOWN OF BRAintree

NOTICE OF MEETING

In conformity with the provisions of Chapter 39, § 20, Massachusetts General Laws, I hereby file notice that a meeting of the:

Committee on Ordinance & Rules will be held on Monday, November 25, 2013
COMMITTEE/BOARD DAY, MONTH, DATE, YEAR

at 6:00 PM in the Horace T. Cahill Auditorium, Town Hall, 1 JFK Memorial Drive in Braintree.
TIME AM/PM ROOM LOCATION BUILDING ADDRESS

Said meeting will be open to the public and the press as required by the provisions of the Open Meeting Law.

Furthermore, below is a list of topics that the Chair reasonably anticipates will be discussed at the meeting:

Correspondence, Announcements, Approval of Minutes

New Business

- 039 13 Councilor Dingee: Financial Audit Meeting Expenses
- 040 13 Councilor Powers: Policy and Procedure for Storm Communications

Topics the Chair does not reasonably anticipate will be discussed

Adjournment

Signature _____

POSTING AUTHORITY

NOTE: Notices and lists of topics are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the hours of operation of the Office of the Town Clerk and make the necessary arrangements to be sure your posting is made in an adequate amount of time.

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

CHARLES B. RYAN
At Large

JOHN C. MULLANEY
District 2



THOMAS M. BOWES
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

November 6, 2013

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Wednesday, November 6, 2013 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President
Thomas Bowes, Vice President
Leland Dingee
Sean Powers
Charles Ryan
John Mullaney
Henry Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Christine Stickney, Director of Planning & Community Development
Dennis Regan, National Grid
Russell Jenkins, Chief of Police
Timothy Fallon, Fallon Ambulance Service
Rick Tonzi, South Shore Plaza
Christopher Scharff, Braintree MarketPlace
Representatives of Granite Park Association

CORRESPONDENCE

- 032 13 Council President: Fallon Ambulance Service Recognition of 90th Anniversary

- **13 043 Mayor: Appointment of Henry N. Joyce, Jr. to the Department of Elder Affairs Board of Directors**

Councilor Clifford, Chairman of the Ways & Means Committee, reported that the committee recommended favorable action on the appointment of Henry Joyce to the Department of Elder Affairs Board of Directors.

Councilor Bowes read the motion as printed in the September 30, 2013 memo from Mayor Sullivan.

Motion: by Councilor Bowes to approve Order 13 043

Second: by Councilor Ryan

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

- **13 044 Mayor: Appointment of Ann M. Moore to the Department of Elder Affairs Board of Directors**

Councilor Clifford, Chairman of the Ways & Means Committee, reported that the committee recommended favorable action on the appointment of Ann Moore to the Department of Elder Affairs Board of Directors.

Councilor Bowes read the motion as printed in the September 30, 2013 memo from Mayor Sullivan.

Motion: by Councilor Bowes to approve Order 13 044

Second: by Councilor Ryan

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

NEW BUSINESS

Refer to the Committee on Public Works

- 13 056 NationalGrid: Petition – 61 Somerville Avenue
- 13 058 NationalGrid: Petition – 97 Eleanor Drive

Motion: by Councilor Bowes to refer Orders 13 056 and 13 058 to Committee

Second: by Councilor Ryan

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

Refer to the Committee on Ways & Means

- 039 13 Councilor Dingee: Financial Audit Meeting Expenses

Councilor Bowes asked if the questionnaire on travel expenses were to be included with the review. Council President responded that they would.

Councilor Powers questioned why it was not being referred to Rules and Ordinances as a new policy may be put into place. Councilor Dingee responded that it should be referred to both committees. Ways & Means will be reviewing financial issues and make a recommendation the Rules & Ordinance Committee to establish a policy.

Motion: by Councilor Bowes to refer Order 039 13 to both Committees

Second: by Councilor Ryan

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

- 13 047 Mayor: Supplemental Appropriations FY14 – School

Motion: by Councilor Bowes to refer Order 13 047 to Committee

Second: by Councilor Ryan

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

- 13 048 Mayor: Supplemental Appropriations FY14 – Municipal License and Inspection/Mileage Account

Motion: by Councilor Bowes to refer Order 13 048 to Committee

Second: by Councilor Ryan

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

- 13 049 Mayor: Line Item Transfer FY14 – DPW/Vandalism Repairs Account

Motion: by Councilor Bowes to refer Order 13 049 to Committee

Second: by Councilor Ryan

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

- 13 050 Mayor: Line Item Transfer FY14 – Municipal License and Inspection/Mileage Account

Motion: by Councilor Bowes to refer Order 13 050 to Committee

Second: by Councilor Ryan

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

- 13 051 Mayor: Line Item Transfer FY14 – Municipal License and Inspection/Administrative Clerical Account

Motion: by Councilor Bowes to refer Order 13 051 to Committee

Second: by Councilor Ryan

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

- 13 052 Mayor: Line Item Transfer FY14 – Finance/IT Maintenance Account

Motion: by Councilor Bowes to refer Order 13 052 to Committee

Second: by Councilor Ryan

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

- 13 053 Mayor: Line Item Transfer FY14 – DPW/Waste Collections Consultant Account

Motion: by Councilor Bowes to refer Order 13 053 to Committee

Second: by Councilor Ryan

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

Policy # 1- Department Travel:

Travel for Town related business must be pre-approved during the budget process. The form entitled “Addendum A” shall be completed. For each conference or meeting attended, the form requesting approval should be submitted accompanied with the budget. The form will ask for the following information: Conference Date, Description of Conference, Agenda or course description, number of days attended, relativity to job function, expected value to Council member or employee including continuing education credits, expected value to both the individual and the Town expressed both quantitatively and qualitatively, number of days out of the office, estimated costs broken out by lodging, travel, and conference/meeting expenses along with a comparison showing the most economical choice is presented for pre-approval. The form will be signed by the Council President if the budget is approved by the Town Council.

The Council President shall sign all requests for payment submitted to the Town Accountant.

At the conclusion of the conference or meeting, the attendee shall give a detailed summary explaining if the objectives of the meeting or conference were met and what was accomplished at the meeting or conference to the Clerk of the Council to be distributed to all Council members at their next meeting.

Unanticipated requests not approved during the budget process shall be pre-approved by the Town Council at one of its meetings.

Report on Review of Departmental Travel Expenses

Findings and Recommendations Regarding
Departmental Travel Expenses

Eric Kinsherf, Town Auditor

11/7/2013

Review of Departmental Travel Expenses

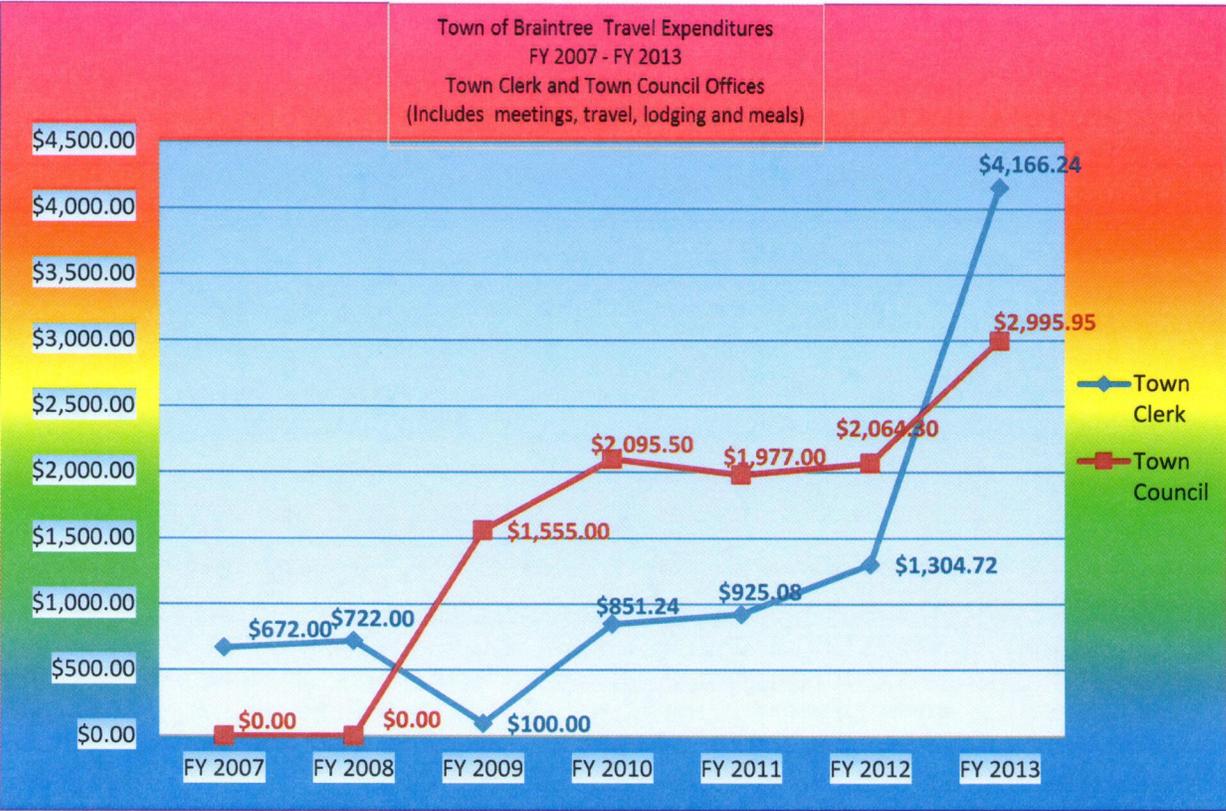


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INTRODUCTION

The Town of Braintree Town Council's President, Charles Kokoros, requested a review of Travel Expenses that relate to departments which report to the Town Council. Three years were reviewed: FY 2012, FY 2013 and FY 2014 year to date.

SUMMARY OF TOWN AUDITOR FINDINGS

- There is no pre-approval process for conference, lodging and travel expenses
- Some payment requests for travel expenses submitted did not have the Council President's signature
- The total cost of conference attendance should include the number of working days away from the office
- The following information was not ascertainable upon initial review of Conferences:
 - Description of Conference
 - Agenda or course description
 - Number of days attended
 - Relativity to job function
 - Expected value to Council member or employee
 - Expected value to the Town
 - Number of days out of the office due to conference and meeting travel

There is no pre-approval process for conference, lodging and travel expenses

Finding

When reviewing the travel expenses, there is no pre-approval process for conference, lodging and travel expenses.

Recommendation

Travel-related costs should be approved in advance by the Ways and Means Committee when budgets are approved. If there are unanticipated costs, a request must be submitted to the Council and then get referred to the Ways and Means Committee for approval. The form to be used to document this process is shown in Appendix A attached hereto and incorporated herein by reference.

Some payment requests for travel expenses submitted did not have the Council President's signature

Finding

In my review of the vouchers requesting payment for expenses incurred by employees, some vouchers submitted lacked a signature from the Council President.

Recommendation

Any vouchers requesting payment in reimbursement for expenses for travel-related costs should be pre-approved using the form as shown in in Appendix A. The signed form should accompany the reimbursement request.

The total cost of conference attendance should include the number of working days away from the office

Finding

As the Town of Braintree pays the employee for the number of days he/she is out of the office at a conference, the total cost of the conference should include the daily pay rate of the individual attendee.

Recommendation

Any vouchers requesting payment in reimbursement for expenses for travel-related costs should include the number of working days away from office. (See Appendix A)

The following information was not ascertainable upon initial review of conferences:

- Description of Conference
- Agenda or course description
- Number of days attended
- Relativity to job function
- Expected value to Council member or employee
- Expected value to the Town
- Number of days out of the office due to conference and meeting travel

Finding

Since the information above is crucial in the determination of whether a travel expense is eligible for approval, this information should be included in future requests for payment vouchers submitted by departmental employees.

Recommendation

Obtain and review all responses from departmental employees submitted to Town Council. Any vouchers requesting payment in reimbursement for expenses for travel-related costs should include the items included above. (See Appendix A)

**ADDENDUM A
REQUEST FOR TRAVEL EXPENSE APPROVAL**

REQUESTOR: _____

DEPARTMENT: _____

DATE OF MEETING OR CONFERENCE: _____

1) Name and Description of Conference _____

2) Agenda or course description _____

3) Number of days for conference _____

4) Relativity to job function _____

5) Expected value to Council member or employee including continuing education credits _____

6) Expected value to the Individual and Town expressed both **quantitatively** and qualitatively

**ADDENDUM A
REQUEST FOR TRAVEL EXPENSE APPROVAL**

7) Number of days out of the office due to conference and meeting travel _____

- a) Meeting Cost _____
- b) Travel Cost _____
- c) Lodging Cost _____
- d) Total Cost _____

e) Comparable costs showing the most economical choice is presented for pre-approval _____

Authorized Signature (Requestor)

**Town Council President certifying favorable
vote**

Approval date _____