

Cotuit Fire District  
Prudential Committee  
6 Feb 2014

Rick Barry: All right. I going to call to order the special meeting of the Cotuit fire district prudential committee for February 6, 2014. [inaudible 01:42] talk to Laurie. First of all, we have present with us atty Mark Bodreau counsel for the district so, for that reason I know we have only two things on the agenda but deference to him I am going to a ... With the boards approval take the meeting the case open meeting where all complaints, out of order. All right, once again I'm going to call to order the special meeting of the Cotuit fire district prudential committee February 6, 2014 and with the boards approval I would ask in deference to Atty Bodreau district counsel who is here. that we take this side amount to order. Are you okay with that Frank? Okay. This special meeting ... Atty Bodreau. I have an opportunity to meet with Mark, on I believe it was Monday regarding another Ms Kate's open meeting law complaints. How many is this Amy? How many have you filed against us? Just curious. Can't remember? Certainly, okay.

Amy Kates: [inaudible 03:25] I think there's a third [inaudible 03:27]

Laurie: He needs to ...

Rick Barry: Mark (background noise) .I want you just to turn this for me.

Mark: There were three complaints filed not all of them by ABK it's let up to an October 28 decision and then I believe there was one filed right before Christmas, I think on the 18th of December. The Attorney General's office has dealt with the first complaints that were filed by Amy Kates and Agnes Murray at that particular junction that did find that there was some deficiencies and there were some violations of the open meeting law. The conclusion was that they did order that the board not only follow the law in the future but also within 30 days going to website, review the law and then certify that you've done so.

Rick Barry: Just for the record, I don't have the date but at one of our meetings we also unknowingly certified that we had ... That we read the meeting, that we sent off to her in a timely fashion.

Mark: Yes.

Rick Barry: Her being the Assistant Attorney General.

Mark: Correct.

Rick Barry: There was another issue where I asked her for an extension based on getting some minutes together.

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- Mark: Right. I believe that was the second open meeting law violation that was filed probably in November and one of the issues was that Ms. Hadley had not completed some of the minutes but she did not have enough possession, all of the recordings and I believe that I put the two parodies together to get that done.
- Laurie: They're all done now.
- Mark: They're all done now.
- Laurie: You guys [inaudible 05:23]
- Mark: Okay, and then ...
- Rick Barry: [crosstalk 05:26] Great.
- Mark: There was a complaint filed December 18th I believe it was but four additional issues. The first being that there was a meeting held, on my memory is November 25th a sensibly to discuss the findings of the Attorney General the meeting was open I believe U.S. Chair Rick asked for comment, there was none and the meeting was adjourned. There has been also defect two of the other three were involved and again you can jump in to where the time it's appropriate. That this particular decision was not noticed on a meeting and then discussed. I don't find anywhere in here where that was supposed to take place but I think that was the complaint.
- Rick Barry: Okay.
- Laurie: I think we did have a meeting to decide whether not we wanted to pursuing an appeal.
- Rick Barry: That's correct.
- Laurie: We decided not to.
- Rick Barry: I think that's one of the allegations, I grabbed the wrong file but I believe one of the allegations is that there is and I can ... An allegation that the three of us somehow spoke before the meeting . Because we all decided in such a quick fashion not to appeal the findings the Attorney General

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Mark: I did to my recollection is I did have one conversation with you Rick and none with you Laurie and non with you Fran with regard to the decision if I did the bright when it came down.

Rick Barry: That was my ...

Laurie: I didn't need anyone to tell me how to make up my mind.

Mark: Okay. If I recall, I think when you got it Rick, you ...

Rick Barry: These guys wouldn't listen to me anyway .

Mark: Your knee jerk reaction if I can call it that was to say, she's want to re-appeal it when you and I had talked about it and maybe the more prudent would be just to hone your skills with the public meeting laws and to just proceed and I think that was probably the just of our conversation that since you were the one that called the meeting and you weren't the one that was still wanting an appeal perhaps that's why there was no discussion but I wasn't here.

Rick Barry: No, you weren't.

Mark: Right. I don't know.

Laurie: I know the futility if you weren't to listen to him.

Mark: Yes.

Fran Parks: Can I make a comment? After we received this complaint I called the Attorney General's office. I spoke to Ashley Wisneski, w l s n e s k i and I asked her if we were required as a committee to do anything other than what was asked of us in the decision where we required to discuss it, post it, discuss it publicly. Anything else and the answer to that was no. We were required to do what was requested of us in the decision and those two items were under control.

Mark: If I could just add one comment. I think one of the outcomes of Ms. Kate's repeated complaints is that you have gotten a lot better in posting and in detailing. Which I'm going to be speaking of which is exactly the intent of the new open meeting law.

Rick Barry: I guess that your recommendation ...

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- Mark: My recommendation to this point would be, if the prudential committee so approves that I write a brief letter in response to Martha Copley's office indicating that items one through four address as follows and we will continue as a board to attempt to follow the letter of the law.
- Rick Barry: Sounds good to me. You make a motion to that?
- Laurie: I make a motion that we authorize not to direct our system to apply to [inaudible 09:31] office [inaudible 09:32] on this complaint.
- Rick Barry: I'll second that. Fran how do you feel about it?
- Fran Parks: I would like clarification as to whether this ... Before he does that is to whether this is ...
- Rick Barry: A violation?
- Fran Parks: A violation.
- Rick Barry: Right.
- Fran Parks: If this is a legitimate complaint that we have to respond to.
- Rick Barry: Amy Kates is here, what is going on Amy? All the minutes are done. The 30 day period to discuss this stuff has gone. I received your letter on Christmas eve day which was always a very nice Christmas present but never the less. What are you trying to accomplish here and what do you want the board to do? The Attorney General also found that at the executive session meeting that you as part of the committee were recording and engaged in conversation with Laurie Hadley. Which was a violation of the open meeting law. It's not that Laurie and I are ... You're in this with us. Where we are right now. What are you hoping to accomplish? What do you want to see have happen here?
- Amy Kates: The reason that I filed the complaint was, none of the resolution to the open meeting violations occur in public session. There was no hand shake or discussion or resolution or letting the public know what you would (background noise) require to recreate or do in any public meeting. The forming of three meetings that I outlined, you had three public meetings after receiving the open meeting violations and at neither of those meetings was there any discussions of having received an open meeting complaints. What were bending required of the committee In terms of the [disclARATION 11:30] and [indoor 11:30] recreating mends. Nothing was ever discussed at public meetings and I [inaudible 11:36]

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that that was a violation of this theory of the open meeting law, which exempts all discussion deliberation problem solving occurs at a meeting and none of it [inaudible 11:48]

The open meeting law does not allow discussions to be occurring in three meetings or whence you do the training, should we do the training, who's going to do the training. When are we going to start by (background noise) . when are we going to be creating it. There was never any discussion that had any of the three public meetings about the requirements that this meeting (background noise) to do (background noise) [crosstalk 12:17]

Laurie: First of all, Amy there was no recreation of minutes. The minutes had not been fully transcribed. They had since been done. It had nothing to do with these two people. It was all me and it's been done.

Amy Kates: (background noise) of the committee [inaudible 12:37] the minutes, because the minutes had been incomplete in [inaudible 12:41] true recollections of what happened.

Laurie: We were ... we had to amend the minutes of three meetings and it was done in an open session.

Rick Barry: If I could just interrupt. I have a date here. Your allegation that the board did not make this information public. I'm holding in my hand right now 20 copies of the decision and my recollection was that I was here. I informed the public who were here. I don't think you were at that meeting, that the Attorney General had made a decision. I'm holding at least 20 copies of this. I put it up here there are two findings and I asked if anyone in the public would ... nobody

Laurie: No. That's not our problem.

Rick Barry: That's not our problem that the public doesn't take them. I have the information. I addressed the public and I said that the Attorney General has found and here the Attorney General's findings and I made copies and I put them on the desk and I said, "If anyone would like to take copies of these, you're more than welcome to take the copies."

Amy Kates: It was never discussed and the whole ...

Laurie: It doesn't get [crosstalk 13:51]

Rick Barry: We don't have to [crosstalk 13:52]

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Mark: If I could ... Before this gets in to a shouting match. There's nothing in the decision and you feel free to take the copies that indicates that they have to discuss it. What they're suppose to do is between them and the Attorney General's office and as far as I can tell, they did it. Whether you not feel they should have by ...

Amy Kates: Can I just say ...

Rick Barry: Can you please ... Let ...

Mark: ... So, when ...

Amy Kates: [crosstalk 14:19] is that letter complaint [crosstalk 14:20]

Rick Barry: Barbara, Barbara, Barbara. Stop, please.

Amy Kates: [crosstalk 14:23] making a complaint (background noise) again an then (background noise) not being done. (background noise) why set a complain (background noise) 30 days. You should be getting that from me. Because what happened here [crosstalk 14:38] to me. The Attorney General, were suppose to know [inaudible 14:41] the Attorney General if you have notified us in 30 days. Then you have [inaudible 14:47] the complaint when we sent it to you. Do you get it? After (background noise) assume that we notified us in 30 days. Because it was [crosstalk 14:54]

Fran Parks: Do you think we don't know this? Do you think we don't know this?

Amy Kates: [crosstalk 15:00] I had no [crosstalk 15:01]

Mark: Quiet. One person at a time please.

Laurie: Please wait to be recognized.

Amy Kates: [crosstalk 15:10] say. What would this [inaudible 15:08] Okay? I've been in a complaint [crosstalk 15:12]

Fran Parks: You've already said that. We don't want you to repeat what you already said. Then don't constantly repeat yourself.

Amy Kates: No. I'm not repeating myself. I just want you to be [inaudible 15:21] of what it should be without any [inaudible 15:24]

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- Fran Parks: I do not need you to tell me what it should be. Thank you very much, I took the course.
- Rick Barry: As a member of the public, state your pleas.
- Amy Kates: [crosstalk 15:34] in one occasion [crosstalk 15:36]
- Rick Barry: Oh, God.
- Amy Kates: [crosstalk 15:39] after I made the complaints so the attorney, you know why [inaudible 15:41 the Attorney General, but I have not notify the Attorney General with that. Because in 30 days if you give me the ability within 30 days to notify the Attorney General so, they sent me a letter saying, I only have [inaudible 15:55] on file. After you sent me [inaudible 15:59 the letter. Then I can [inaudible 16:00] the Attorney General.
- Mark: With all do respect. What I've been asked to come and to [honor 16:05] is different. And I haven't heard that complaint that you've just made. I'm not sure if that's pertinent for tonight. Ms Kates you did bring some enlightenment to this committee but legally they didn't have to do anything. When you say they violated the spirit. That's ... With all do respect. The personal opinion on what you think they should have done, that's not a legal requirement.
- Amy Kates: The discussion that occurred in order to remedy the violation occur outside the public meeting and there should [crosstalk 16:45]
- Fran Parks: Excuse me. How do you know? How do you know this? There was nothing to discuss.
- Mark: We have nothing ...
- Fran Parks: We all have a copy.
- Rick Barry: Sorry, one person at a time.
- Mark: If I could. Just for the last time. What they needed to do is each within 30 days separately. Separately go online. Take a look, review and certify that they have reviewed the new public meeting laws. That's not something that requires a group to do. As a matter of fact, they have to do that individually.
- Amy Kates: That's right. It would have been appropriate to have announce to public that that was the remedy and that they're going to be doing this separately.

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Mark: That's a personal opinion about your style and how they should deal with the public. That's not a legal determination. In all do respect.

Rick Barry: Time out. Let me explain to you what happened. Okay? Here's what happened. The young lady at the Attorney General's office. I called her, I spoke with her. I dropped in the letter saying that, "We the members of the prudential committee hereby certify that we've read the open meeting law as requested by the findings." I brought that to a meeting. I don't recall which one it was and I don't recall if we talked about it but I said here's the thing and if you guys read the open meeting law then sign here and I sent it off to the Assistant Attorney General and then I also followed up with a phone conversations then that we we're having some difficulty dealing with the minutes in a timely fashion.

I said, "Can we have an extension?" This is not ... What you need to realize is, I don't have a secretary. I don't have a procurement officer. You know all this stuff. The complaint that we have over this board. We had complaints for procurement a long time ago. Okay, we went up we dealt with those. In the town of Barnstable, there is a cheap procurement officer that makes close to \$100,000 a year. We are very fortunate that the county was able to take on this responsibility but as far as we comply with the Attorney General has asked us to do and as far as I'm concerned, it's a dead issue.

Laurie: Yes [inaudible 19:10]

Amy Kates: I submitted.

Rick Barry: No.

Amy Kates: I submitted an open meeting complaint on December 18th. Today is February 6 and I have had no response to that. From this committee. If the 30 day trust that ...

Rick Barry: Then file another one Amy. You know what? Just ...

Amy Kates: [crosstalk 19:30] how you claim to remedy your [crosstalk 19:32]

Rick Barry: You see. There's an assumption built in to your thing. When you file something you're ...