

Cotuit Fire District
Prudential Committee
3 March 2014

Richard: I'm going to call to order the Cotuit Fire District Prudential Committee special meeting of March 3rd, 2014 and would ask is anybody here recording?

Female: [inaudible 01:00]

Richard: Babara [inaudible 01:02] is recording. There's ... here's Mark.

Female: We have to introduce ourselves.

Richard: Certainly. For the record, starting to my left, Fran, would you please introduce yourself?

Frances: Frances Parks.

Charles: Charles Eager.

Laurie: Laurie Hadley.

Richard: Hey, Mark Bodreau. And Richard Barry, Chairman. The purpose of this meeting is we have received another Open Meeting Law complaint from Amy Kates and are required to respond or discuss it within 30 days. I will read that into the record. Mark, do you have a copy of this? Okay.

"The Prudential Committee held an executive session meeting on July 30th, 2013, for the stated purpose of discussing negotiations with a district employee, the assistant treasurer, Kristin Waugaman. I received the minutes of the July 30th meeting on January 30th, 2014 after numerous requests for minutes since August 19th, 2013. Receipt of the minutes was first noticed that I had about the violation that occurred. I am filing a complaint about this meeting for the following reasons.

Number one, Mrs. Waugaman did not attend the meeting on the 30th, so there were no negotiations that needed to occur in closed session. Number two, items more appropriately discussed in open session were discussed in the closed session, such as discussion of placing an ad for replacement to Ms. Waugaman, a discussion of salary, work days, work hours, and where the work would most likely occur. Number three, discussion of a complaint of alleged harassment, that's quote-unquote alleged harassment, towards the assistant treasurer reported in her resignation letter against a former elected official without notice to said elected official.

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Comments were made during the meeting by committee members that have now been made public indicating that the members, quote, the members had no confidence that the individual would cease the activity, unquote. There wasn't an invitation to said elected official to attend the executive session and enter into discussion with the committee about the quote-unquote alleged harassment. This violated the individual's right to be heard, invite council, and bring forth the truth to set the record straight."

So that is the new and latest allegation. Also, we did receive a reprimand from the Attorney General for not having minutes done in a timely fashion. I believe we addressed that at our open session last time.

Frances: Correct.

Richard: Whereby ... so you folks know we're going to have to change the procedure around here. All these meetings now are being recorded, and they're going to be reduced to writing through the new computer system we have. We're going to have to kind of stop the everyone talking at the same time, just so the audio would be good. At this time, I'm going to open it up to the board. We are required to within 30 days have a discussion about this and see what we want to do. Is there any discussion?

Laurie: [inaudible 04:57]

Richard: Well, the purpose of this meeting is to see if we agree that there was a violation, and furthermore to see if we can use this session as a remedy so that we don't have to go through another one of these laborious situations. I should- do you folks have the minutes from ...

Laurie: I didn't bring any.

Frances: I didn't bring those.

Richard: I will, if you'd like, just for the people in the audience, these are the special meeting minutes of the July 30th, 2013 meeting. The meeting was called to order by me. Present were Fran Parks, Laurie Hadley, as well as the district treasurer Mike Daley. Upon a motion made and seconded on a roll call vote with all three members in favor, the committee voted to go into a executive session not to return to public session for the purpose of discussing negotiations with district employee, specifically assistant treasurer Kristin Waugaman. The meeting was called as a result of an email sent by Ms. Waugaman to her supervisor Mr. Daley declaring her intention to resign her position and citing her reasons as

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continued harassment and slander by Amy Kates, former Prudential Committee member.

As its first order of business, the committee discussed whether or not to attempt to try and persuade Ms. Waugaman to withdraw her resignation. As this was the second time Ms. Waugaman had submitted her resignation for similar reasons, and as the members had no confidence that Ms. Kates would cease her activity, it was voted to unanimously accept her resignation. The committee then discussed what should be included in an ad asking for a replacement for Ms. Waugaman.

It was agreed the salary would be less than that paid to Ms. Waugaman, who had already started at a rate of \$25 an hour. It was also agreed that there must be set hours for the new employee, although the employee would have to say the days of the week and the specific times that they wanted to work. It was also agreed that no work from home would be allowed, and the contract with Ms. Waugaman would be reviewed for necessary changes. It was also unanimously voted to have an ad appear in the Cape Cod Times as soon as possible with a closing date of August 12th. It was then voted to adjourn.

So that is the substance of the meeting minutes that Ms. Kates is complaining about. You know whether Ms. Kates plans on attending the meeting tonight?

Male: She's in Hawaii.

Richard: Oh, she's in Hawaii. Okay. At this point, I'll open it up to discussion, just so everyone's kind of ...

Laurie: Where is she?

Richard: It was my understand that she's on vacation in Hawaii.

Laurie: [inaudible 07:53].

Richard: She's someplace better than Cotuit right now.

Laurie: Warmer.

Richard: Warmer, anyway. Maybe not better. I mean-

Frances: Is Laurie's microphone on?

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- Richard: It's the button right on top over here. Just hit that button.
- Laurie: Okay.
- Richard: I'd ask at this point, I'd ask Mark Bodreau to come up and just ... and could you just ... you've had some contact with the Assistant Attorney General?
- Mark: I have. Most recently I think Amy Kates also filed what she had delivered to you right before Christmas. They're looking for a response. They had hoped that this committee, even if they felt that the complaint was unfounded, that it would be responded to. Ms. Kates did wait the 30 days before filing it with the Attorney General's office. You as a committee can respond. You can vote to have me respond. She does not want me to respond without a vote of this board indicating that I'm representing you. Either way you'd like me to proceed, fine. It didn't seem to me that Ms. Kates was going to go forward. Last time we met, we started to take a vote for me to respond but stopped short because she seemed to be satisfied that her concerns, at least, were being listened to.
- Richard: And those concerns were essentially the tardiness of the minutes?
- Mark: The tardiness of the minutes and the fact that the reprimand from the fall hadn't been read publicly.
- Richard: Right.
- Mark: Which we talked about. I don't think there was any need to. I think that this Prudential Committee complied with what they were supposed to comply with.
- Richard: And ultimately, she got the materials that she was looking for.
- Mark: Ultimately, she got the materials.
- Richard: So despite the fact that she got all the materials that she was looking for, she still is persisting with the complaint?
- Mark: Yes, she is, and as I've said to Hannah Rush who is one of the assistant attorneys up in Boston, a lot of what she alleges, really, there's no response to, because it's her opinion about how she felt and how she feels, that some of the minutes are devoid of full content, but she doesn't say how. It's very difficult to respond to those allegations, but we can ...
- Richard: So perhaps ... what's your feeling on this?

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Mark: I think we ought to send a letter, point by point, addressing everything that she had brought up. Where she has made comments about her personal feelings or the fact that she doesn't believe the minutes are complete enough, I can just state on behalf of the Prudential Committee that we don't really know where she's going with it, and we don't believe that we violated the open meeting laws, and leave it at that.

Richard: Okay. That would be for the previous one?

Mark: Correct. Yes.

Richard: So I guess I'll make a motion to have Mike- I'm sorry, Mark, write a letter to that respect.

Laurie: I would be happy to send a letter.

Richard: Okay, any discussion?

Charles: No.

Richard: All in favor?

Frances: Aye.

Charles: Aye.

Laurie: Aye.

Richard: Okay. Now with respect to this new one that we received, any feelings on that, Mark?

Mark: This is the one that you read?

Richard: Yeah. One thing that jumps out at me is that she was not a board member on number three, and that she really had no business being in an executive session regarding ...

Mark: If I'm not mistaken, most if not all of these allegations were part of her previous complain that she filed, and I think they've already, they've all been addressed.

Richard: I started out with, as files go, with Amy Kates's first open meeting law complaint-

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Mark: Yes.

Richard: Now I've changed over to dates to just keep track of the files on it.

Mark: I can go point by point, but again, it appears that this is a repeat of what she had made a complaint about earlier.

Richard: That one was addressed in-

Mark: That was addressed along with several others. That was the decision that came back, and they agreed that you did some things right and there was some violations, and they asked for you to take a look at the public meeting laws, attest that you'd done so, which you have done. So I think this is just old allegations.

Laurie: Yet they both refer to the same meeting?

Richard: I don't think they do. I think the first the first meeting was the first time we received a resignation from Kristin Waugaman, which was about a year ago.

Laurie: Was that the September 18th meeting?

Richard: I don't recall the particular date. That was the first allegation, where they've already addressed that. This was on the second time that we received a resignation letter from Kristin Waugaman.

Mark: Okay. So this was the second executive session?

Richard: Yes. This would have been when we received the second allegation. One thing that jumps out at me is the timeliness of it.

Mark: Sure. What I'd like to do is have the committee designate one of you, whoever is most familiar with it, to bring me up to speed on this, because I'm thinking about the first one where I was actually here. I was not in attendance for this particular meeting, and I'd be happy to respond. It doesn't seem like there's anything new. It appears that she is talking about the fact that because indirectly Amy Kates was implicated as being the harasser, that she should have been given certain rights in the executive session.

Richard: She's no longer an employee-

Mark: Exactly.

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Richard: -of the fire district, so we're not-

Mark: I would agree with you.

Richard: -required to do anything.

Mark: That probably would be the substance of my response to them.

Richard: With respect to negotiations about an assistant treasurer position, that's something that's covered.

Mark: Sure. It's a subject that you can discuss in executive sessions. It's really proper.

Richard: Okay. Any questions for Mark from anybody?

Laurie: No.

Richard: I guess I'll make a motion, then, to ask Mark to write a response to that complaint dated 02/6/14. Want to second it?

Laurie: Yes.

Richard: Okay.

Laurie: I second that motion.

Richard: All in favor?

Frances: Aye.

Laurie: Aye.

Richard: And that's all the stuff we have on the agenda.

Frances: I have a question. Since we've gotten this new complaint and she's not here to discuss it with us or ...

Mark: I think at this point, it is less between her and the Prudential Committee and really between the Prudential Committee and the Attorney General's office.

Frances: Okay.

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Richard: All right. I'll make a motion to adjourn.

Frances: So moved.

Richard: Second. All in favor?

Frances: Aye.

Richard: That might have been the quickest meeting we ever had, huh?