

Cotuit Fire District
Prudential Committee
3 Aug 2015

Laurie: Look's to me like it is five o'clock so I'll call to order the July regular meeting of the Cotuit Fire District's prudential committee being held on Monday, August the third, twenty-fifteen. Present, members Stan Goldstein, Laurie Hadley. Also present, Mike Daily, a treasurer, Charlie Eager, the clerk, and Chris Olson the fire chief as well as two members of the general public. Is there any public comment? Miss Kates. Please try to keep it to three minutes.

Amy: Thanks, Stan. Amy Kates. I called the attorney general's office to discuss the open meeting violation determination, and I was disappointed that they said that they can't require best practices of elected officials. This committee indicated to them that there wasn't any discussion outside of an open meeting. I got to tell you, it defies logic and best practices that this committee could open a meeting and within forty-six seconds make a motion, not have any discussion on the motion or give any background or rationale on the topic, and then take a vote. Since you state there was no discussion prior to the meeting, and we know there was not discussion during the meeting, my question is do you think that it's prudent for any public body, at a public meeting, to make a motion, second the motion, and then vote on the motion without any discussion? The public is really looking for transparency from its elected officials. In order to have transparency, there needs to be discussion. I hope that moving forward this committee will finally honor their request. Thank you for the opportunity. Respectfully, Amy Kates.

Laurie: We're not required to answer public comment, but I do have something to say and your public comment is finished. You don't get a second subject please.

Amy: No, I had a question. I forgot to say what my question was.

Laurie: Let me say what I want to say first.

Amy: Sure.

Laurie: If you please. In addition to the fact that we only had one applicant for the position, Mr. Goldstein, and unbeknownst to me because Ms. Parks serves on a town committee with Mr. Goldstein, she had no questions concerning his qualifications. I also knew Mr. Goldstein from his work as a treasurer of the Cotuit Library, where as you know, I work. I therefore had no questions regarding his qualifications. That was also explained to Attorney Rush, although she does not mention it in this decision. She was fully aware of all the circumstances and why neither Ms. Parks, nor I, felt we needed to discuss it.

Everything does not have to be discussed at infinitum, which is your method of operating.

Amy: Don't presume what my method is, Mrs. Hadley.

Laurie: I've served on a committee with you.

Amy: Right. All of the things that you just said, Laurie, those could've been said during the discussion of the motion. Oh sorry. All of those things could've been said; that Mr. Goldstein is an excellent candidate, there's two people on the committee that know of his work and his qualifications, that he was the only person that applied, and so in light of that we think that Mr. Goldstein is an excellent candidate and we're ready to go forward and to appoint him. All of that could've been said.

Laurie: The Attorney General found nothing wrong with what we did, so please take your seat now.

Amy: My question. My question is, does this committee know where I could find a copy of the Enabling Act?

Laurie: On the website.

Amy: The Enabling Act is on the website?

Laurie: Yes, ma'am.

Amy: Thank you very much.

Laurie: Okay. What's our next agenda item?

Charlie: We have ...

Laurie: Oh, Cindy. Okay. Three minutes please.

Cindy: I didn't have any further comment to this end. I'm also looking for the Enabling Act and I cannot locate it on the website, so maybe you can tell me where I can find it.

Laurie: I thought it was on the website. If it's not, I will email you or get you by some means the location on the mass dot gov. It's there.

Cindy: I appreciate it because I also did Google it and I didn't end up finding it. Thank you.

Laurie: Charlie can probably tell you tonight because he probably knows it by heart.

Cindy: Thank you.

Charlie: If you find it, will you copy me on that email too?

Laurie: Sure.

Charlie: Also, you need to find out if anybody is recording.

Laurie: Yes. Is anyone recording?

Amy: Yes. I am.

Laurie: Amy. Okay, the next item on the agenda is the rates and uses of Freedom Hall. Stan, I have given you a copy of the present rates. I think they're fair and I think they're working well. I think the only thing I would like to propose a change to, and I will read them for you ... Non-profits use the hall free. Cotuit residents holding a private function here pay fifty dollars per day. Cotuit residents holding commercial functions, such as the estate sales that have been held here, are charged a hundred dollars a day. Non-residents holding private functions pay a hundred. Non-residents holding a commercial function pay a hundred. The one thing that I would like to propose tonight Stan, to you to consider, is raising the rate for non-resident commercial functions. There are two out of ... We've had three different people ... Three different outfits, four different outfits use the hall for estate sales. Two were Cotuit residents. Two are not. We have the different rates for residents because they pay taxes and help support the hall in that way.

Stan: Okay and you were saying you would suggest ...

Laurie: To raise the non-resident commercial rate to a hundred and fifty dollars.

Stan: Do we have any ... What do they charge at Liberty Hall or other venues up in West Barnstable? Do we know?

Laurie: We went all into that when we first set the rates. I can't remember right now what they were. I do know that Liberty Hall has an advantage that we do not, and that's a kitchen.

Stan: Yeah.

Mike: Liberty Hall is not owned by the district.

Laurie: No, that's right. It's the FRD Club.

Mike: West Barnstable doesn't own a facility like this either so they don't have what you have.

Laurie: Yeah. We ...

Mike: Centerville, Osterville, Marston's Mills doesn't have any buildings like this and nor does Cayenne. I think you're the only district that's in the rental business.

Laurie: We did compare the rates when we first set these rates with the towns ... The community building in Centerville.

Mike: Those would be in the West Barnstable civic building. It's town owned.

Laurie: Okay, we didn't .

Mike: You're the only district that's in the rental business, really.

Stan: I would go along with the hundred fifty dollars for non-resident commercial functions.

Laurie: Okay then I'll make a motion that we raise the non-resident commercial function rate for the use of Freedom Hall to one hundred and fifty dollars per day.

Stan: I'll second the motion.

Laurie: All in favor?

Stan: Aye.

Laurie: Aye. . I've also given you, Stan, a copy of documents that are on the website concerning use of the hall. It says in there that we ... A deposit to ensure compliance with this requirement may be requested. I think we should set a scale for that as well. I think that anywhere from three to five hundred dollars depending on the type of usage, but I think we don't have to vote on that tonight, but ...

Stan: I do not feel comfortable voting on that right now until we get some kind of an idea of what a good security deposit would look like.

Laurie: Okay. We had a band in here the other night and I felt very uncomfortable trying to come up with a rate on my own to ask for a security deposit. It was supposedly an alcohol free function so I wasn't as worried as I might have been.

It was someone that I didn't know, that I had no contact with before, had never heard of, so I was a little uneasy. I breathed a big sigh of relief when I came down the next day and everything was okay. That's what got me thinking about setting a rate instead of just may.

Stan: When you talked about alcohol ... It's a municipal building so I would assume that alcohol is not allowed.

Laurie: No, alcohol is allowed. If it's being used for a private function they have to obtain a one day insurance policy. If it's being used for a public function they have to get a one day liquor license in addition.

Stan: Mm-hmm (affirmative). Okay. Are these rules and regs outlined in the rental agreement?

Laurie: This is the rental agreement. The request for use is the rental agreement. Then, on these rules for leaving the hall; all trash has been removed and the floors have been swept. Those are two things that frequently aren't done so I would like to just add a phrase in here somewhere that says if these two actions are not accomplished you will receive a bill for the janitorial services because it takes him probably longer.

Stan: That sounds reasonable. Are there any Ts and Cs that we should put in the rental agreement?

Laurie: I'm not aware of any.

Charlie: There's a flip side to that.

Laurie: Yeah, there is.

Stan: Thank you. I'd like to get a chance to read this so that we can avoid delay ...

Laurie: All right. That's fine. Absolutely no problem. I did not get a quote on the window shades from our chairman, and we have already covered the information that was to be covered in the Freedom of Information request.

Stan: Have we?

Laurie: That was Amy's question. That's what I was asked to distribute copies of the decision and announce the fact that the Attorney General did not feel that we had violated the ... I think that perhaps members of our audience could understand that if two people have similar thoughts they don't have to discuss them ahead of time to know how they are going to vote.

Stan: Actually, I think Amy's ... Yours was an open meeting for filing, right? They felt there was a problem. The Attorney General's decision was an open meeting on this issue, right?

Laurie: That's correct.

Stan: The Freedom of Information Act is something that I asked to be put on the agenda.

Laurie: Oh. I thought that was ...

Stan: Yes.

Laurie: Okay. I thought that's what Fran was talking about when she said ...

Stan: I've been reading the law and I think that we should consider charging for Freedom of Information Act.

Laurie: Yes. We have every right to do that and we have done it in the past.

Stan: There are rates set as far as the lowest ... I think it's ... My memory here ... If it's going to be over ten dollars you have to submit a written estimate.

Charlie: Yeah.

Stan: The estimate ... The hours involved are prorated by the lowest paid district employee capable of doing the job, is that correct?

Charlie: Right.

Stan: Yeah. There's also some fees stipulated for copies or black and white copies, computer copies, other copies, color copies.

Charlie: I think it's like twenty-five cents a copy.

Stan: I think we should look at coming up with some kind of written information that follows the ...

Laurie: Fine.

Stan: I was also reading ... Hang on a second, Cindy ... I was also reading that Baker has put forth something to the legislature to update the Foyer Act, I think. It pretty much goes along with what I read.

Laurie: Stan, unlike the hearing that are held in the town building, this is not a hearing this is a meeting.

Stan: Yes.

Laurie: If Cindy has a question she can ask you after the meeting.

Stan: Okay.

Laurie: That's not a violation.

Stan: Okay.

Laurie: We don't do the back and forth.

Stan: Okay. I hear you, but do you mind if I ...

Laurie: I have no objection if you talk to her after the meeting.

Stan: Okay, but I wanted to find out what's on her mind right now. Would you go along with that?

Laurie: I'd prefer not to.

Stan: Okay. After the meeting, Cindy.

Cindy: Okay.

Stan: I'll go ahead and see if I can ... Let me ask you, because this is your bill you work. Would you promulgate some kind of terms and conditions and rates and stuff for the district so that we could look at it at the next prudential committee meeting?

Charlie: I'll look into it. Yes.

Stan: I'm not trying to take your thunder away. I'm just unfamiliar with who's doing what, but I looked and it said you're the clerk and you're the one who's responsible for the documents and all that other stuff. If you look into that and present us with some kind of ... This is what we would charge for going forward for Foyer information.

Charlie: Okay.

Stan: Does that sound okay with you?

Laurie: That sounds fine to me.

Mike: It's not FOIA Federal.

Stan: Federal? Okay. Freedom of Information if it's Massachusetts ...

Mike: Open main law we have. We have an open records. When you refer to FOIA it's exclusively federal. Massachusetts doesn't recognize the federal law, so we know what you mean.

Stan: Yeah. I was looking at Galvin's thing and you know, questions and answers and stuff like that.

Mike: It's under state.

Laurie: Okay. Are we ready for the next item? Do you have anything more to say on the?
...

Mike: No.

Laurie: Okay. Next item is salaries for the assistant treasurer, clerk and freedom hall custodian. Can you remind me what type of raises they got last year?

Mike: I could.

Laurie: I think it was two point five or three.

Mike: The clerk I can tell take first.

Laurie: Okay.

Mike: I don't think that has happened for a while.

Laurie: Okay.

Mike: These are on because they're your employees and they're there ...

Laurie: Yeah. That happened with the clerk for a long time.

Mike: Okay, so the clerk is a set by the board. I don't think we've changed anything in the budget, not that that's a problem. The assistant treasurer I believe began at twenty dollars and no makes twenty dollars and sixty cents from an adjustment last year which was a three percent on the twenty.

Laurie: Okay.

Mike: I think you pay the custodian twenty-five dollars an hour and I'm not sure if ...

Laurie: I think we gave him the same, at the same time as we gave the assistant treasurer. We did the custodian and it was the same percentage.

Mike: Okay. I believe then he got three percent as well. They haven't been dealt with for fiscal year sixteen.

Laurie: No. We should've done it in May and we neglected to.

Mike: It's really fine that we're doing it now. We'll make them retroactive to July one for the fiscal year. These three employees are subject to ER.

Laurie: Yes.

Mike: Water employees, I believe it's the water commissioners have done three percent.

Laurie: Yes and that was in their ... Yes they did. In fact, didn't they change that to three point five?

Mike: I'm not sure. I don't purport to memorize things. Laurie: I was a little upset.

Mike: The firemen got theirs last year.

Laurie: Correct, and this year.

Mike: This year. So they're off the table. I believe ... Chief, did you get a three percent raise chief?

Chris: I did.

Mike: Firefighters will be determined after negotiations with the fire board.

Laurie: Yes.

Mike: Water has ... Do you recall what water did?

Laurie: Three point five. I'm quite sure.

Chris: Three to three point five.

Laurie: In their early submissions it was three percent, but the night of district meeting it was three point five.

Mike: Everybody has been taking care of in water because they're non-negotiable.

Laurie: Mm-hmm (affirmative).

Mike: The only remaining employees are the three on this agenda.

Laurie: Now, I make a motion that we raise the salaries of the assistant treasurer and the custodian by three percent for fiscal year seventeen.

Charlie: I second the motion.

Laurie: All in favor?

Stan: I'd just like to ask some questions first. We're not talking about gobs of money here, but are we okay with the budget if we increase three percent?

Mike: We'll take a look. I can't recall if I stuck a little factor in there. I believe I did. We had to back fill from the reserve fund ...

Stan: Mm-hmm (affirmative).

Mike: For this year, for the Freedom Hall because we raised his weekly hours last year.

Stan: Yep.

Mike: So I think I budgeted enough for some kind of raise in both of them. I can look while you're discussing because worst case is, we have reserve fund for that.

Stan: Yeah I was going to say we can always go to the reserve.

Mike: Budget is not an issue.

Laurie: Charlie, when was the last time you got a raise? Have you ever had a raise?

Charlie: I did the second year I was here.

Laurie: The second year. What is your yearly salary now? Do you know? I don't.

Charlie: Excuse me?

Laurie: Your yearly salary is?

Charlie: Twenty-five hundred.

Laurie: Twenty-five hundred. This is your fourth year? Fifth year? I have no idea how long. You were clerk when I started so you've been ...

Charlie: Fifth year.

Laurie: This is your fifth year with one raise. Okay. I think we should be as generous as we can be.

Stan: Like I said, we are not talking about a lot of money, but I'm just wo- ... They should be equivalent to what were given some of the other employees.

Laurie: Over the past four years. Yeah.

Stan: Just the three and three and half percent for water and for fire chief and ... Any determination, Mike? Are we okay with that?

Mike: Like I said, even if you gave fifty percent it's only twelve hundred and fifty dollars so the reserve fund can handle the transfer.

Stan: Okay.

Mike: We didn't budget anything in anticipation of the adjustment for the clerk but the point he's making is if he hasn't gotten it for four years or three years, would that be accumulative? You just three or three and half something like that. Doing ten, twelve percent adjustment? It's modest on twenty-five hundred dollars.

Stan: Yeah.

Mike: If that's what you're talking about.

Laurie: I think that everybody else was getting three percent until this year when it jumped up to three five. I know in the contract that the fire department had that expired it was zero one and two for a total of over three years. Four years at three percent would be twelve, wouldn't it? I'm terrible with figures.

Mike: That would be without compounding.

Stan: We're not compounding right? It would be a few fractions more.

Mike: It wouldn't be a restrictive vote by budgets you've got to improvise to reserve transfer.

Laurie: Stan, you're the figure man.

Stan: What you're purposing is three percent for the assistant treasurer and the clerk and the custodian.

Laurie: We voted on that. Yes.

Stan: I'm ready to vote.

Laurie: Not three percent for the clerk.

Stan: Okay.

Laurie: He hasn't had a raise in four years.

Stan: Mm-hmm.

Laurie: I certainly am not going to get them to compound it, but I do think that it should be twelve percent which would be three times four is twelve.

Stan: Okay. I hear where you're coming from but that's huge.

Laurie: It would be less than three hundred dollars wouldn't it? Ten percent would be two hundred and fifty.

Stan: Yeah. It's just a significant amount. Raising a salary by ...

Laurie: Everybody else in the district has had raises, and I can tell you from experience that they always leave out the clerk. I think it's because what the clerk does is not so much what he does but what he knows. I think that rates a raise just as well as sitting down and typing ten pages a month or whatever.

Stan: I'm just going back and forth. I understand the amount isn't great in the dollar amount because the salary isn't great. The size of the raise is large, even though the clerk hasn't gotten a raise for three or four years.

Laurie: We can table it til next meeting, because if we vote right now it sounds like we're not going to get a vote.

Stan: Yeah. Let's table it for another meeting and go from there.

Laurie: Okay. We voted the assistant treasurer and the custodian three percent raises and we will vote on the clerks at the next meeting.

Stan: I don't think that we voted.

Laurie: No, we did because ...

Stan: No, we haven't voted.

Laurie: We will vote again. I made a motion, I believe that the clerk, the custodian and the assistant treasurer get a raise of three percent for fiscal year 17.

Charlie: Second.

Laurie: All in favor?

Charlie: Aye.

Laurie: Aye.

Stan: Those are both budgeted for?

Mike: Excuse me? The sixteen budget provided raises for both of those employees.

Stan: Okay, but not for the clerk?

Mike: Not for the clerk.

Stan: Great.

Laurie: Okay, now we move on to the website. Ms. Parks sent me an email and informed me that her request to the gentleman at the county that is supposed to be coming up with this thing that is going to save us a little money, he never got back to her so we have no figures. Our three months with Patricia will be running out. If we go ahead and stay with Patricia for the rest of the year, she knows us. She knows our little quirks. We can change to the county's whatever they set up a year from now.

Stan: All right. Yes. I think we need to do that. There was an article in the Cape Cod Times, I think not this Sunday but a week ago Sunday, and they were talking to some expert on websites. I wanted to get ... She's out of Plymouth. I wanted to get some information from here.

Laurie: Yes.

Stan: I had volunteered to look at what to do to the website.

Laurie: Yes.

Stan: I think we should go ahead with the current person. I think their rates are a little high from what I've gotten from my friends.

Laurie: I do too.

Stan: I don't think we are in a position to make a change right now.

Laurie: No, I don't either.

Stan: It's in the budget, right?

Laurie: Correct.

Stan: Okay.

Laurie: Then I make a motion that we engage the services of Patricia Brown to maintain our website through the remainder of FY17.

Stan: I would second that motion.

Laurie: All in favor?

Stan: Aye.

Laurie: Aye. Minutes. We've had a problem with the minutes. They're not on the website. I don't know whether it's all Patricia's move, whether it's all Fran's computer problems or just a combo- I think it's a combination of both. We do not have minutes at all, in any form, for the meeting where we selected a treasurer, but I will tell you that we had only two responses to our RFP. We had a total of nine items on which to evaluate both proposals. One of the firms got eight highly advantageous, and one advantageous. The second firm got four advantages and the remainder of the nine, which would be five I guess, highly advantageous. When we got to the second part, the difference in cost was less than four hundred dollars. I think it was about three fifty. We voted at that meeting to retain the services of the Financial Advisory Associates for one year. We will hopefully get minutes soon. We do have this one set of minutes for June twenty-second. I did a little tweaking of spacing and punctuation, but I didn't see anything in here that I did not agree with.

Charlie: I didn't see anything either. It looks fine to me. This is the one where the audio system failed us.

Laurie: It could be.

Charlie: The audio wasn't good enough to record. So good. I read it and it seemed like it was okay to me.

Laurie: Yeah. Then I make a motion that we accept the minutes for the June twenty-second regular meeting of the prudential committee.

Charlie: I'll second that.

Laurie: All in favor?

Charlie: Aye.

Laurie: Aye.

Stan: Okay. I first have a question for Mike. Stabilization fund, how much do we have in the stabilization fund? Do you know?

Mike: No.

Stan: Okay.

Laurie: It's down because bought the fire trucks.

Charlie: It's like sixty out of a thousand.

Stan: We put in twenty-five, if I remember, each year, right?

Charlie: I think you do.

Stan: So the question I have actually has to do with insurance. We had a meeting of several people because the DFIS policy, the big comprehensive policy got renewed two days ago, at the meeting we had in June. I have some minutes for you guys if you wanted to see them. There was no quorum and there was not deliberations. We didn't need to file an open meeting.

Laurie: You weren't a true committee anyway though.

Cindy: You still have the minutes.

Mike: Before we go too far askew, this is not an agenda item.

Stan: Yeah. Can I ...

Mike: You can ask me any questions you want once we close the meeting, but before someone files a complaint that you're covering business you haven't advertised, I recommend you don't go any further.

Stan: I was trying to be as transparent as I could be.

Mike: Transparency works against you when it's somebody else's non-transparency.

Stan: So let me ask you the question then about the stabilization fund. If the deductibles ...

Mike: Again, let's close the meeting and then I will try to answer your question for you on a personal basis.

Stan: All right. Thank you for helping me out here.

Laurie: Okay, well in that case I will ask for a motion to adjourn.

Mike: I move that we adjourn the meeting.

Laurie: I second it. All in favor?

Mike: Aye.