## Cotuit Fire District Prudential Committee 23 February 2015

Present: Laurie Hadley, Stan Goldstein, Clerk Charlie Eager, Treasurer Mike Daley and

Fran Parks

Fran: It's 5 o'clock and I'm going to call the February 23rd, 2015 meeting of the Cotuit

Fire District Prudential Committee to order. Is anyone recording?

Barbara Trainer Tessier is recording. First item of business is to review the time

line for the annual budget election and district meetings.

Mike I submitted it, you guys have to sign off on it, I guess.

Fran: Any concerns or corrections?

Laurie: I don't see anything that's any different than it ever is.

Fran: Do we need to officially approve this?

Mike: I don't think so. The pending pieces, for example, you're going to need to

schedule meetings from the March 23rd delivery night until the final night before the meeting at some point, make your recommendation. Your task is to fill in the pendings. Petitions to the district clerk have to go to the town clerk first, so I've just put a recommended date for them to get it to the town clerk in order to get them to the district clerk, but if somebody wants to play it right up against the edge, that's their business. That one is just a recommended. The

clerk is okay with all the other dates?

Charlie: Yes.

Mike: Okay, so they're all set. Then, there's always a Civic Association Warrant Meeting

that we have to plan. Usually they come before your recommendation, so it's not

a real productive discussion. If they could coordinate around post your

recommendations, it would make for much more logical and healthy discussion. Then, the clerk will actually post the warrants, we've got that night of the 26th at Monday, your regular April meeting is the night of the warrant close, and then

Charlie will post it as soon as it's ready to go up.

He has a legal posting date deadline of Wednesday, May 20th, but he'll precede that like he usually does, so I think it's in pretty good stead other than those pending dates which you'll have to keep an eye on and fill in as soon as you know what you're doing. Otherwise, I think it's as good as it was in January. Okay. If

you say so. I think we're in good stead. The next meeting is the March meeting. We'll deliver ... Like last year, I'll put everything up. We'll build all the budgets other than the fire and the water, they'll deliver those that night as a rule. They'd bring them into you, but I'll have them in advance in the template. We should have a pretty good cut at the gross requests once we get through that meeting and they deliver theirs. If they get them to me earlier, I'll have them. If not, then I'll pick them up that night, and key in the budget document. I think you're all set, we've got a good handle on it.

Fran:

Great, thank you. Barnstable Land Trust would like to talk to us about the Lowell Land purchase.

Casey:

Casey Danhauser at Barnstable Land Trust, I live on Putnam Avenue. As you may have already known, the DEP had to approve the conservation restriction because it was being held for water supply protection. We've sent them the CR, we've sent them the plan, they've approved both. Now, we just have a public hearing coming up for them to finalize everything. I've been told by people that our experience with this that it's really just pro forma and that we show up with the green slips from notifying the abutters, and then once that's done, everything is A-Okay for you guys to hold the conservation restriction.

That public hearing will be at the Harborview Conference Room in the old jail building over at the county complex March 11th at 6:30, but once that is done, everything has been approved from DEP.

Fran:

Did the Barnstable Town Council voted to approve?

Casey:

We got a very positive response on the day it was first brought up. The Town Council vote should be on this Thursday. But, we got a round of applause from them at the first go around, which I've never seen, granted I have very limited experience.

Fran:

How is the fundraising going?

Casey:

The fundraising is going well. If the town votes yes, then we'll have about 400,000 left to raise, and we have through September to do it, so that means the whole high season of the summer, everyone being around. We've also held off on going to some major donors until all these pieces have been official. We're positive we'll get there.

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Fran: Did you have a question about the bond, or Jackie had a question about the

bond?

Casey: Yes, Jackie had a question. She didn't really convey this very clearly to me over

the phone. She's out of town right now. She just wants to make sure that bonding for this is okay, or if there's anything that we need to do for the annual meeting if bonding isn't okay. I don't really know the whole story or if there even

is a story, but she was just concerned.

Mike: No story.

Casey: Cool. Awesome, I will convey that to her.

Fran: Great, thank you.

Casey: No problem. Is that all?

Fran: I watched the Town Council meeting that night. What I learned I thought was

interesting that if this land isn't purchased, not just the properties to make sure that the town has what's proper for the field, but if the property around it isn't

purchased, then the team will no longer be certified.

Casey: Yes, the field wouldn't be big enough. Not even ... Coach Roberts told us over the

summer, a little league team wouldn't be able to play there.

Fran: There's nothing new on the district treasurer search. Elaine at the county was on

vacation, hopefully someplace warm. She's going to be back next week, I believe,

and we'll start on that.

Freedom Hall. The heat is all set. They'll be back in the spring to finish up in

terms of the air conditioning. I'm sure the snow plowing for this year is going to

be more than we expected.

Laurie: I think they're doing a great job at this clean up after the first snowstorm. I don't

think I've ever seen the parking lot that look that good that quickly after a

snowstorm.

Fran: The hot water heater was scheduled to be repaired after Lee reported that we

weren't having any hot water, so I made an appointment for Mr. Spencer Hallet to come look at it, and his plumber came and he looked at it and called me and

they said they thought it was okay. That was last Tuesday?

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Fran: V

When I came for the Fire Commissioner's meeting, I went downstairs to check to see how things were going, and they weren't going well. There was water pouring out of the overflow valve, so they came back, the chief graciously came with his shop vac to get the water out of there, and they were back on Friday to fix it. I honestly don't know if it was just repaired or if it's been replaced, but it's no longer leaking. I haven't done anything about getting that front floodlight adjusted because every time I go to call the electrician we have another bout of snow, and I don't think he should be up on a ladder, because he'll have to go up on the outside to readjust the timing. The next is the minutes.

Laurie:

I understand that these recordings don't always understand what we're saying, but in this one particular one, that didn't make sense and I couldn't figure out what in the heck I was supposed to have said. There is one change that should be made. Instead of their "products and" it should be "progress on."

Stan: Okay. And the should be 26th January 2015.

Fran: Yes, so it should.

Laurie: Okay. I move that with these corrections, the minutes be accepted.

Fran: Those, the January minutes?

Laurie: January 26th.

Fran: All in favor. Unharmonious

Fran: I sent the February 12th minutes.

Laurie: Yes. I move that we accept the February 12th minutes as they stand.

Stan: So moved

Female: All in favor? Unambitious

Fran: As we discussed earlier the bylaw, committee is going to be meeting tomorrow

afternoon at 5:00 and we also, the other committee, we have this policy advisor

committee.

Laurie: Isn't Marge the chairman of that?

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Fran: Yes, she was. .

Laurie: She has to be replaced in that committee then as well.

Fran Correct.

Laurie: She'll be replaced in with the new member who took Marge's place.

Fran: That sounds like an excellent idea.

Stan: Just so you understand the very person that's very naïve as far as you say is a

concern.

Fran: You can fill him on the policy advisory committee, can't you?

Laurie: Yeah. Well, I had his wife ... I spoke to a group of the friends, the friends at the

library the other day and his wife was there, so I told her she had an assignment.

She had to go on and tell Stan everything I had said.

Stan: She said she came home and she said, "What were you thinking?"

Laurie: Okay. I move that we appoint Stan as the Prudential Committee member on the

policy advisory committee.

Fran: Second. All of us in favor. Unambitious

Fran: This is an item that's been added which is the approval of the internal loan for

High Street.

Laurie: Okay.

Fran: Mike, do we need to make a motion to authorize that transaction.

Mike: Okay. Do we have a copy for that contract? We don't have one down in the

office.

Fran: I sent one to Tony, you should.

Mike: Okay. Well, I haven't seen him. With that contract in place, does it specify a

closing date?

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Fran: No. It doesn't specify a closing date. I talked to Mark. He's been playing phone

tag with Mr. Ford Jr., and so Mr. Ford Sr. is now taking over.

Stan: Mr. Ford is the owner or the representative?

Fran: He's the attorney.

Laurie: For Paul Grover

Male: The two owners are communicating?

Fran: Yes.

Mike: When there is a signed contract, then we will proceed to cut a check. But we will

not cut a check until we have a document that defines what we're paying and to whom and how it's going to flow. We'll cut a single check. It will probably be made out to an escrow account but I don't expect we have much for closing cost. We don't pay taxes. He's delivering a clear title. He's got most of the owners on him, so I think we just show up and give him a check and Mark will bill us later with his cost. That will be part of the closing cost. We'll pay that bill against the \$314,000. Other than the actual contract dollars for this 299, okay, that's likely all that will happen. There aren't much in a way of closing costs to us. The seller pays the county, deeds, tax and so forth. I think we're basically going to be cutting the check; there might be a few things that we have to cover that are part of the settlement on this. As soon as we get some kind, now, we would propose a vote to allow us to process the warrant once we get a dollar. That's fine. Let's take that vote. It would be void obviously once they execute on the contract that you entered into. And so, we need a voucher to put something on a warrant so we can prepare that for you and then you'll sign the warrant and then

we the cut check.

Fran: Okay. Great. Thank you.

Mike: Now, until we have an absolute figure, there's not much we can do.

Fran: The HUD form I understand is almost all filled out and Mr. Bodreau has said he'd

get in touch with you when I spoke with him today.

Mike: Normally, we wouldn't do a HUD form because there's no borrowing anywhere

in government but it's a clean easy form for somebody to use that's in the

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business of conveyances and that will document how much we need to show up with for the closing and that's what we need.

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Fran: Next Item the craft fair.

Laurie: I don't have the calendar with me but I think it's the 4th Saturday in March that

Ms. Watson has her craft fair coming in.

Fran: Wants to have her crafts fair come in, correct or?

Laurie: No. We had told her. I had told her she could do one but then she came up with

two other dates. One was in the summer and I told her there was no way I was going to let her in here on a Friday and Saturday during summer. The next date was in October and I said that wouldn't be up to me because I might not even be

on the Prudential Committee by then.

Fran: Didn't she propose like four dates?

Laurie: Yes. She had three dates, the one that I had already told her she could have and

she wanted to add two more. We had not given her permission to have the two

additional.

Fran: Okay. Well, we can speak with her after in the fall.

Female: If it's not to your liking when she finishes here in March, she'll never be back

again.

Laurie: She is ... That is her business. She is in the business of doing these. It's much

different than the other type craft fairs that we have.

Stan: What are the issues involved with scheduling? I mean like you said, you wouldn't

consider a scheduling in summer, why?

Laurie: Well, for one thing, she wanted the day the contra dancers are here for one

thing and I don't trust her to be out in time.

Fran: Also, the Mosquito Yacht club kids use the hall in the summer time.

Stan: Okay.

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Laurie: We keep it open for them. They have their annual meeting here. They meet at

Monday through Saturday I think and on rainy days, they have been told they

can use the hall, and that's a long standing].

Fran: The last time she was here in the hall, they didn't leave it as they found it. It

wasn't cleaned up properly or things put back where they belong.

The next item is an open meeting lot complaint from Amy Kates.

Laurie: She's not here. We can't very well give her our answer but I know what mine is.

Fran: Can I read the complaint and then the minutes for just...

Laurie: Sure. .

Fran:

I received this yesterday morning at 8:38am in my personal email box. This is a complaint filed by Amy Kates during the December 22nd, 2014 Prudential Committee meeting. Mr. Goldstein, a member of the audience asked Chairman Frances Parks how they're planning to replace a member on the committee and expressed interest. Chairman Parks said they weren't planning to discuss the issue until January 12th, 2015 meeting but that they weren't planning to appoint anyone until May 2015.

My concern is when the committee discussed replacing the committee member. The January 12th meeting was postponed so the next opportunity to discuss the vacancy publicly was at January 26th, 2015 meeting. During that meeting, Chairman Parks addressed the vacancy is a first order of business. Ms. Parks made the motion to appoint Mr. Goldstein to the committee and to serve until May 2015. Committee member Laurie Hadley voiced the second on the motion and both members voted in the affirmative. The district clerk Charlie Eager. proceeded to swear Mr. Goldstein. Mr. Eager does not attend Prudential meetings on a regular basis. His attendance needed to be requested.

My open meeting law complaints focus on the facts that no discussion, information or explanation occurred regarding the motion. Also, there weren't any mention or any other interested members in the district. The open meeting law requires that the body includes sufficient background and discussion about a topic so that interested members of the community who hadn't attended the meeting would have a clear understanding of what had occurred if they were to read the minutes or listen to the tape of the said meeting. After witnessing the lack of introduction, background, discussion or rationale of their choice of

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candidate or any other interested parties regarding the appointment, I can only conclude that the committee had engaged in both discussion and in deliberation on the matter outside of the properly posted minutes of the posted meeting of the committee.

Laurie:

May I point out that there's one statement in here that is utterly ridiculous. Ms. Kates says that we said we weren't planning to appoint anyone until May 2015. May 2015 is when the decision has to go on the ballot whether we had appointed anyone or not so that makes no sense. If I may, my understanding of how this whole thing happened, Mr. Goldstein approached me and said he was interested. I suggested he come to the meeting. He did and expressed his interest. One other person expressed interest and then changed, that person changed his mind. Mr. Goldstein came to the meeting that we held. I didn't see a darn thing to discuss. He was the only person interested. I know him from the library. I felt he was an appropriate person. I certainly didn't discuss his qualifications with Ms. Parks or anybody else.

Fran:

I was going to point out that we didn't specifically, I didn't specifically say that we're going to discuss it at the January 12th meeting or that we were planning to get appoint someone in 2015. I'd also like to correct that Mr. Eagar does come to all of our meetings on a regular basis and...

Laurie:

I didn't even pick up on that one.

Fran:

Probably, it would have been more appropriate if we at least introduced, if I had introduced Mr. Goldstein and his qualifications for the job but I also know him from my work on the, trust fund advisory committee and his coming to the committee meetings. I felt he was an excellent candidate to join the prudential committee. Mostly, what I find unconscionable is the claim that Mrs. Hadley and I discussed this and deliberated outside of a meeting. We did not discuss this or deliberate outside of a meeting.

Seeing that Ms. Kates isn't present, we have two weeks to come to, you know, discuss this with Mrs. Kates which apparently we're going to have to have a separate meeting for. Then, as far as I understand from the rules, I have to then send this complaint along with if it's been resolved with Ms. Kates along to the attorney general within fourteen business days of it being filed.

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Fran: Are you going to contact Ms. Kates and find out when she is available to meet

with us?

Fran: Yes, I suppose I have to, so they will just have to be tabled.

Laurie: Okay. Let us know once you're, by emails, so we can't possibly influence each

other.

Fran: That's right. Any public comment?

Cynthia Gardener 94 School Street Cotuit. I had put a public information request out to the clerk. I'm requesting a report that should have been posted in the post office by February 1st which summarizes all the warrant articles that happened last May. I'm not here to make more work for you guys. I just want to ask the committee, if now that we have a new member and a lot of the things in the district are behind us, if the committee could put themselves and start to follow the bylaws and also start to hold these meetings more to the tradition they should be held.

I noticed tonight before the meeting started, you mentioned to the new member that he should go to the fire department to look over the warrants. I would like it if this committee along with the fire commissioners to go back to the day the water commissioners do it and actually bring those warrants to their meetings and discuss them before just signing off on them, so if any one of the committee members had a question, there would be some discussion amongst the committee because that's the reason we have the committee and I would hope that you would think to do that. I'm also asking you as a committee to go back and look at the bylaw and redo this report so that all the articles are mentioned when you do the report.

Fran: What I intend to do, Cindy, is have that bylaw changed to the way it was

originally written. It was never intended to be this process. It was a request to the two chairmen of the two commissions to appear before the Prudential

Committee.

MS Gardner: Exactly and that's what I want.

Fran: That's all that was required. There was no written report. There was no posting

and I feel it's totally unnecessary.

MS Gardner: And if that's what you choose in your bylaw-

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Laurie: We get weekly appropriation reports. We know what's going on.

MS Gardner: It's not what you know. It's what the citizens know and a lot of citizens don't

come to this meeting. They do look at the website. They do look at the boards and they would just like to know what's going on and that's all I'm asking. If you change the bylaw and the citizens vote not to have you do that, I won't have a

problem with it.

Fran: I have a question.

MS Gardner: Yeah.

Female: Did you come before the committee last year or the year before or any of the

past 10-15 years to find out why this report wasn't done?

MS Gardner: Yes.

Fran: Mr. Eagar told us he has no record of that report ever being a written report and

posted.

MS Gardner: Right. Only reason I'm coming is because now we have a committee member

that I'm hoping that's going to follow the bylaws. If we change it ... I mean last year you got a bylaw committee together. They changed a lot of the bylaws which I'm glad that they did and we brought it to the people. I'm just asking us to start changing things that need to be fixed and if things need to be fixed, to look at them. If the bylaw committee would have met earlier, some of these things could have been answered. I know you've had a lot of things. I'm not criticizing.

I'm just asking that we start to follow them.

Laurie: It sure sounds like criticism to me.

MS Gardner: That's why I'm here. I didn't file any complaint. I'm just asking. That's why I'm

here. I'm asking.

Fran: And I will be at the meeting tomorrow to ask them to look at the things that we

have left to do.

Stan: I have a question for you, to Prudential Committee members. Your request was

to bring the warrants here and before they're signed, right, so that the people would have a chance to understand. I see a problem with that and the fact that if a request for payment for the fire district is submitted the day after the meeting

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then it will be a total month before it's even discussed and then I don't know how long it takes the treasury to cut the check. You may be getting some contractors that might be paid 5 to 6 weeks late.

Laurie

Stan, if I may answer your question or a comment on your comment. In the old days, warrants were signed at meetings once a month, then you're right. Contracts are waited forever. We now sign the warrants weekly. You have the opportunity to look them over. If you've got a question, you can contact Mr. Daley and he'll explain any problems

Fran:

Or you can contact Tony.

Mike:

It's impossible to bring warrants here and sign them. We have federal tax laws and we have federal employment laws. Let's say when we pay our people weekly, if you want a have a weekly meeting and approve the payrolls every week before we process them to the payroll processor and fire off those ACH's on Thursday, then you're welcome to do that. Otherwise, it works fine. It's the same way every city and town in the Commonwealth. Every board is selected in the Commonwealth operates. No select boards go through bills at meetings. It's impossible to do that in a modern society and we are completely legal with you signing warrants outside of the meeting. I would suggest that it's virtually impossible to meet that standard of once a month going through payrolls and invoices to figure out ...

On top of which, you have no authority not to approve. All you can do is sign a warrant or not sign a warrant. If two members don't sign the warrant then nobody gets paid. I think you'd have a system that's working legally and it meets the needs of the employees. It meets the needs of the vendors and it certainly meets the needs of the citizens.

Fran:

I have a question for you. Is having the water department, are they only signing there's once a month? Is that a problem for you?

Mike:

No. We get warrants from them weekly for payrolls. Now, they may still do some ritualistic votes or approvals at their meeting but it's in arrears because they don't even know what the overtime is until we roll in on Monday morning and find out who worked overtime between last Sunday and last Saturday. It's virtually impossible to do. The water board is not doing that and they may approve something that maybe, I don't know, but you have department heads. That's the way the government works in Massachusetts. The department head sign the vouchers and putting warrants and you sign the warrants after we've

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scrutinized them and made sure they're in compliance. It's one of the reasons why we're having discussions about cutting checks for the land purchase, when I just got to whip out a check for \$314,000, it's not lawful.

It will be when we have the proper paper work and it goes through and then it would be on a warrant. Maybe we'll even do a separate warrant for, add nice visibility of it, but there's no way that you can hold bills and payrolls for a whole month and once a month, have everybody come in. In fact, the boards approve them and then you approve the warrant because whilst they're approving, is a schedule of bills payable. Their department head has the authority to do that. If you want to change the structure of your government, then you need a bylaw change.

Fran: Okay.

MS Gardner: Well, thank you for answering that question. I would, as a citizen, now like to

have you at least monthly address some of the warrants and if there's issues or if you have any questions, or even if you say that there were no issues so that it at

least would be in the minutes so that we know it's happening.

Stan: Again from the point, I'm the learning mode. I mean actually, all the expenses

that are approved at the fire district meeting in May. In other words, you're approving a level of disbursement, for a gross level of disbursements for the fire department in May and then these are just coming under that. The only time you'd really need some public information is, like for the purchase of the building

at High Street, where you'd want to go out and you need some special

admission. Otherwise, they're all pro forma.

Mike: Not necessarily. The legislative body appropriates. The executive bodies

authorize the use of those funds. They give up to a limit of funds at the annual district meeting as a citizen approval for all, but then the department heads

basically run their departments and pay their bills. You have a water superintendent that reports up through the water board and you have a fire chief who reports out to a fire board and everybody else comes through you

folks. But you statutorily must sign all of the warrants before the money can

leave the treasury, and that's all you have the authority to do is let the money out of the treasury. If you don't sign a warrant, then the money doesn't leave the treasury but at the point it's on the warrant and the checks have been cut, there's no controversy. The statutes drive the accounting and treasuries through

the process to make sure that there's no controversy. We don't put anything on

a warrant that's controversial.

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It's a given unless somebody's having a problem, it doesn't get paid as I've been doing with this continued, repeated requests for a \$314,000 check. It's not going to happen because it's not proper. You're not in the job of supervising and approving payments. You're in the job of allowing money to leave the treasury and the minute somebody starts exercising too much authority on that responsibility, there's probably an impeachment in line because if executive boards don't allow the corporation to operate efficiently and legally then they usually get removed and the citizen puts somebody back in who is going to operate the corporation legally and efficiently.

You want to get impeached? Start not signing warrants and you'll see the employees lining up to start the process because they will not get paid. It's as simple as that. Your job is to get ... Actually, the bank starts sucking money out of our account for ACHs and taxes and so forth on Thursday. We have money leaving on Thursday even before the employee's pay date of Friday, and that's why we like to have the warrant signed on Thursday morning so that even as the ACHs, the banking industry requires two days to transmit direct deposits, they take it from us on one day so that they can deliver it that night to everybody else on the next day. We're aware of what's going on and we know when there's a controversial disbursement and we're not going to put it on a warrant. We're going to flush out the problems and then deal with it. It's as simple as that and that's the way every city, town and district in the Commonwealth operates.

Stan: I'll make arrangements with Fran and Laurie to get familiar with that process.

MS Gardner: Okay. Can I just ask one thing. The reason I asked this question, I might as well just put it out there, there is a concern going on with the warrants that I have related to the fire department payroll. I would just like you to pay closer attention to it because it's something that was brought up at the last fire commissioner's meeting that really wasn't addressed by the fire commissioners and I would hope you guys at the Prudential Committee would also be aware with not making sense and look into the situation of the sick time and the

Can I just ask you a question? What was the concern about the payroll, the specific concern?

amount of abuse that is going on at the fire department. Thank you.

MS Gardner: I have a concern and that's been a concern for over three years that I actually filed with the secretary state. Fire commissioners did say that they were in the process of correcting it. It was supposed to be corrected over a year and a half ago. They haven't corrected it yet. I know they're working on a contract but as a

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Stan:

citizen, I am concerned with the amount of sick time, our fire fighters are taking and nothing is being done about the abuse of sick time. There is no annual reviews being done. Nothing is going into these employees' files. It's been going on for years and at some point, I wish someone would listen. Thank you.

Stan: Thank you.

Fran: Just one last thing.

Laurie: I have one comment I would like to make too.

Fran: Mark says our painter who did such a horrendous job.

Laurie: Is he out of business?

Fran: Oh God, I wish. No, but he's done a ... I heard from his attorney and the long and

the short of it is we're going to have him come because he did say that he guaranteed the work. We're going to have him come down and make repairs maybe, hopefully, to the paint that's falling off the walls and we'll go from there.

We're going to have-

Laurie: I think the only way he can repair this is by starting all over again because he

didn't do the prep work or his men didn't do the prep work.

Fran: That's correct.

Laurie: It's what the low bid gets you.

Maybe we ought to let Cindy deal with this job.

Fran: Your comment?

Laurie: As I said a little earlier in the meeting, I did speak to the friends at the library and

one of the attendees when we were talking about using the land possibly for district office and they wanted to know about, they had questions about the building and one thing and another. One of them mentioned an office trailer and that reminded me that we had discussed an office trailer previously but we didn't have a place to put it. The freedom hall, parking lot's too small. We didn't think the water commissioners would want it there. But now, we may have the space to put a trailer. I just think we ought to look into it and maybe discuss that

at our next meeting.

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Fran: Okay.

We can do that. Anything else from anyone?

Stan: No.

Fran Could I have a motion to adjourn?

Laurie: I move we adjourn. Unanimous

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