

Prudential Committee

Cotuit Fire District

24 April 2014

Present: Rick Barry, Chair, Laurie Hadley, Fran Parks, Brenda Nailor, Fire Commissioner, Chief Olsen and Edward Gargiulo Esq., Gargiulo and Rudnick LLC.

The meeting was opened at 5PM by Chairman Barry. The purpose of the meeting was for the Prudential Committee to review and ratify the new contract for Chief Olsen. Mr. Gargiulo was asked to clarify the procedure for the Committee.

Mr. Gargiulo, “On behalf on the Cotuit Fire District Commission. Mr. Chairman, I would suggest to you the language that references the Credential Committee's duties and obligation, section 3, article 5. "The Credential Committee shall be authorized to sign on behalf of the District. All contracts and other documents which do not require specific district approval." Then it also speaks to the Water Department contracts.

I would suggest to you that it's your duty to review the contract and ratify it on behalf of the district. Obviously it was negotiated and the terms were the result of negotiations between the District Commissioners and the Chief and/or his representatives. I would suggest to you that they expended a significant amount of effort relative to those terms and the terms are reflected in this document. This document we drafted and my office drafted. I'm confident that it is legally sufficient to affect the intentions of both parties.”

Mr. Barry asked Mr. Gargiulo to clarify Chapter 24, Chapter 48, and Section 24 of

Massachusetts General Law as it relates to the Fire Chief's contract. Mr. Gargiulo said his office review the law and is comfortable the contract complies with the law. Miss Parks asked if her interpretation of the law that it says a fire chief's contract may be written for less than three years and the law does not limit the duration of the contract was correct. Mr. Gargiulo agreed with that interpretation of the law. One member of the audience had a question about the appropriateness of a five year contract for the district and the financial ramifications if the chief should resign. Mr. Gargiulo stated he was at the meeting to clarify questions about the procedure for the Prudential Committee to ratify the contract not the content of the contract that was negotiated between the fire Commissioners and the Chief.

The committee voted unanimously to approve the contract for Fire Chief Olsen.

The next order of business was to select a member of the Prudential Committee to participate in the upcoming union negotiations to replace Mr Barry who will be leaving the committee in May. Mr. Barry made a motion to nominated Miss Parks to be the prudential representative the negotiating team and she accepted. The motion was passed unanimously.

The next meeting of the Prudential Committee will be 28 May 2014 at 5 PM.

Respectfully submitted

Frances S. Parks