

Cotuit Fire District
Prudential Committee
18 August 2014

Fran Parks: its 10:00 and I'm calling to order the August 18th special meeting of the Cotuit Fire District Prudential Committee.

Members present Miss Wallace, Mrs. Hadley, Fran Parks and Mr. Bodreau-the attorney for our district.

Open Meeting Law Complaint (Kates)

First order of business is Amy Kates open meeting law complaint. I'm going to read the complaint she emailed to the Attorney General's Office into the record:

This was received from Miss Kates on August 12th, 2014, at 8:50am.

The Prudential Committee held two executive sessions recently, 06/19/14 and 07/10/14, to discuss a property for sale on High Street in Cotuit. How could your committee approach the chairman of another community organization, the Civic Association-Board of Directors, for discussion at their August 5th meeting to request an opportunity for the Prudential Committee to make a presentation of the group's next meeting concerning the potential acquisition, by tax payers, of real estate on High Street without any discussion of the issue on open meeting of your committee?

Although this topic was discussed in Executive Session, it has never been either discussed or voted on in public session of the Prudential Committee. How does this action demonstrate a knowledge by the committee of open meeting law as in a willingness to follow them?

Since a committee member released Executive Session information to the Civic Association, will your committee be releasing the minutes of the two Executive Session meetings to the public as well?

There has been more than ample time at the July 28th Prudential Committee meeting to discuss a topic of the property and to vote on how it would be best to present the information to the residents of the village. The open portion of the July 28th meeting lasted only six minutes.

After adjourning the public meeting there was further discussion by a quorum of committee members that lasted more than twice as long as

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the public portion of the meeting that lasted. The topic of that discussion is not known.

I would like to respond to Mrs. Kate's complaints issue by issue.

1. The Prudential Committee held two Executive Sessions, 06/19 and 07/10/14, to discuss a property for sale on High Street. How could your committee approach the chairman of another community organization, the Civic Association-Board of Directors, for discussion at the August 5th meeting to request an opportunity for the Prudential Committee to make a presentation at the group's next meeting concerning the potential acquisition by tax payers, of real estate on High Street without any discussion of the issue on open meeting of your committee?

Although this topic was discussed in Executive Session, it has never been either discussed or voted on in a public session of a Prudential Committee. How does the action demonstrate knowledge by the committee of Open Meeting Laws as in a willingness to follow them in discussion of an issue of in an open meeting of your own committee?

Response: You questioned me at the July 19th meeting before we went into the Executive Session to discuss the June 19th meeting. To discuss High Street saying, "The annual meeting had not authorized any funds to purchase a property." When I replied that I had been in contact with Attorney General's Office to make sure the Committee was following the letter of the open meeting law. You then wanted to know why I needed to talk to the Attorney General's Office. Being here today, addressing another open meeting law complaint filed by you is the reason I consulted the Attorney General's Office.

2. Since a committee member has released Executive Session information to the Civic Association, will your committee be releasing the minutes of the two Executive Sessions to the public as well?

Response: No one has released any information, including any considered price from the Executive Session to anyone. Per the Attorney General's Office this committee does not need to release Executive Session minutes, or make public the price, and/or other conditions of the sale until a written agreement is in place. The asking price information for the property has been available on the World Wide Internet in Cotuit, Cancun, or Calcutta, for one hundred and twenty-six days.

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3. There has been more than ample time at the July 28th Prudential Committee meeting to discuss the topic of the property and to vote on how it would be best to present the information to the residents of the village. The open portion of the July 28th meeting lasted only six minutes. After adjourning the public meeting there was further discussion by a quorum of committee members that lasted more than twice as long as the public portion of the meeting lasted. The topic of that discussion is not known.

There was only one member of the public present at the 28th, July, 2014 meeting. Deciding to present the information about the property at the annual Civic Association where the chance that more than one person will attend, seems a common sense solution and not one that would need a vote of the committee.

I am unaware of any law that prevents the Chairman of a committee releasing any Non-Executive Session information to the public. The agenda posted for the June 6th meeting clearly stated the purpose of the Executive Session was to discuss the High Street property. Making our interest in the property public knowledge. At the conclusion of the 28th, July, meeting after all of the equipment was put away, Mrs. Hadley asked me to stay for a minute because she wanted to have a "private" discussion with me. You were in the vestibule making no move to exit the building, and when Mrs. Hadley asked you to go, your response was, "There is still a quorum."

Mrs. Hadley then asked you if you wanted to be in violation of HIPPA laws. You finally left allowing Miss Wallace to exit the building. Your comment about the conversation that Mrs. Hadley and I had is just "made out of whole cloth", I very greatly resent your thinly veiled accusation that members of the Prudential Committee were engaging in discussions violating the open meeting law.

The Open Meeting Laws address that law, and should not be taken lightly by anyone. Violation of those laws have serious ramifications for public bodies and elected officials. There is a process spelled out in the open meeting law guidelines that you did not even bother to observe. You blithely mailed off your complaint to the Attorney General's Office based on uninformed and inaccurate assumptions made by you.

Any comments?

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Marge Wallace: Yes, I think it's too bad that the complainant isn't here. She repeatedly files these complaints and we need to respond to them. We can't have a discussion without her here.

Fran Parks: Correct.

Marge Wallace: Or a two-way discussion. Is Mr. Bodreau going to send your response?

Mark Bodreau A: I don't need to do that unless there's a vote from this committee, all we need to do is have a response, and if she does follow-up with a further complaint, a formal complaint, to the AG's office then we can address it.

Marge Wallace Thank you.

Fran Parks: Mrs. Hadley do you have a response?

Laurie Hadley: Not a word.

Fran Parks: Okay. My feeling is that she sent this spurious email to the Attorney General's Office and they've read it. So it's there. We've been told that it doesn't become an Open Meeting Law complaint until we respond. Well I think, I want to respond, I'm not going to let it just sit there.

Mark Bodreau I think you need to respond to that.

Fran Parks: Yes. I would make a motion to authorize Mr. Bodreau to file a response for us to the Attorney General's Office [reliant 00:07:48], responding to the August 12th complaint of Amy Kates.

Mark Bodreau I think that's a little bit early. She will have to follow-through after you respond for a full complaint. Otherwise, there's no need to be that response. The Attorney General's office only has a copy of, she has not filed a formal complaint.

Laurie Hadley: So we send this to her?

Mark Bodreau A: You send that directly to her, and you can leave the Attorney General's office out. If she takes it to the next level, then I would proceed.

Marge Wallace: I did call the Attorney General's Office.

Fran Parks: We get such confusing information from that office.

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Marge Wallace: Hanne Rush who I usually speak with is out on leave until November. So I spoke with a different Assistant AG, and he said he can't comment on Open Meeting Law Complaint, that's pending. But he also said that they had received the email. But then I think that is addressing what you just said that it's not a formal complaint yet.

Mark Bodreau: Right.

Marge Wallace: So perhaps we should send this letter to her, your response, and see where we go from there. We're just spending too much time on these complaints nonstop.

Mark Bodreau: I love the business but it's premature.

Laurie Hadley: Just send her a copy-

Mark Bodreau: You need to respond. This Board needs to respond.

Fran Parks: Yes.

Marge Wallace: Can we send it registered mail so we know she's received it and she can't deny that?

Fran Parks: Certainly.

Mark Bodreau A: Okay.

Fran Parks: I'm just going to send off what I read, as my response.

Marge Wallace: All right.

Fran Parks: Can I have a motion to do that please.

Laurie Hadley: I make a motion to send Miss Kates a copy of the statement that you read this morning.

Marge Wallace: Second.

Fran Parks: All those in favor?

Fran Parks: The motion passes

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Fran Parks: The next order of business is an Executive Session; we're going into Executive Session to consider the purchase, exchange, lease, or value of real property. The Chair declares that an open meeting may have a detrimental effect to the negotiating position of a public body. We will not return to open session.

Laurie Hadley: So moved.

Fran Parks: Is there a second?

Marge Wallace: Second.

Fran Parks: Mrs. Hadley are you in favor?

Laurie Hadley: Yes.

Fran Parks: Mrs. Wallace?

Marge Wallace: Yes.

Fran Parks: Fran Parks. I'm in favor. We're now in Executive Session.

Fran Parks: Mr. Mycock will be joining the Executive Session.