

Cotuit Fire District
Prudential Committee
25 January 2016
5:00 PM

Fran: I'm going to call the January 25th, 2016 meeting of the Cotuit Fire District Prudential Committee to order. Is there anyone recording? Amy Kates is recording. Could I ask everyone at the head table to identify themselves?

Michael: Michael Daley, District Treasurer.

Laurie: Laurie Hadley, Prudential Committee.

Stan: Stan Goldstein, Prudential Committee.

Charlie: Charlie Eager, Clerk.

Fran: Fran Parks, Prudential Committee. Is there any public comment? Seeing none. No public comment.

Laurie: What does the red light mean?

Fran: It's the battery for the microphone. The first item is streetlights. I had a call from Town Counselor, Jessica Grasseti, that someone in Abbey Gate had called her and wanted to know if a streetlight could be placed at the intersection of Old Kings Road and Abbey Gate.

Stan: There is a light there.

Fran: Correct.

Stan: I question my sanity, because I've been going past that intersection for 12 years. The other night I went passed it and there seemed to be a light, so it must have been installed recently.

Laurie: I think it's been there for quite some time [crosstalk

Fran: No, it's been there.

Stan: It has? I didn't pay any attention to it.

Fran: I called her back and informed her that there already was a light there, and apparently the person is interested in having streetlights at all the intersections inside of Abbey Gate, all the roads in there inside that subdivision. The first problem in that would be that there are no telephone poles.

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- Stan: Underground electric.
- Fran: It's all underground electric.
- Laurie: We don't do underground. If they want underground lights, they have to pay for it. Have to do it on their own. We ran into that - Laurie Hadley. We ran into that at Cotuit Bay Shores. They have underground lighting and we don't have a thing to do with it.
- Fran: Okay. During my inquiry about all these streetlights, I inquired of Mrs. Hadley if we had a written streetlight policy. Apparently we don't. I spoke to COMM, who's just purchased their streetlights this year, to ask what their policy is for dealing with streetlight requests. They have a form that someone fills out, has to be signed by 10 neighbors. Goes to the Prudential Committee, who then goes to the site of the requested light and determines if it's appropriate to put a light there - if it's a hazardous spot, if it's on a curve, if it's a busy intersection. Since they just purchased their lights and nobody's asked for any lights, they have no policy about a pole..
- I spoke to the people in Barnstable and basically got the same answer. I relayed all of this to Mrs. Grasseti, who, in the meantime, had spoken to the DPW people in Barnstable at the Town of Barnstable, and she seems to think that they're the ones who need to determine if a streetlight's needed. I said I didn't think so.
- Laurie: I suppose the Highway Department might decide the intersection was dangerous. I can tell you that many, many years ago, when Mr. Hadley was on the Prudential Committee, and Buddy Martin was, they did discuss this thoroughly and established a policy, but like so many other things, it was never incorporated as a Bylaw.
- Fran: I don't think it necessarily -
- Laurie: Or even a written policy.
- Fran: Yes. I don't think it necessarily needs to be a Bylaw, but I certainly do think there needs to be a written policy and procedure manual so somebody knows what they're doing if another request comes in.
- Laurie: Didn't you, was it you, Mike, that sent somebody's policy, or Charlie?
- .
- Charlie: We have a policy with Barnstable, too, so you can contact them and then can send you [the information.
- Fran: That'd be great. That'd be a really big help. We'll keep working on that, see if we can come up with a policy. I'm going to ask Tony for the number of Siemens, so at least I can get some sort of idea of how much a pole costs to have it installed.

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Stan: A pole or a light?

Fran: A pole to put the light on. We don't own the poles, we just own the lights.

Charlie: Siemens doesn't do the poles.

Fran: They don't do the poles?

Charlie: No.

Laurie: My husband said the phone company...

Charlie: Yes, the phone company...

Stan: The electric company, yes. Eversource.

Fran: Yes, I should be able to get an answer from them.

Mike: The electronic components on the top of the poles. They can give you extender arms, so if you're trying to get out into the middle of it, they can do that, but that's about the extent. They wouldn't do the pole.

Fran: Actually, when I was looking at the light that's on Old Kings for Abbey Gate, I thought possibly an extender pole for that one might be a good idea to put it more in the center of the intersection there. It I kind of back off the road, kind of leaning towards the river.

Any other thoughts about streetlights? No? Okay.

Mike: You could check the Hyannis Fire District, or ask their fire commissioners

Fran: I don't think their fire department owns the lights.

Mike: They bought theirs at the same time we bought ours, and Barnstable bought theirs. They do own them.

Fran: Oh, all right.

Mrs. Hadley, you wanted to say something about public record requests?

Laurie: Yes. On August 22nd, 2011, a prior Prudential Committee consisting of Rick Barry, Amy Kates, and myself ... I'm going to read you an excerpt from the Minutes of that meeting.

"It had been brought to the attention of the Chairman that we need a policy or protocol for the dissemination of information. It has been suggested that the District Clerk, Mr. Eager, be asked to work up such a policy. As the District is involved in contract matters

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and litigation, information should be reviewed before release. A Motion was made, seconded, and unanimously voted to that effect."

So, we did establish a policy. It has never again been reduced to writing, and I would like to propose tonight, that we affirm that policy, and have it incorporated in our Bylaws, when we get to District Meeting.

I would move that we confirm the policy that all public information requests go to the Clerk to be reviewed for any information that is considered privileged or would be detrimental to release at that time.

Fran: Is there a second? Is that a Motion?

Laurie: That's a Motion.

Fran: Is there a second?

Stan: I'll second it.

Fran: Any discussion?

Stan: Yes. Aren't we responsible for following the State guidelines on public information requests?

Laurie: What happened, Stan, I'll give you the background. We were involved in a lawsuit and an employee of the District was releasing information, which, under ordinary circumstances, would be public information, but had become privileged by reason of the lawsuit. We just, that's, yes. The policy, in most places, is that the Clerk or the Town Clerk, District Clerk, Secretary of State, whoever, is responsible for releasing those things.

Stan: We would need to have a policy that, can you reword...

Laurie: Request for public information. If we receive it, we forward it to Charles. If anybody pays attention, they can go directly to Charlie.

Stan: Then Charlie would be responsible for redacting any privileged information?

Laurie: Correct.

Stan: We need to make sure, certainly, that we don't violate State Law when we do that.

Laurie: It's not in violation, I'm sure.

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- Fran: I called the Secretary of State's office and spoke to them, and it's perfectly acceptable for whoever receives a request, to pass that request along to the most appropriate person to deal with it. Therefore it is absolutely perfectly reasonable and within the Law to send said request to the Clerk.
- Stan: Any redacting that's necessary, is that within the Law, or? There's always questions about that, when the press goes to the police department, wants a report released and it's heavily redacted and they're always questioning it. I'm just wondering if we would get into some similar situation.
- Fran: I think the only information that we would have that would be held for personnel reasons or any other reasons, would be Executive Session minutes and Union negotiating minutes, and personnel matters. Other than that, I don't see anything else that would -
- Laurie: Medical records, are one thing we can ...
- Stan: Yes, medical records- yes.
- Fran: Can we have a vote on Mrs. Hadley's Motion?
- Laurie: Aye.
- Fran: Mrs. Hadley, aye.
- Stan: Stan Goldstein, aye.
- Fran: Fran Parks, aye. So moved.
District Bylaw Committee.
- Stan: Are you looking at me because of what I asked about?
- Fran: No, you need to set the, you're the representative...
- Stan: For the Bylaws, or I thought it was ... I have nothing to report, unfortunately, and I want to talk to you after the meeting about, after the meeting about that, me, personally.
- Fran: Okay. All right.
- Stan: You're welcome to stay, if you like. It's a personal thing.
- Fran: All right. USDA Loan is, I have the letter from Mark Boudreau, for you.
- Mike: That went in in the draft with his original letter.

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Mike: The theory is that they don't ask and we don't give them any more. Just take it, can you drop it off or get it to me the second version of the draft.

Fran: Okay. It's still looking now like possibly February we may have to do a transfer of funds for ... an internal transfer?

Mike: Internal borrowing.

Fran: Internal borrowing.

Mike: That would be one route. We're still waiting to see what happens. If we don't get the grant, we'll just issue a note.

Fran: Okay.

Mike: If we do get the grant, and they're not already let us borrow the money, then we just issue a note.

Fran: Okay.

Mike: I pray now we just let the grants play out.

Fran: Thank you. Next item on the Agenda is an open-meeting law complaint that I received this past Sunday from Miss Kates. The description of the alleged violation is on December 21st, 2015.

"I had attended a Prudential Committee Meeting. A member of the public during public comment asked the Board when they became aware of Ronald Mycock's resignation. This is the first time I became aware that Mr. Mycock had informed the Chairman in October 2015, and that the Committee had held three meetings since then. I thought that since it's the Prudential Committee's responsibility to make that decision and no public discussion had occurred on the issue, how could this Committee have made any decision without violating open meeting law? Was history repeating itself? Chairman Parks' response to her was rude and made no sense. Miss Parks stated that they weren't going to discuss it because the last time we were accused of an open meeting violation.

It is clear to me, as a member of the audience that the elected officials of the Cotuit Fire District have no respect for the open meeting law, or for the people they serve."

What action do you want the public body to take in response to your complaint?

"To invite the Fire Commissioners to a public meeting with the Prudential Committee to discuss why they believe the vacant position doesn't need to be filled. I want substantial discussion from all three member of the Prudential Committee regarding the pros and

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cons of not appointing a third member, since the position has been vacant since October."

Just a few corrections. The position has not been vacant since October. There was no discussion. I had discussions with Mr. Mycock regarding his decision to resign. He specifically asked me, as I state, I believe last time, that not to mention his resignation. He wanted to speak to the members of the Fire Commissioners first, the other two Fire Commissioner. He wanted to allow them to discuss it and announce it at their meeting. That meeting was the day before our last meeting in November, which did not give any time for it to be on the Agenda with 48 hours of notice. We had two meetings in November. One was the meeting to set the tax rate, and the other meeting was a brief meeting of 10 minutes' duration to affirm the contract for the painting of the interior of Freedom Hall.

I asked the Chairman of the Fire Commissioners, who was aware of this open meeting law complaint, to respond to the proposed remedy of the two Committees meeting to discuss this in depth.

"Dear Fran. In reference to questions raised recently by 2 members of our community, I see no need, at this time, for a joint meeting with the Prudential Committee regarding appointment of a 3rd Fire Commissioner. As shown in the Minutes of the November 15th, 2015 meeting, both Dr. Pisano and I felt it was not necessary to appoint a 3rd member. It was my personal feeling that such an appointment would give the appointee, whomever it might be, an undo advantage in our next election. Should we encounter any significant disagreements, we will, of course, apply to your Committee to take action to appoint. At the present time, our main concern is a preparation of the FY '17 Budget, which is due to the Treasurer and your Committee, in late March. The two major matters before us are the Gigget lawsuit and the union contract. As you know, we have no control over either of those matters, at this time. Sincerely, Thomas W. Hadley, Chairman."

Any comments?

Laurie: I can tell you that I learned about Ron's resignation from my husband when he came home from the meeting, and he told me at that time that they felt strongly that they should not, as long as there were no controversies, no disagreements between them, that they should not appoint for the simple reason that that gives the person appointed the opportunity to run as an incumbent, which is an advantage.

Stan: I think my question is, we're talking about 2 bodies that are elected, 2 elected bodies. I'm not sure what the reporting guidelines would be for the Fire Commissioners to report to the Prudential Committee, unless there was some disagreement or legal matter, or something that needed to be raised to a higher level. In other words, do we have responsibility over them, since they're an elected body on their own?

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Fran: No. I don't think so. We are the Executive Committee, but I don't think we can ... they've made their decision that they would prefer not to have someone appointed, and I think we should accept their decision. I think it would be rather presumptuous of this Committee to just go ahead and appoint someone without discussing it with them or after they had clearly said that they prefer not to have someone appointed.

Stan: Without regard to presumption, what would be the legal responsibility of the Prudential Committee to appoint somebody? Do we have that power?

Laurie: I believe it says "may," it doesn't say "shall."

Stan: May?

Fran: May, yes. I can write a response to this and send it off to the Attorney General. I don't think that this is an appropriate open meeting law complaint. I don't believe they have any purview over any of this, but it's been fled with us and we're required to send a response. We'll send a response to Miss Kates, and then I'll send a response to the Attorney General's office.

Stan: Fine. Thank you.

Fran: Okay. Has everyone reviewed the Minutes from the November 21st meeting?

Laurie: I did. I didn't print them out, as usual. I'm having computer problems. I don't know how with two computers I can have neither one of them working right.

Stan: I read them, they seem to be fine, to me.

Fran: Can I have a Motion to accept the Minutes for the ...

Stan: 21 December?

Fran: December 21st meeting of the 2015 Prudential Committee?

Stan: So moved.

Laurie: Second.

Fran: All those in favor?

Stan: Aye.

Fran: Aye.

Laurie: Anything else?

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Fran: Entertain a Motion to Adjourn. So moved