

COTUIT FIRE DISTRICT  
Prudential Committee

Minutes  
May 16, 2011

The meeting was called to order by the Chairman, Amy Kates. Members Rick Barry and Laurie Hadley were also present, as were several members of the public. She called for public comments.

Mr King Lowe raised a question about Mr Donald Campbell being listed as a member of the Fire Commissioners in the Annual Report. It was stated that the report was a year old. He then pointed out that Mr Charles Eager, who was not appointed until September of 2010 and that he was appointed for a three year term, not "NA" as stated in the Annual Report. It was agreed that these were errors. Ms Hadley stated that Mr Campbell had resigned, she believed, because of pressure which was brought because he was a member of another Fire Department and therefore a union member.

Mr Lowe also spoke regarding the District's the last annual meeting and the report of the Prudential Committee. The report stated that Mr Boudreau, representing the District in the capacity of counsel, and who was present at both the Annual Meeting and this meeting of the Prudential Committee, had given the Prudential Committee a letter containing his legal opinion on one of the articles included in the warrant. Mr Lowe believed he had given a verbal opinion at the District Meeting and had given this opinion to the Prudential Committee in a letter at their June 18<sup>th</sup> meeting. He felt this letter had a direct bearing on a complaint that was filed with the State Ethics Commission and had in fact "thrown the committee members under the bus." Mr Boudreau had indicated that the Prudential Committee had the power to make the decision regarding health benefits for elected officials and this has raised the issue of self-dealing. On the 23<sup>d</sup> of August, the Prudential Committee voted to seek opinion of counsel. On the 25<sup>th</sup> of August, Mr Lowe approached the firm of Garguillo and Rudnick to ask them how the State Ethics Commission could be approached.

Ms Kates then asked Mr Boudreau to discuss any articles he felt might pose problems. He referred first to Article 10 (adoption of Chapter 479 of the Acts of 2008, allowing establishment of a fund for post-employment benefits) and stated that it was up to the Prudential Committee to make this decision and the vote of the District could only be considered as advisory.

He further mentioned articles which referred to how minutes and notices of meetings were to be posted. He felt that these also could only be considered advisory. Ms Hadley mentioned that the matters referred to were already addressed in the by-laws and these changes were being made in the hope of making them a little clearer and easier to deal with. He also cautioned that they could not supersede the State's Open Meeting Law.

He then addressed Article 30 which was the result of a citizens' petition. He pointed out that if the legislation referred to were passed, the District would have no choice but to conform. He also noted that retirees were not mentioned in the petition.

He concluded by referring to Article 27 (allowing the Prudential Committee to appoint ad hoc committees), and stated, although he didn't think it was necessary to have a by-law, he could see no objection to the article.

Ms Hadley asked if he considered Article 2 to be a violation of the State ethics regulation as it addressed the Prudential Committee salaries along with the other elected officials. Mr Boudreau said that technically it probably was but there was no other means of accomplishing it.

Referring back to Article 30, Mr Barry made a motion to get a written opinion from the District's Counsel that could be read at the District Meeting as to whether or not it is proper article to go before the voters and whether or not it would be binding. The motion was seconded and passed unanimously.

Ms Grassetti expressed concern that an article could again be ruled out of order and withdrawn from the warrant by the Moderator. Mr Malloy quoted from Town Meeting Times a sentence that said the Moderator could not withdraw an article on the grounds that it was believed to be illegal.

After Attorney Boudreau left the meeting, the public comment period was resumed. A member of the community asked if alternative ways of providing services to the District were being explored. After some discussion, during which consolidation and a private fire service were suggested, the Chairman expressed the thought that these might be matters for an ad hoc committee.

At the close of public comments, the committee took up the other agenda items. Because the existing website has proven to be very difficult for a layman to maintain, and because the monthly cost is quite a bit higher than that charged by other companies, Ms Hadley has looked into changing the host for the web site. She had a proposal from Ms Patricia Browne who resides in Cotuit and who's business includes creating websites. This proposal had been e-mailed to the committee members, and Ms Hadley recommended that the committee accept this proposal. After cautioning that the article proposed for funding for the annual meeting had inadvertently been omitted, she then made a motion that the committee vote to accept the proposal from Browne and Company to set up a new website at a price of \$3,500. to set up the website and provide training. The motion was seconded and passed unanimously.

Ms Kates then addressed the question of a District Office. The only building the District owns that is handicapped accessible is the Fire Station. Two years ago, the Office was moved out of the Fire Station. The present location within the Water Department's building is unacceptable. Ms Hadley spoke about using an office trailer. An addition to the existing water department building was also suggested. Selling some of the district owned property was another suggestion in order to build an addition to the water department office. Ms Murray told the committee that soon after the fire station was remodeled it was suggested that a part of the training room could be used to expand the then existing district office. An office at the end of Main Street is vacant at the moment. Ms Kates reiterated that the District owns the fire station, which is handicapped

accessible, and she feels we should be allowed to use it if it is determined to be the best option.

The Treasurer made recommendations on how to fund the various articles, including borrowing on two water department articles, and these recommendations were adopted. If these recommendations are followed by the voters, based on the estimated valuation, the tax rate will be approximately \$1.83. This is an increase of 18 cents. However, this may be offset somewhat if the valuation goes down.

The Prudential Committee members reviewed the annual meeting warrant and voted on their recommendations.

Respectfully submitted

LAURIE C. HADLEY