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March 8, 2016 Commissioners Meeting

Chairman Hadley: Good evening, ladies and gentlemen. I call the meeting of the Cotuit Fire District, Fire Commissioner's Meeting at a little after five. We'll say 5:04. In attendance are: Ms. Cates, Mr. and Mrs. Gardner ... Ms. Fox isn't here. Mr. Goldstein is not here. Firefighter Kellen is here and Chief Olsen.

Is anybody recording?

Ms. Cates.

Here's a public comment. Go first.

Amy Cates: I'm Amy Cates. Four seven eight two Thelmeth Road. Chairman Hadley, would you please tell me the name of the attorney representing the district regarding the negotiations with the union firefighters?

Secondly, to date, how much of the twenty-five thousand dollars appropriated for negotiations has been spent?

Finally, I see on the agenda that you will be going into Executive Session. Is there any chance that a contract will be ratified with the firefighters prior to the district meeting?

Chairman Hadley: If I knew that, I would be a hell of a lot smarter than I thought I was. I'm sorry, but we have no information on that. That's put on there just in case. There is no ...

The name of the fellow is Schroeder.

Amy Cates: You talking about the Executive Session, Chairman?

Chairman Hadley: Right.

Amy Cates: Okay, and the other two?

Chairman Hadley: I have no idea how much. I would have to check with the treasurer how much we have spent for that situation. We don't keep track of that.

Amy Cates: Okay, but you as a fire commissioner and chairman, you're signing monthly warrants?

Chairman Hadley: No.

Amy Cates: You're not signing monthly warrants?

Chairman Hadley: The Prudential Committee signs then.

Amy Cates: Pardon me?

Chairman Hadley: The Prudential Committee signs them.

Amy Cates: You don't sign the fire department warrants.

Chairman Hadley: We do not.

Amy Cates: You do not. I wasn't aware of that, Mr. Chairman. Do you know the name of the attorney that is ...

Chairman Hadley: Schroeder, that's all I know.

Amy Cates: Pardon me?

Chairman Hadley: His name is Schroeder.

Amy Cates: Schroeder? Thank you.

Chairman Hadley: I can get his full name for you.

Chief Olsen: I probably have it in here.

Chairman Hadley: Ms. Parks is in charge of that committee, and she has all the information. Unfortunately, she's not here tonight.

Chief Olsen: I'm pretty sure it's Dan.

Amy Cates: Dan Schroeder.

Chief Olsen: The first name. He is with ... I thought I had that sitting right here ... Boston Law Firm.

Donald, I'm sorry, Donald Schroeder, and he's with Mintz Levin in Boston.

Amy Cates: That name again? Sorry.

Chief Olsen: Mintz Levin. is the name of the law firm.

Amy Cates: Thank you very much.

Chairman Hadley: Thank you.

Mrs. Gardner.

Cynthia Gardner: Cynthia Gardner. Ninety-four School Street. I have a question that I came prepared for, but before I go into that, I would just like to ask both fire commissioners, are you telling me as fire commissioners you are not signing the weekly warrants for payroll?

Chairman Hadley: No, we do not.

Cynthia Gardner: You do not?

Chairman Hadley: We do not.

Cynthia Gardner: Okay. My next question is, I had put in a public records request on February 20, 2016 requesting one item from the treasurer and another item from the chief and I received a response back from Mr. Eager last evening. He answered my question regarding the treasurer's concern, but he did say the information I requested from the chief does not exist.

I would request that the board of fire commissioners ask the chief to provide them with that information. I have concerns regarding the budget. If you look at line item ten, you have for fiscal year seventeen a figure of fifty-eight thousand one-hundred fifty dollars and eighty eight cents.

Chairman Hadley: Yep. Okay.

Cynthia Gardner: If you take the hourly rate that was given to me by the treasurer and you multiply it by forty-two hour work week and then by a fifty-two hour work week year, you come to a total sum of forty-six thousand five-hundred nineteen dollars and twenty cents. If that is the true figure, I would like that corrected in the budget.

My next concern is, if you look at line items fifteen through seventeen, they are all the same for an amount of sixty-three thousand nine-hundred sixty-five dollars and some odd cents.

Chairman Hadley: Ninety-seven cents.

Cynthia Gardner: Ninety-seven cents, right. My concern is that we might have a couple of firefighters being inappropriately budgeted for because depending on when they went to the fire academy, we put them at the step level that needs to be

budgeted. In order for you guys to be able to figure that out you need that information. If it's not available, I don't know how you're budgeting.

Chief Olsen: That is not correct. To hopefully answer some of the questions that Mrs. Gardner has said, the contract allows them step increases as it goes though. It also allows the increase when they do go to the academy and finish that, however, the contract allows each person, after a year of employment, a step increase. That hopefully answers the question on the forty-six thousand, and it's not fifty-two weeks. Sometimes it's fifty-two point four, sometimes it's fifty-two point one. It depends on what the year is and how many weeks there are and it's a different number for that as well.

Chairman Hadley: Mr. Gardner.

James Gardner: James Gardner. Ninety-four School Street.

First, I would like to rise and say that I wished that the board and the chief and people like my wife and Ms. Cates could work more harmoniously. When people in the audience are raising hands and asking questions, it's to make the department better and oversee what's going on in the department.

I'm sure Chief Olsen can make mistakes. The concept of our government in the United States is a system of checks and balances. We have a Board of Fire Commissioners that are a part of that system of checks and balances, but a lot of time you're not privy, or haven't learned some of the information, on the history of some of the things in the contract.

I don't think anybody here, including Chief, were here when ninety percent of the things in the contract were negotiated. I was. Therefore, my wife has some insight into some of the things that are being mentioned in the contract.

I think the chief just stood up and indicated that where people start in the pay scale are based on whether or not they have gone to the fire academy, and I negotiated that. I know what that was all about. We used to have three steps. We negotiated two previous steps. We used to have three steps. It started at one point zero went to point ninety-five, point ninety, and we realized that we were getting people in the department that hadn't gone to the State Fire Academy.

What we did was, we put in two more steps. We put in point eighty-five and point eighty. The reason for that was, somebody like Kellen who came from Ashby, who already had Fire Academy Training ... We wanted to reward him and say ... We wanted to reward him and let him come in at step three at the point eighty level because he wasn't going to cost us any money. He already had the training.

When one of these new people comes in and doesn't have academy training, they come in at the point eight zero level which saves us about fifteen thousand

dollars. Roughly. What that fifteen thousand dollars covered was the overtime costs of covering that persons shift for, it was fifteen weeks. It's cut back now, so it's a little less expensive, but it used to cover the overtime cost of covering that person while they were at the fire academy.

That's the point of why they started point eight zero. If they come in the first day and go right to the fire academy and get their mass certification training, they stay at the point zero level, they don't get bumped up to point three. That would defeat the whole purpose of why we put that in the contract. If it's being misread by the chief, or misinterpreted by the board, that's a mistake. We need to correct it.

That person does not go ... You don't jump up to that point three level once you get mass fire academy training. It doesn't say that in the contract. It says, the rate that they will start at once they are hired. They either start at point five or the step five level or the step three level. I don't know why that's happened.

Again, my point is I only know that because I negotiated it. Unless that changed in the last contract ... You said as soon as they get their academy training, you bump them up, and it specifically says that. I read the contract, and I didn't see that. That, in my opinion, would be a mistake by the board because they did really understand why we had those steps in the first place.

If we had a more harmonious back and forth here, and when somebody raises their hand and asks a question, just answer the question. We're not going to get all these crazy public records requests. Just do your best to answer the questions. Admit if you make a mistake. Don't be afraid to make a mistake. We're all human. We make mistakes. Don't think of it as adversarial.

My wife didn't join the department thirty years ago to be adversarial. She joined it because she wanted to help the district. The same reason I did. Same reason I'm intending to rejoin the call department in the next couple weeks. I want to finish my career giving back to the district. That's what it's all about. It's about making the department better.

Making these guys safe and providing good fire protection and coverage for the district. That's what we're all here for. It's not worrying about battling, and it seems like you're all battling all the time. To suggest that you wouldn't want someone very knowledgeable to be the third member of your board was kind of ridiculous, in my opinion.

Why do you want to keep somebody out who just might ask questions. That it would get me answers to. Anyway, thank you.

Chairman Hadley: That concludes our public comment. Thank you.

Chief.

Chief Olsen:

For monthly activities ... This is Chief Olsen. For monthly activities we had forty-two rescue calls in the last month with thirty-eight fire calls. A total of eighty incidents. The Comstock report you have in front of you. I think you have that there. It ends up net to be twelve-thousand three-hundred fifty-five dollars and twenty-nine cents. It was in your packet. You have that.

They are also ... I guess Comstock had a little problem with Mass Health. Mass Health has Cotuit Fire, as Cotuit Fire Department, and Comstock has us as Cotuit Fire District. We're making that change to make sure it's right, and so they can resubmit some of the numbers. Maybe the numbers will change. I just don't know what happened there. It wasn't from our office. Comstar has asked me to contact Mass Health. I did that today, so that should be all worked out.

The budget ... You guys both have the appropriations for the budget. The appropriations sheet to your left, Commissioner. The appropriations sheet ... We used up sixty-six percent of our ... Well, we're at sixty-six percent roughly of our budget. We're looking at sixty-six percent expenditure at this point with a few red flags that we have for a couple of our line items.

As you see, the first flag that we have is salary other wages. That's five-thousand one-hundred and fifty dollars. That is to do with our injured firefighters. To compensate for those that are injured, so you'll see a big number there.

The other is the maintenance to the building, five-thousand two-hundred and forty-three dollars. We've expended one-hundred and eight percent of that. You're going to see a reflection of one thousand two hundred dollars back in return in items, so we should be almost one-hundred percent in expenditure instead of one-hundred and eight.

The grounds and maintenance, we spent a little more this year, two-hundred and thirteen percent, so four-hundred sixty-two dollars over that line item.

The clothing ... The protective clothing ... We wanted to get everybody up two sets of gear. We're just about there. We've come up to eighty-eight percent, so we're spending a little more. Hopefully that will level off.

The other line item is telephone ... fifty-two seventy. We're at ninety-two percent, so that's another item to watch, and the one below that at ninety-eight percent the nine one dispatch. That is actually all we're going to spend on that line item.

That brings us to about sixty percent of our budget that we've spent of our full entire budget at the rate of sixty-six percent of our year.

That's it. Thank you.

Chairman Hadley: We'll move on to the bylaws. The Fire Department Bylaws under Article Eight. We've picked out some things that are very simple. Section Three we had in the last sentence or two, appointment to be made.

Section Five, he ... we're making that he/she in case we have a female fire chief which is not unusual.

Now, on Section Eight ... The clerk or the commission shall post the minutes of the meeting, so on, on the bulletin board in three places in three weeks of said meeting. Well, that's kind of hard to do. We post it on the website. I know there's probably ... Somebody says oh well I don't use a computer. Majority has a computer. I think everybody can find out. You can ask somebody if they would please go in on the website and see what the minutes were.

Cynthia Gardner: [inaudible 00:19:03]

Chief Olsen: This is Chief Olsen. To answer that question, they are all there, Cindy, but you have to search sometimes the archives. I don't know why they're going to the archives. That's not to do with us. That's to do with the website provider. That has been a complaint at times. We apologize for that, but that's nothing to do with us. We do send in ... As soon as the commissioners give the okay to the approval, we send them right in.

Mrs. Dolly does a great job for that. That's the problem. It's there.

Cynthia Gardner: I just clicked on the page where it says minutes and it brought me right there, but there's no minutes.

Chief Olsen: Right, that's the problem. It's there but ...

Chairman Hadley: Section Nine in the bylaws ...

Tom: This is Tom speaking.

Chairman Hadley: I look at this Section Nine and it's very confusing. It listed a time and date of 1990, and a time and date of 1991. Nobody seems to know what that's all about. It talks about people retiring, people getting injured, call firefighters in the line of duty.

I propose that we make the motion that we delete the entirety of Section Nine and we adopt the general law Section Forty-Two. In that it covers just about all of our bylaws. The only thing we would change in there would be, take out selectmen and put in fire commissioners. It's listed several times in there.

We will move that section up to the top of our bylaws of Section One. We'll put this, so if this does not pass, the sections will just fall in behind it.

Tom: Is there a second page to this Section Forty-Two?

Chairman Hadley: It's on the back. That's it.

Tom: The proposal is to adopt this Section Forty-Two, and have it begin as the first section ... Deleting Section Nine?

Speaker 7: I know we sent it to you. It might have bounced back. I don't know that it bounced back. I never got any notification.

Tom: I've not seen this before. No, I never got any of this.

What is the ... If this is adopted as written, modifying selectmen for district commissioners, how does this interface with Union Contract?

He shall have full and absolute authority in the administration of the department. He shall make all rules and regulations for its operation. Shall annually report condition of the department, fixed compensation and permanent and qual members, subject to approval.

I don't understand this wording in terms of the overriding agreement of the labor contract. Though, we're currently out of date with the labor contract.

Speaker 7: This isn't overriding the labor contract. You can't. That's a link between the district and the bargaining board.

Tom: Right, so when it speaks to ...

Speaker 7: It has to do with the fire department operations.

Tom: He shall fix the compensation of permanent qual members subject to approval of the commissioners.

Speaker 7: What I do is I set the rate. That's exactly what I do. It just hasn't been adopted. That's all. I do everything that's in there, but it hasn't been adopted. We tried to. If you look at the back of the bylaws, we have a lot that's been adopted and has not been adopted.

On the back page of the bylaws you will see many things that have been adopted and that just hasn't been one that's been adopted for the system.

Tom: Okay. I've reviewed this online some time ago. I didn't know it even going to be presented tonight.

Speaker 7: It's got to go through the Bylaw Committee.

Tom: Our vote is considering what? Recommending it to the Bylaw Committee?

Chairman Hadley: No. Recommending it to the district. You don't have to go to the Bylaw Committee for this. We as a board can recommend this to the district as a special article. If we put it number one in there, and it passes, then it's adopted. If it doesn't pass, then it's forgotten about, and you go back to section one though whatever we have.

Tom: All right, so we're being asked to make a recommendation for the district meeting to adopt this and a modified ... The Article Eight here that we're looking at ... Considering changing ... That's already been adopted? That's the standing ...

Chairman Hadley: What? number nine, you mean?

Tom: No, the whole thing. Article Eight, all it's sections.

Chairman Hadley: Right, that is ... We're part of the district bylaws. Article Eight is our bylaw. There's eleven of them.

Tom: Okay.

Chairman Hadley: A lot of these items are listed under this general law. This general law gives us and the district the ability to have, what they call, a strong chief.

Tom: Okay.

Speaker 7: Nothing changed. It's not a change. It's an addition to the bylaws.

Speaker 8: It's going to change from a strong chief to a weak chief?

Chairman Hadley: The other way.

Speaker 8: You're recommending changing that?

Chairman Hadley: Yes.

Speaker 8: [inaudible 00:27:59]

Tom: Not having seen this previously ... Not having the chance to absorb it, I would ask that ... Would we still have time to put this in front of the district if we put it out to our next meeting?

Chairman Hadley: I'm not sure.

Tom: Is there a deadline for what we submit to the district meeting?

Chairman Hadley: Well, it has to go to the court of the clerk and he's the one who organizes it.

Tom: I'm going to request that we postpone this. If necessary we can have an interim meeting to get it done, but I do need a little time to figure out what I'm looking at because I didn't receive any of this and I didn't know about it. It wasn't on the agenda.

I request that you throw out the motion

Chairman Hadley: I certainly will.

Tom: Thank you.

Speaker 7: Last thing on the agenda, Sir, is the Executive Session.

Chairman Hadley: We will not be having an Executive Session. This is gone.

Cynthia Gardner: [inaudible 00:29:36]

Chief Olsen: There isn't one because we didn't put that on the agenda. It was not on the agenda, so I cannot talk about. I do not want to have an open meeting law violation.

Cynthia Gardner: [inaudible 00:29:56]

Chief Olsen: I'm all set. Thank you.

Chairman Hadley: Is that it?

Chief Olsen: Yeah, that's it.

Chairman Hadley: If there's nothing further, I move to adjourn.

Chief Olsen: Second.

Chairman Hadley: I.

Chief Olsen: I.

Chairman Hadley: Thank you.

Speaker 7: This agenda was not done by me. It's the old agenda. That's the reason why.

Chief Olsen: [inaudible 00:30:47]