

MINUTES – WAYLAND SCHOOL COMMITTEE  
Executive Session – July 30, 2014

An Executive Session of the Wayland School Committee was held on Thursday, July 30, 2014, at 9:41 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Barb Fletcher, Chair  
Ellen Grieco, Vice Chair  
Malcolm Astley  
Donna Bouchard  
Jeanne Downs

Also:

Paul Stein  
Superintendent

Diane Marobella  
Recording Secretary

1. **Executive Session:**

Upon a motion duly made by Barb Fletcher, seconded by Ellen Grieco, the School Committee voted unanimously (5-0) to enter Executive Session at 9:41 p.m. for the purposes of discussing strategy with respect to litigation from the Attorney General's decision regarding the Open Meeting Law Complaints filed by George Harris on June 27, 2013 and Donna Bouchard on July 1, 2013 related to the June 3, 2013 Executive Session, as permitted by M.G.L. Chapter 30A, §21(a)(3), as such discussion in open meeting may have a detrimental effect on the litigation position of the School Committee and an Executive Session is necessary to protect the litigation position of the School Committee and to discuss strategy with respect to an Open Meeting Law Complaint filed by George Harris on July 7, 2014 related to the June 3, 2013 Executive Session minutes, as permitted by M.G.L. Chapter 30A, Section 21(a)(1). The School Committee will review minutes from prior executive sessions for declassification, as permitted by M.G.L. Chapter 30A §22 for the Executive Session meetings noted on the meeting notice, and, in addition, will approve minutes of May 29, 2014 and June 16, 2014 from prior executive sessions, as permitted by M.G.L. Chapter 30A §22. The School Committee will review minutes from prior Executive Sessions dated between September 1, 2013 to March 30, 2014 that relate to a public records request by Richard Lodge, Editor-in-Chief of Metrowest Daily News, as permitted by M.G.L. 30A §22, and to review February 10, 2014 and February 24, 2014 for possible declassification, as permitted by M.G.L. 30A §22. The School Committee will reconvene in open session for to conduct regular matters noted on the meeting notice and others that may be deemed necessary.

The School Committee will be joined by Paul Stein, Superintendent and Diane Marobella. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Ellen Grieco, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard	X	
Jeanne Downs	X	

2. **Discuss Strategy with Respect to Litigation from the Attorney General's Decision regarding Open Meeting Law Complaints Filed by George Harris on June 27, 2013 and Donna Bouchard on July 1, 2013 regarding the June 3, 2013 Executive Session, pursuant to M.G.L. 30A §21(a)(3):**

Barb updated the School Committee regarding Mark Lanza's conversation with Mark Higgins in the Attorney General's office. Mr. Higgins might agree to the language changes in the settlement agreement and understands why the School Committee requested to have the fine reduced. However, he will not reduce the fine because the violation was intentional per the Attorney General's regulations. A discussion ensued and Barb noted that the School Committee must have a reason for a discussion in Executive Session and the statute must be referenced.

Upon a motion duly made by Donna Bouchard, seconded by Ellen Grieco, the School Committee voted (4-1) to authorize Mark Lanza to finalize the settlement agreement with the language changes as discussed and to agree to the reduced fine of \$500.00. A roll call vote was taken as follows:

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<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Ellen Grieco, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard		X
Jeanne Downs	X	

Donna commented that she voted “no” because of the Attorney General’s OML Guide, referencing when a violation is considered intentional.

Barb reviewed the language changes in the settlement agreement. The Committee also discussed how the fine will be paid. Each member stated their opinion in terms of the fine as follows:

- Malcolm – split with the town (part individual, part town)
- Ellen – town should pay (not out of school budget)
- Jeanne – town should pay
- Donna – individual should pay
- Barb – town should pay

Upon a motion duly made by Jeanne Downs, seconded by Ellen Grieco, the School Committee voted (4-1) to authorize Ellen Grieco to speak with Tom Greenaway, Chair of the Finance Committee, asking for town funds to pay the \$500 fine. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Ellen Grieco, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard		X
Jeanne Downs	X	

Donna voted “no” because she did not believe obligating the taxpayers to pay this fine was appropriate.

The settlement agreement will be signed by August 28, after which Ellen can approach Tom Greenaway.

Upon a motion duly made by Jeanne Downs, seconded by Ellen Grieco, the School Committee voted (4-1) to authorize Ellen Grieco to speak with Tom Greenaway, Chair of the Finance Committee, after August 28 asking for town funds to pay the \$500 fine. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Ellen Grieco, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard		X
Jeanne Downs	X	

3. Discuss Strategy with Respect to Open Meeting Law Complaint Filed by George Harris on July 7, 2014 regarding the June 3, 2013 Executive Session Minutes, pursuant to M.G.L. 30A §21(a)(1):

The School Committee discussed possible changes in the response to George Harris. Barb commented that John Senchyshyn requested that the Committee make certain redactions, so as not to impact his negotiations with the town union. A discussion followed regarding the language in the matrix in terms of how it could impact town negotiations. The School Committee agreed not to release the matrix at this time.

Barb read excerpts of George Harris’s request in terms of the lack of School Committee transparency by not releasing information regarding negotiations over the past twenty years.

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4. Review of the Following Executive Session Minutes for Declassification, pursuant to M.G.L. 30A §22:  
 Barb reviewed the following minutes for redactions and revisions.

November 8, 2010	September 23, 2013
November 22, 2010	October 1, 2013
April 29, 2013	October 7, 2013 - #1
May 6, 2013	October 7, 2013 - #2
June 17, 2013	October 21, 2013
June 24, 2013	October 28, 2013
July 15, 2013 - #1	November 4, 2013
August 26, 2013	November 18, 2013
September 3, 2013	December 16, 2013
September 9, 2013 - #2	February 6, 2014
September 16, 2013	April 28, 2014

November 8, 2010 and November 22, 2010 Executive Session minutes had no redactions. There were revisions in the Executive Session minutes of April 29, 2013, April 22, 2013, May 6, 2013, and February 6, 10, and 24, 2014.

In terms of public records requests, Barb suggested that corresponding documents should be reviewed before being released.

Barb will review the changes made at the August 28 meeting.

5. Approval of Minutes, pursuant to M.G.L. 30A §22:

- Executive Session of May 29, 2014
- Executive Session of June 16, 2014

Upon a motion duly made by Ellen Grieco, seconded by Malcolm Astley, the School Committee voted unanimously (5-0) to approve the Executive Session minutes of May 29, 2014 as written, and June 16, 2014, as amended. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>
Barb Fletcher, Chair	X
Ellen Grieco, Vice Chair	X
Malcolm Astley	X
Donna Bouchard	X
Jeanne Downs	X

6. Public Records Request by Gatehouse Media:

At the request of Donna in open session, the School Committee discussed this matter not reasonably anticipated by the Chair. Barb commented that because the investigation is still ongoing, requested documents cannot be released. Also, Mark Lanza will contact the Supervisor of Public Records with an explanation of why the documents have not been released.

Paul explained the public records request and the process he followed before bringing it to the School Committee on March 24, 2014. After sending a packet of information to the newspaper, there was a second public records request made in April. Paul met with Mark Lanza, and he advised Paul not to comply with the request. In the meantime, the newspaper appealed to the Supervisor of Public Records at the end of May. After speaking to the Supervisor of Public Records, Mark informed Paul that the Supervisor of Public Records would accept a letter from him regarding the public records request.

A discussion ensued about what the minutes contained and why they weren't being released. All minutes referring to the METCO investigation were redacted. Ellen will contact Mark Lanza to discuss whether he should call the

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[REDACTED] Inspector General's and Ethics Commission's offices to get an update from them and to inform them of this most recent public records request.

Barb also addressed Donna's earlier request in terms of obtaining a letter from Mabel Reid-Wallace acknowledging her pursuit of the credit card statements to date. Barb noted that the investigation is still ongoing. Nothing can be released.

7. Adjournment:

Upon a motion duly made by Donna Bouchard, seconded by Ellen Grieco, the School Committee voted unanimously (5-0) to adjourn the Executive Session at 11:20 P.M. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Ellen Grieco, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard	X	
Jeanne Downs	X	

Respectfully submitted,



Paul Stein, Clerk  
Wayland School Committee

Corresponding Documentation:

1. Executive Session Motion
2. Draft Settlement Agreement
3. Draft Response to George Harris re: OML Complaint of July 7, 2014
4. Executive Session Minutes for Declassification
5. Executive Session Minutes of May 29, 2014
6. Executive Session Minutes of June 16, 2014