

MINUTES – WAYLAND SCHOOL COMMITTEE
Executive Session – May 12, 2014

Executive Session of the Wayland School Committee was held on Monday, May 12, 2014, at 9:58 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Barb Fletcher, Chair
Malcolm Astley
Ellen Grieco (by remote)
Donna Bouchard
Jeanne Downs

Also:

Paul Stein
Superintendent of Schools

Brad Crozier
Assistant Superintendent

1. Executive Session:

~~Upon a motion duly made by Malcolm Astley, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to enter Executive Session at 9:58 p.m. for the purposes of discussing an investigation related to possible charges of criminal misconduct, as permitted by M.G.L. Chapter 30A, §21(a)(5), and to discuss 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. In addition, the School Committee will enter Executive Session for the purpose of conducting a negotiating strategy session related to the Superintendent's contract, as permitted by M.G.L. Chapter 30A, §21(a)(2), and to approve minutes from prior executive sessions, as permitted by M.G.L. Chapter 30A, §22 for March 10, 2014.~~

The School Committee will be joined by Paul Stein, Superintendent of Schools, and Brad Crozier, Assistant Superintendent of Schools. The School Committee will reconvene in open session for adjournment purposes only. A roll call vote was taken as follows:

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

Barb noted that if a member participates remotely, he/she shall state at the start of any Executive Session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public. Since Ellen was participating remotely, Barb asked Ellen if any other person was present and/or able to hear the discussion at the remote location. Ellen indicated that no other person was present to hear the discussion.

2. Discuss Investigation related to Possible Charges of Criminal Misconduct, pursuant to M.G.L. 30A §21(a)(5):

From her conversation with Mark Lanza, Barb updated the School Committee on the status of the METCO account investigation. The [REDACTED] contacted the Inspector General and advised that it was appropriate for the IG to move forward with civil charges. [REDACTED] At the request of the Inspector General, Jim Powers will be sending him some records. Mark will follow up with the [REDACTED] and Barb will keep the Committee updated.

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

Released 11/16/15

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Barb reviewed with the Committee three findings concluded by the Attorney General, as well as the legal advice she received from Gini Tate. The School Committee has 21 days to appeal this decision; however, it would be costly and there would only be a 50/50 chance for a positive outcome. Barb described the appeal process if the Committee decided to move forward with this option. If the Committee agreed to enter into the hearing process, the maximum fine is \$1,000 for the third finding, however, Gini could negotiate for a lesser amount. Barb does not recommend that the town be responsible for paying the fine. In summary, the following options are available to the Committee.

1. Appeal the whole finding
2. Accept the violation and pay the fine
3. Go through the hearing process to achieve a lesser fine
4. Ask Gini Tate to negotiate on behalf of the School Committee for something else

Gini will speak to Mark Higgins in the Attorney General's office regarding the hearing process.

The Committee asked Donna what her thought process was when she made the decision to file her OML complaint.

The Committee also voiced their opinions in terms of which avenue to take and elaborated on their reasoning.

Upon a motion duly made by Donna Bouchard, seconded by Barb Fletcher, the School Committee voted (2-3) not to move forward with the appeal for the entire decision. A roll call vote was taken as follows:

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

Upon a motion duly made by Ellen Grieco, seconded by Malcolm Astley, the School Committee voted (3-2) to file the appeal in the event it is possible to withdraw the appeal after the Committee's May 27th meeting without prejudice to the town and the School Committee will file the appeal by filing a simple letter to hold a place in order to have another discussion. A roll call vote was taken as follows:

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

A question was asked if the School Committee can change its mind once the cost is known. Ellen commented that the appeal can be filed, but can also be withdrawn.

Ellen will call Gini about the process and if she would take this case pro bono, including the costs of filing the letter for the appeal. Upon discussion, the Committee decided to take another vote.

Upon a motion duly made by Ellen Grieco, seconded by Donna Bouchard, the School Committee voted (3-2) not to file an appeal and to rescind the prior vote that passed. A roll call vote was taken as follows:

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



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The School Committee discussed the release of the June 3rd minutes and any documents that were discussed, including if the employee's name should be redacted from the minutes. In taking a poll of the members' opinions, the decision to redact the name was 4 (yes) and 1 (Donna voted no). The final decision will be decided on May 27.

Paul and Brad left the meeting at 11:28 p.m.

4. Conduct Negotiating Strategy related to Superintendent's Contract, pursuant to M.G.L. 30A §21(a)(2):

Barb updated the School Committee on her discussion regarding his request to include an "exit" clause in his contract. Her recommendation is to include the language he requested and to include appropriate time to allow the Committee to conduct an adequate search, should Paul decide to leave before his contract ends.

Ellen updated the Committee of her discussion with Glenn Koocher. He noted that these types of clauses are very typical. Glenn also suggested that sick days could be prorated if the full contract was not carried out. In terms of merit raises, they are fairly common and send a positive message.

The School Committee discussed their options regarding the language and terms of the contract, including the term of the contract, salary increases, sick leave, and the travel allowance. It will be discussed again on May 27.

~~Ellen left the meeting by remote at 11:47 p.m.~~

5. Approval of Minutes:

- * Executive Sessions of March 10, 2014

Upon a motion duly made by Donna Bouchard, seconded by Malcolm Astley, the School Committee voted (3-0-1) to approve the Executive Session minutes of March 10, 2014, as amended. A roll call vote was taken as follows:

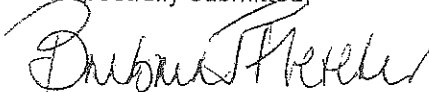
<u>Roll Call</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Barb Fletcher, Chair	X		
Malcolm Astley	X		
Ellen Grieco	Absent		
Donna Bouchard	X		
Jeanne Downs			X

6. Adjournment:

Upon a motion duly made by Donna Bouchard, seconded by Jeanne Downs, the School Committee voted unanimously (4-0) to adjourn the Executive Session at 11:48 P.M. A roll call vote was taken as follows:

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

Respectfully submitted,



Barb Fletcher, Chair
Wayland School Committee

Corresponding Documentation:

1. Executive Session Motion
2. Executive Session Minutes of March 10, 2014
3. Draft of Superintendent's Contract