

MINUTES – WAYLAND SCHOOL COMMITTEE

Executive Session #1 – September 22, 2014

Executive Session of the Wayland School Committee was held on Monday, September 22, 2014, at 7:00 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

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

Also:

Paul Stein
Superintendent

Brad Crozier
Assistant Superintendent

Susan Bottan
Business-Administrator

Diane Marobella
Recording Secretary

Also:

Mark Lanza, Town Counsel

Ellen Grieco convened open session at 7:05 p.m.

Executive Session #1:

Subsequent to a roll call vote in Regular Session on a motion brought by Ellen Grieco, seconded by Barb Fletcher, the School Committee voted (4-1) to enter Executive Session at 7:06 p.m. for the purposes of discussing the investigation of charges of criminal misconduct, pursuant to M.G.L. c. 30A, §21(a)(5) with Town Counsel, discussing the investigation of charges of criminal misconduct, pursuant to M.G.L. c. 30A, §21(a)(5) with Town Counsel related to the request for release of executive session minutes regarding discussions of the investigation of charges of criminal misconduct, discussing the Open Meeting Law Complaint filed by George Harris on September 15, 2014 regarding the Executive Session of August 28, 2014, against the School Committee, pursuant to M.G.L. c. 30A, §21(a)(1), and discussing strategy with respect to pending 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. c. 30A §21(a)(1) and (3), as such discussions 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. The School Committee will reconvene in open session to conduct regular matters as noted on the meeting notice. A roll call vote was taken as follows:

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

The School Committee will be joined by Paul, Superintendent of Schools, Brad Crozier, Assistant Superintendent, Susan Bottan, Business Administrator, Mark Lanza, Town Counsel, and Diane Marobella.

Donna noted her dissent was because she didn't believe that the notice was proper.

MINUTES – WAYLAND SCHOOL COMMITTEE
Executive Session #1 – September 22, 2014

2. Discussion of the Investigation of Charges of Criminal Misconduct, pursuant to M.G.L. c. 30A, §21(a)(5) with Town Counsel:

Mark Lanza recapped the past discussions between the School Committee and him regarding the METCO account and outstanding credit card statements. He then updated the School Committee regarding his recent conversations with the offices of the [REDACTED] the Inspector General, and the State Ethics Commission. To sum it up, Mark noted that the Deputy Inspector General is investigating the case, as the [REDACTED] and the State Ethics Commission deferred to the IG. Mark's calls were not returned from the [REDACTED] or the State Ethics Commission. Mark agreed that the Inspector General's office is the appropriate agency to investigate this matter. In order to conduct a fair process, it was recommended by the Deputy Inspector General that this matter be kept confidential, as the alleged should not know about the investigation and her reputation could be damaged. Also, if this investigation was disclosed, the Inspector General's office would not acknowledge anything about it.

Paul acknowledged that the Deputy Inspector General came into Central Office to retrieve original records as part of the investigation. He is planning to contact retired staff and current METCO staff, and is currently working with Susan Boffan. He indicated that the investigation may be concluded by end of the calendar year.

Finally, Mark confirmed that the Inspector General has the authority to subpoena the credit card statements.

3. Discussion of the Investigation of Charges of Criminal Misconduct, pursuant to M.G.L. c. 30A, §21(a)(5) with Town Counsel – Request for Release of Executive Session Minutes regarding Discussion of the Investigation of Charges of Criminal Misconduct:

Ellen asked Mark if he spoke to the Deputy Inspector General about the recent public records request. Mark did not because it is obvious that written and verbal communication should not occur while an investigation is pending, and that would include non-release of Executive Session minutes related to the investigation, and, therefore, is covered by exemption #5 of the Open Meeting Law. Mark repeated this statement, as Donna commented that because the agenda did not reflect the discussion of Gatehouse Media's public records request, they could not discuss it. A discussion ensued regarding the citation of the appropriate statute in order for the School Committee to discuss the Executive Session minutes in question.

Ellen read an email from Donna suggesting the agenda topic for this meeting, to which Ellen responded. Ellen did not call the Attorney General's office for their recommendation because of the attorney/client privilege. Mark stated that the matter has already been decided by the Supervisor of Public Records and to allow Paul and him to handle this matter. He advised the School Committee to discontinue their discussions regarding the public records request, until a decision is reached by the Inspector General.

4. Discussion of the Open Meeting Law Complaint filed by George Harris on September 15, 2014 regarding the Executive Session of August 28, 2014, against the School Committee, pursuant to M.G.L. c. 30A, §21(a)(1):

The School Committee discussed George Harris's OML complaint of September 15, 2014 regarding the statute citation on the agenda for the executive session of August 28, 2014, which refers to a resident matter. While on vacation, Ellen drafted the agenda based on town counsel's advice. The Committee also reviewed the response to George Harris's OML complaint. Again, Ellen sought advice from Mark Lanza regarding this response.

Donna commented that she informed Ellen that the relevant statute had not been included on the meeting notice under purpose 7 of the Open Meeting Law, and also cited the relevant law. Ellen proceeded to read her original draft of the response; however, she changed it based on town counsel's advice. Mark Lanza explained the series of events leading up to his advice, noting that his initial advice did not include the relevant statute and that the privacy exemption had been delivered late to the Chair.

Donna made a motion to send the response as it was originally drafted. There was no second.

A discussion ensued amongst the Committee in terms of when to rely on the advice of counsel. The Committee agreed to waive attorney/client privilege in this matter so the Committee can discuss it in open session.

MINUTES – WAYLAND SCHOOL COMMITTEE

Executive Session #1 – September 22, 2014

5. Discuss Strategy with respect to Pending 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. c. 30A, §21(a)(1) and (3):

Mark Lanza informed the School Committee that the Attorney General's revised language is consistent with the School Committee's changes in terms of the settlement agreement and the reduced fine of \$500.00. Ellen will formally request that the Finance Committee release the funds to pay the fine. The Committee will vote to accept the settlement agreement in open session.

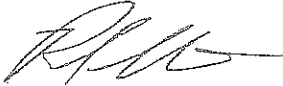
6. Adjournment:

Upon a motion duly made by Barb Fletcher, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to adjourn the Executive Session (1) at 8:30 P.M and to reconvene in open session. A roll call vote was taken as follows:

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

The School Committee reconvened in Open Session at 8:31 p.m.

Respectfully submitted,



Paul Stein, Clerk
Wayland School Committee

Corresponding Documentation:

1. Executive Session Motion
2. Email from Donna Bouchard to Ellen Grieco re: Agenda
3. Email from Mark Lanza to Ellen Grieco re: Agenda
4. Two OML Complaints from George Harris dated September 15, 2014
5. Draft Response to the September 15, 2014 OML Complaint
6. Draft Settlement Agreement with Attorney General