

MINUTES – WAYLAND SCHOOL COMMITTEE

Executive Session – October 6, 2014

An Executive Session of the Wayland School Committee was held on Monday, October 6, 2014, at 10:03 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

- Diane Marobella
- Recording Secretary

- Mark Lanza
- Town Counsel

1. Executive Session:

Subsequent to a roll call vote in Regular Session on a motion brought by Ellen Grieco, seconded by Malcolm Astley, the School Committee voted unanimously (5-0) to enter Executive Session at 10:03 p.m. for the purposes of reviewing Executive Session minutes with the corresponding documents listed on the meeting notice for declassification, pursuant to M.G.L. c. 30A, §22, to review the revised Executive Session minutes related to Open Meeting Law Complaint filed by George Harris on August 27, 2014 for approval and potential declassification, pursuant to M.G.L. c. 30A, §22, to discuss strategy related to the Open Meeting Law Complaint filed by George Harris on September 15, 2014 related to the January 21, 2014 and January 27, 2014 Executive Session minutes, pursuant to M.G.L. c. 30A, §21(a)(1), approval of minutes pursuant to M.G.L. c. 30A, §22, including the Executive Sessions of August 28, 2014, September 8, 2014, #1 of September 22, 2014, and #2 of September 22, 2014. 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, Diane Marobella, and Mark Lanza, Town Counsel.

The School Committee will reconvene in Open Session to conduct regular matters as listed on the meeting notice.

Ellen informed that she would like to discuss an administrative matter not reasonably anticipated by the chair, which should be discussed in Executive Session. A discussion regarding procedure ensued.

Ellen continued that the School Committee will also discuss a matter not reasonably anticipated by the Chair to be discussed in Executive Session, pursuant to M.G.L. c. 30A, §21(a)(5) pertaining to investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

Released 11/16/15

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2. Discuss Strategy regarding the Investigation of Charges of Criminal Misconduct Pursuant to M.G.L. Chapter 94A §21(a)(5):

As a matter not reasonably by the Chair, Ellen suggested that the School Committee schedule a separate Executive Session meeting to discuss this matter. She referred to an email she received from a community member as being balanced, and she thought that maybe the Committee should discuss the possibility of taking steps independent of the process being followed by the Inspector General. Ellen outlined the steps that the Committee could take once the investigation is complete by the Inspector General, even if the outcome is favorable for the individual being investigated. Options included asking the employee for an affidavit or sworn statement of what has been done thus far in obtaining the credit card statements or asking for some sort of restitution to the district.

Donna commented that this discussion should be in open session, but the other members disagreed. Ellen suggested calling the Attorney General's office for advice in terms of understanding how the discussion should take place. Paul commented that a year has passed and is now a legal matter. However, once a decision is reached by the Inspector General, it may then revert back to Paul. The School Committee decided to wait for the Inspector General's decision.

3. Review Executive Session Minutes and Corresponding Documents as Listed on Meeting Notice Below for Declassification, pursuant to M.G.L. c. 30A, §22:

Barb reviewed the following minutes for declassification: May 6, 2013, July 15, 2013, September 3, 2013, September 16, 2013, December 2, 2013, February 6, 2014, and February 2, 2014, as well as certain corresponding documents.

4. Discuss Strategy Related to Open Meeting Law Complaint filed by George Harris on September 15, 2014 related to January 21, 2014 and January 27, 2014 Executive Session Minutes, pursuant to M.G.L. c. 30A, §21(a)(1):

Malcolm reviewed this open meeting complaint to which he was asked to respond as part of the Committee's process. The complaint states that the Committee violated the Open Meeting Law by refusing to release certain executive session minutes that are not exempt from disclosure.

Mark commented that if the appropriate purpose is not used to enter executive session, then information would have to be released. Mark noted that once the complaint has been filed with the Attorney General, he could communicate directly with the Attorney General. He made his recommendations to the Committee, in terms of moving forward with a course of action. Mark read a portion of the January 27th minutes, and the School Committee reviewed them for releasable information.

Barb informed the Committee that she was acting on the advice of counsel when she drafted the meeting notice for which these executive session minutes relate. Ellen noted that on October 3rd she asked the Attorney General's office for an extension, but she has not heard from them. Mark then recommended language to be used in the response, which is the same language as in the statute. A discussion ensued in terms of calling the Attorney General before a complaint is filed with his office. Donna recommended some language to add to the response to George Harris.

Mark commented that the focus of the complaint is to release the minutes, not the citation of the appropriate statute. Mark informed the Committee that the [REDACTED] has not closed the file on this investigation and is aware of the Inspector General's investigation.

The Committee agreed that Mark would speak with the Attorney General to determine the appropriate response and would report back to Ellen.

Donna Bouchard made a motion to authorize Mark Lanza to draft a response to the September 15, 2014 Open Meeting Law Complaint filed by George Harris regarding the January 21, 2014 and January 27, 2014 minutes as discussed. This motion was seconded by Jeanne Downs, but no vote was taken.

The Committee agreed to ask the Attorney General for an extension until October 21st so the Committee could discuss this complaint at its next meeting. Donna made a motion, and Jeanne seconded, to withdraw the previous motion.

5. Review Revised Executive Session Minutes related to Open Meeting Law Complaint filed by George Harris on August 27, 2014 for Approval and Potential Declassification, pursuant to M.G.L. c. 30A, §22:

Jeanne read the response she drafted to send to George Harris. Barb recommended that Ellen send an email that the School Committee will continue its review and will discuss again on October 20th.

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

Upon a motion duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted unanimously (5-0) to approve the Executive Session minutes of August 28, 2014, September 8, 2014, September 22, 2014 - #1, and September 22, 2014 - #2, all as written. 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	

7. Adjournment:

Upon a motion duly made by Barb Fletcher, seconded by Malcolm Astley, the School Committee voted unanimously (5-0) to adjourn the Executive Session at 11:25 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 Committee discussed the tentative Boston meeting on October 27, 2014 in terms of the agenda and format of the meeting.

The School Committee reconvened in Open Session at 11:27 p.m.

Respectfully submitted,



Paul Stein, Clerk
Wayland School Committee

Corresponding Documentation:

1. Executive Session Minutes of August 28, 2014
2. Executive Session Minutes of September 8, 2014
3. Executive Session Minutes of September 22, 2014 (#1 & #2)
4. Email between Ellen Grieco and Labor Counsel re: the MOA with the WTA
5. Executive Session Minutes for Possible Declassification (7a):
2010: September 23, 2013
November 8, 2010 October 1, 2013
November 22, 2010 October 7, 2013 - #1
2013: October 7, 2013 - #2
April 29, 2013 October 21, 2013
May 6, 2013 October 28, 2013
June 17, 2013 - #1 November 4, 2013
June 17, 2013 - #2 November 18, 2013
June 24, 2013 December 2, 2013
July 15, 2013 - #1 December 16, 2013
August 26, 2013
2014:
September 3, 2013 February 6, 2014
September 9, 2013 - #2 February 10, 2014
September 16, 2013 February 24, 2014
April 28, 2014

DO NOT RELEASE

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6. Executive Session Minutes for Possible Declassification (7b):
- | | |
|--------------------|------------------------|
| 2011: | January 14, 2013 |
| January 31, 2011 | January 17, 2013 |
| February 17, 2011 | January 22, 2013 |
| April 25, 2011 | February 4, 2013 |
| 2012: | February 25, 2013 - #1 |
| July 9, 2012 | March 11, 2013 |
| July 30, 2012 | May 30, 2013 |
| September 24, 2012 | June 13, 2013 |
| October 9, 2012 | June 17, 2013 |
| October 15, 2012 | July 22, 2013 |
| October 22, 2012 | September 9, 2013 |
| November 5, 2012 | December 2, 2013 |
| November 19, 2012 | 2014: |
| December 3, 2012 | January 6, 2014 - #2 |
| December 17, 2012 | January 13, 2014 - #2 |
| 2013: | February 3, 2014 - #1 |
| January 7, 2013 | March 10, 2014 |
| January 10, 2013 | |