

MINUTES – WAYLAND SCHOOL COMMITTEE

Executive Session – July 17, 2014

Executive Session of the Wayland School Committee was held on Thursday, July 17, 2014, at 7:12 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:

Mark Lanza, Town Counsel

Diane Marobella

Recording Secretary

1. **Executive Session:**

Upon a motion duly made by Barb Fletcher, seconded by Donna Bouchard, the School Committee voted unanimously (4-0) to enter Executive Session at 7:12 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 reconvene in open session for to conduct regular matters noted on the meeting notice.

The School Committee will be joined by Mark Lanza, Town Counsel, 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 (by remote)	X	
Malcolm Astley	X	
Donna Bouchard	X	
Jeanne Downs (absent)		

Barb asked Ellen Grieco to state that no other person is present and/or able to hear the discussion at the remote location. Ellen stated that no other person is present and/or able to hear the discussion at the remote location.

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):**

After speaking with Mark Higgins in the Attorney General's office earlier that evening, Mark Lanza distributed a draft settlement agreement to the School Committee. He noted that the Committee has three goals:

- To arrive at a decision relative to the settlement agreement
- To provide any changes to the settlement agreement
- To decide where the funds will come from if the settlement agreement is agreed to by the Committee

The School Committee reviewed the questions that they had for Mark Higgins and asked by Mark Lanza in terms of the majority of the School Committee taking the position that there wasn't an intentional violation.

Mark commented that he was able to get the fine reduced to \$500, as the Attorney General takes the position that when two violations are committed very close together in time, it is presumed that the second violation is intentional. Mark

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noted that it doesn't appear that this ruling by the AG will change, and, if the Committee decides to contest the AG's decision, it could result in a long and costly process. Thus, Mark advised the Committee to pay the \$500 reduced fine, even though he doesn't believe the violation was intentional.

The Committee discussed what the AG perceives as an intentional violation in terms of the vagueness of the subject matter referenced on the agenda in question. Donna distributed a document taken from the Open Meeting Law of 2011 and read a portion of the law in terms of an intentional vs. an unintentional violation.

They also discussed the difference between this ruling by the AG and the AG's ruling regarding the Board of Selectmen's intentional violation. Because the majority of the School Committee felt there was a difference, the Committee would like to negotiate a lesser fine. They authorized Mark Lanza to negotiate a lower settlement amount and the proposed three changes to the settlement agreement with the AG's office.

Mark commented that once the settlement agreement is signed, it becomes a public document and the Executive Session minutes become public.

Once an agreement is reached, the Committee discussed where the funds should come from in order to pay the fine. A decision will be made by the Committee once it is notified of the settlement.

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):

Barb reviewed action taken at the July 10<sup>th</sup> meeting. A draft response was distributed as well as language to revise the June 3, 2013 minutes. There was a reference made to the HRA payment relative to negotiations. Barb commented that since John Senchysnyn and the town employees are still in negotiations, the clause about the HRA payment will be redacted until such time that town negotiations are complete.

*Ellen left the meeting at 8:32 p.m.; she returned at 8:34 p.m.*

The Committee discussed whether the document (matrix) related to the June 3, 2013 minutes should be released. Barb will review the matrix again to determine if part of it can be redacted in order to release the un-redacted portion. The Committee will discuss again on July 30.

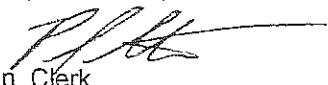
The Committee reviewed changes to the draft response to the Attorney General. A discussion followed, but will be put on the July 30 agenda. An extension will be requested of the Attorney General.

4. Adjournment:

Upon a motion duly made by Malcolm Astley, seconded by Donna Bouchard, the School Committee voted unanimously (4-0) to adjourn the Executive Session at 8:44 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 (by remote)	X	
Malcolm Astley	X	
Donna Bouchard	X	
Jeanne Downs (absent)		

Respectfully submitted,

  
Paul Stein, Clerk  
Wayland School Committee

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Responding Documentation:

1. Executive Session Motion
2. OML Complaint Draft Response
3. Executive Session Minutes of May 27, 2014
4. Executive Session Minutes of June 9, 2014
5. List of Executive Session Minutes for Declassification
6. Document distributed by Donna Bouchard – a portion of the OML Law 2011-9