

WACHUSETT REGIONAL SCHOOL DISTRICT

HOLDEN ♦ PAXTON ♦ PRINCETON ♦ RUTLAND ♦ STERLING

Minutes

Regular Meeting #1045, Wednesday, September 18, 2002
7:00 p.m.

Media Center
Wachusett Regional High School

Committee Members Present:

John Rokicki, Chairman	Kelly Maxwell (8:12 PM)
Duncan Leith, Vice-Chairman	Natalie Mello
Donald Benson	John Nunnari
Carol Esperti	Julie Scott
David Fedeli	Kathleen Singh
Jeffrey Gibbs (7:25 PM)	Edwin Twarog
Alice Livdahl	Margaret Watson
David Lowenthal	Patricia Young
Peter MacDonald (8:17 PM)	

Committee Members Absent:

Kimberly Ferguson	Tammy Tod
Jane James	

Administration Present:

Alfred D. Tutela, Ph.D., Superintendent of Schools
Philip E. Campbell, Director of Student/Information Services
Susan Sullivan, Executive Assistant to the Superintendent

Others Present:

Linda Lehans, *The Landmark*
Stacy Grossi, *Worcester Telegram & Gazette*
Christine DeForge, *ECHO*
David Gibbs, Sterling
Maureen Floryan, Holden
Larry Floryan, Holden
Mark James, Holden
Debbie Croucher, Sterling
Ralph Rondinone, Sterling

Susan Sedgwick, Holden
Cyndy Janik, Holden

Chairman John Rokicki called the meeting to order at 7:05 PM. Chairman Rokicki informed the Committee that he would be taking Agenda Item VI-B out of order and turned the meeting over to Jason Newton, School Psychologist Liaison, who presented the District MAT-8 Results (attachment 1). Following the presentation, Mr. Newton entertained questions from Committee members.

Chairman Rokicki addressed Agenda Item V-A. Chairman Rokicki explained that the Committee had requested that District Counsel Leo McCabe attend a meeting to discuss various legal issues. Chairman Rokicki asked Attorney McCabe to update the Committee regarding the lawsuit by the Town of Holden. Attorney McCabe explained that the Martin Opinion was voted by four out of five towns and submitted to the Department of Education for approval by the Commissioner of Education. Town of Princeton legal counsel supports the Town of Holden but believes that the DOE is a necessary party to the suit. Attorney McCabe also believes that the DOE should be party to the suit. A Declaratory Judgment Action can include interested parties. The Town of Holden is requesting adjudication and is not requesting damages. The Superintendent informed the Committee that he had requested Attorney McCabe file an extension, which was granted, to allow the Committee to deliberate. The new filing deadline is October 4, 2002.

When asked by a member, Attorney McCabe explained why he had written to Debra Comfort, Legal Counsel for Department of Education. He explained that following reading an article in the *Worcester Telegram & Gazette* regarding the Town of Holden's request to implement the Regional Agreement Amendment without the approval of the Commissioner, he had a discussion with the Superintendent who had asked that Attorney McCabe provide him with the consequences and alternatives if the Amendment was implemented without Commissioner approval. Attorney McCabe determined that clarity would be needed by the Department of Education should the Committee decide to implement the Amendment without the approval of the Commissioner.

Attorney McCabe restated that this case is a pure question of law and saw no prejudice in writing the letter to Legal Counsel at the Department of Education.

The Superintendent explained that all Amendments to the Regional Agreement have been approved by the Department of Education and signed by the Commissioner of Education and that the Committee had previously agreed through discussion that any change to the Regional Agreement required the approval of the Commissioner. The Superintendent expressed concern for the consequences of the implementation of the Martin Opinion without Commissioner

approval. The Superintendent further advised the Committee that time was being wasted and that they needed to make motions that provided direction to Committee Counsel and that it should be done in executive session.

Attorney McCabe restated that the vote of the Committee was to implement the Amendment if four out of five towns approved the Amendment and the Commissioner of Education approved it.

Following a question by a Committee member, the Superintendent informed the Committee that there are other Districts with inequities. The Superintendent explained that when Education Reform was implemented many issues regarding regional districts were not considered. The Superintendent will check on the status of the inequity issue in the Tantasqua Regional School District.

Members Natalie Mello and Donald Benson left the meeting at 8:30 PM.

Motion: To enter executive session, to return to public session, for the purposes of discussing legal strategies

(E. Twarog)
(J. Gibbs)

Roll call vote:

In favor

John Rokicki
Duncan Leith
Carol Esperti
David Fedeli
Jeffrey Gibbs
Alice Livdahl
David Lowenthal
Peter MacDonald
Kelly Maxwell
John Nunnari
Julie Scott
Kathleen Singh
Edwin Twarog
Margaret Watson
Patricia Young

Opposed:

None

(Motion passed unanimously)

The Committee left the public session at 8:31 PM.

The Committee returned to public session at 9:25 PM.

Chairman Rokicki requested a motion from the Committee to release the results of votes of the executive session.

Motion: To have the secretary report the votes of the executive session
(E. Twarog)
(J. Scott)

Roll call vote:

In favor

John Rokicki
Duncan Leith
Donald Benson
Carol Esperti
David Fedeli
Jeffrey Gibbs
Alice Livdahl
David Lowenthal
Peter MacDonald
Kelly Maxwell
Natalie Mello
John Nunnari
Julie Scott
Kathleen Singh
Edwin Twarog
Margaret Watson
Patricia Young

Opposed:

None

(Motion passed unanimously)

The Superintendent reported on the three votes taken in executive session:

Motion: To request that the Commissioner of Education be made a necessary party

(C. Esperti)
(D. Leith)

The motion passed 16-0-1, with the abstention by Member Margaret Watson.

Motion: That legal counsel be directed to indicate that the Committee does not wish to take a position at this time but will defer to the decision of the court

(C. Esperti)
(P. Young)

The motion passed 15-2, with Members David Lowenthal and Edwin Twarog voting against the motion.

Motion: To leave executive session to return to public session

(P. MacDonald)
(E. Twarog)

The motion passed unanimously.

I. Public Hearing

Maureen Floryan read a prepared statement (attachment 2).

David Gibbs, Sterling, read a prepared statement and provided a video tape of a meeting held on August 29, 2002 at the Princeton Public Library for the record (attachment 3).

Motion: To over-rule the Chairman and to allow Member David Lowenthal to speak for ten minutes

(D. Lowenthal)
(E. Twarog)

Motion: To move the question

(J. Nunnari)
(D. Benson)

Roll call vote:

In favor

John Rokicki
Duncan Leith
Donald Benson
Carol Esperti
David Fedeli
Jeffrey Gibbs
Alice Livdahl

David Lowenthal
Peter MacDonald
Kelly Maxwell
Natalie Mello
John Nunnari
Julie Scott
Kathleen Singh
Edwin Twarog
Patricia Young

Opposed:

Duncan Leith
Margaret Watson

(Motion passed 15-2)

Roll call vote on the main motion:

In favor

Carol Esperti
David Fedeli
David Lowenthal
Peter MacDonald
Kelly Maxwell
Kathleen Singh
Edwin Twarog

Opposed:

John Rokicki
Duncan Leith
Donald Benson
Jeffrey Gibbs
Alice Livdahl
Natalie Mello
John Nunnari
Julie Scott
Margaret Watson
Patricia Young

(Motion failed 7-10)

II. Secretary's Report

- A. Approval of the 1044th Regular Meeting Minutes of the WRSD Committee held on August 12, 2002

Motion: To strike the following paragraph on page 5:
“The Superintendent informed the Committee that this was his professional responsibility and not personal. Is truth a character trait and should we be teaching this to our students? He commented that this was a waste of public time.”

(E. Twarog)

(C. Esperti)

The Superintendent informed the Committee that part of his responsibility is to advise the Committee and that was what he was doing.

Roll call vote:

In favor

Donald Benson
Carol Esperti
David Fedeli
Jeffrey Gibbs
David Lowenthal
Peter MacDonald
Julie Scott
Kathleen Singh
Edwin Twarog

Opposed:

John Rokicki
Duncan Leith
Alice Livdahl
Natalie Mello
John Nunnari
Margaret Watson
Patricia Young

Abstained:

Kelly Maxwell

(Motion passed 9-7-1)

The Minutes were accepted by consensus, with Member Kelly Maxwell abstaining, striking the above-referenced paragraph and

changing the paragraph on page 14 from “When asked to clarify his motion, Member Nunnari explained that the censure came from the District Attorney’s correspondence.” to read, “When asked to clarify his motion, Member Nunnari explained that the motion to censure was in response to the District Attorney’s correspondence.”

- B. Approval of the 237th Special Meeting Minutes of the WRSD Committee held on August 26, 2002 – approved by consensus

III. Clarifications relating to Treasurer’s Report and Financial Statement

- A. Presentation of Warrants and Payroll – the warrants were circulated for signature

IV. Communications

V. Committee Reports at the Discretion of the Chair

- A. Management Subcommittee (J. Rokicki, Chair, D. Leith, C. Esperti, A. Livdahl, K. Maxwell, N. Mello, J. Scott, E. Twarog)

- Leo P. McCabe, Esq. – scheduled for 7:30 p.m.

See above.

- B. Business/Finance Subcommittee (N. Mello, J. Rokicki, D. Leith, D. Benson, D. Fedeli, K. Singh)

- C. Education Subcommittee (J. Scott, Chair, K. Ferguson, J. Gibbs, D. Lowenthal, P. MacDonald, J. Nunnari, T. Tod, M. Watson, P. Young)

- D. School Building Committees

- 1. Holden – (J. Scott)

- 2. Paxton

- 3. Rutland

- 1. Central Tree/Naquag – (J. Rokicki)

2. Elementary Feasibility – (J. Rokicki)

4. Sterling

VI. Superintendent's Report

A. Discussion of Report

B. Presentation of MAT-8 Assessment Results – Jason Newton,
School Psychologist Liaison

See above.

C. Recommendation to allow Wachusett Regional School District to
transport students for a fee to/from school

Motion: That Wachusett Regional School District develop a transportation fee schedule to accommodate those parents or guardians desiring transportation for their children to/from school who do not qualify for transportation due to living less than 1.5 miles from their respective schools and are not presently transported. Accommodation will require payment of transportation fee that will be set by District and be dependent on availability of transportation as determined by District.

(C. Esperti)

(J. Gibbs)

The Superintendent explained that he had been approached by a parent of a high school student not eligible for transportation who wished to pay for the service. Since the Committee had taken action to not allow fees for transportation, the Superintendent felt it necessary to request the Committee to take such action.

Vote:

In favor

John Rokicki
Duncan Leith
Donald Benson
Carol Esperti
David Fedeli
Jeffrey Gibbs
Alice Livdahl
David Lowenthal

Peter MacDonald
Kelly Maxwell
Natalie Mello
John Nunnari
Julie Scott
Patricia Young

Opposed:
David Lowenthal
Kathleen Singh
Edwin Twarog

(Motion passed 14-3)

Motion: To extend the meeting for five minutes

(K. Singh)
(P. MacDonald)

Vote:

In favor:

John Rokicki
Duncan Leith
Donald Benson
Carol Esperti
Jeffrey Gibbs
Alice Livdahl
David Lowenthal
Peter MacDonald
Kelly Maxwell
Natalie Mello
Julie Scott
Kathleen Singh
Edwin Twarog
Patricia Young

Opposed:

John Nunnari
Margaret Watson

(Motion passed 15-2)

Chairman Rokicki moved immediately to New Business

VII. New Business

Member Kathleen Singh asked if a policy could be developed regarding heavy backpacks. The Superintendent indicated that he would work with Member Singh on developing such a policy and would provide research on the subject.

Member Edwin Twarog officially requested the following By-Law Change:

Statements by the public during public session, other than guests invited to give presentations, be given one minute for comment.

Member Twarog requested that the Superintendent find the appropriate place in the By-Laws for such an item. The Superintendent informed the Committee that he would inform the Committee of this By-Law change request in writing in order to meet the fourteen-day notice requirement of the By-Laws for any change.

Chairman Rokicki distributed the updated Posting and explained that the Special Meeting has been re-scheduled to Monday, September 23, 2002, due to scheduling conflicts (attachment 4).

VIII. Adjournment

Motion: To adjourn

(C. Esperti)
(J. Scott)

Vote:

In favor

John Rokicki
Duncan Leith
Donald Benson
Carol Esperti
David Fedeli
Jeffrey Gibbs
Alice Livdahl
David Lowenthal

Peter MacDonald
Kelly Maxwell
Natalie Mello
John Nunnari
Julie Scott
Kathleen Singh
Edwin Twarog
Margaret Watson
Patricia Young

Opposed:
None

(Motion passed unanimously)

The meeting adjourned at 10:12 PM.

Respectfully submitted,

Alfred D. Tutela, Ph.D.
Superintendent of Schools

ADT/ss/School Committee/Minutes