

**WACHUSETT REGIONAL SCHOOL DISTRICT COMMITTEE**

**HOLDEN ♦ PAXTON ♦ PRINCETON ♦ RUTLAND ♦ STERLING**

Minutes

Special Meeting #246 Monday, January 13, 2003

8:00 PM

Media Center  
Wachusett Regional High School

*Committee Members Present:*

John Rokicki, Chairman	Alice Livdahl
Duncan Leith, Vice-Chairman	Peter MacDonald
Donald Benson	Kelly Maxwell
Clifford Connell	John Nunnari
Carol Esperti	Julie Scott
David Fedeli	Tammy Tod
Kimberly Ferguson	Margaret Watson
Patricia Gates	Patricia Young
Jane James	

*Committee Members Absent:*

Jeffrey Gibbs	Natalie Mello
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*Administration Present:*

Alfred D. Tutela, Ph.D., Superintendent of Schools  
Paul K. Soojian, Director of Operations  
Steven Penka, Director of Administrative Services  
Philip E. Campbell, Director of Student/Information Services  
Susan H. Sullivan, Executive Assistant to the Superintendent

*Others Present:*

Linda Lehans, *The Landmark*  
Marc Sanguinetti, *Worcester Telegram & Gazette*  
Susan Staudaher, *Sterling Meetinghouse News*  
Maureen Floryan, Holden  
Larry Floryan, Holden  
David Gibbs, Sterling  
Melinda Johnson, Paxton  
Mark James, Holden  
Cynthia Janik, Holden

I. Call to Order

Chairman Rokicki called the meeting to order at 8:05 PM.

II. To rescind the approval of the Rutland Intermunicipal Agreement

Chairman John Rokicki introduced District Counsel Leo McCabe to answer any questions regarding the Regional Agreement or the Intermunicipal Agreement.

Member Carol Esperti distributed two documents:

- Correspondence from Commissioner of Education Robert Antonucci, dated October 15, 1996 (attachment 1); and
- Sections 14, 15, 16, and 17 of the Amended Regional Agreement (attachment 2).

Chairman Rokicki distributed copies of the executed Intermunicipal Agreement between the Wachusett Regional School Committee and the Town of Rutland (attachment 3).

In response to inquiry, Attorney McCabe reported that the Intermunicipal Agreement is legal.

The Agreement needs to be signed-off by the Department of Education in order for Rutland to receive reimbursement. All attorneys are satisfied, including Bond Counsel, Rutland Town Counsel, and District Counsel.

Following an inquiry, Attorney McCabe reported that during the 1998 review of the Regional Agreement, the Department of Education requested the change to Section 15.4. The new Intermunicipal Agreement does not require an amendment to the Regional Agreement.

According to Chapter 40A, the District and the Town of Rutland have the right to enter into an agreement with the approval of the Department of Education.

Following an inquiry regarding written approval from the Department of Education, Attorney McCabe reported that the Intermunicipal Agreement does not supercede the Regional Agreement. He restated that Rutland Bond Counsel, Ropes and Gray, approved the agreement.

A question was raised regarding the District's Bond Counsel's decision that following the elementary school projects there would be no more Intermunicipal Agreements.

The Superintendent repeated that the education of children comes first and that due to the political rancor among and between member towns and the need for a special town meeting to approve a Rutland project, he approached the Department of Education and Bond Counsel to reconsider the previous position and to allow a new intergovernmental agreement to facilitate and expedite the project.

Chairman Rokicki read into the record portions of the Correspondence from Commissioner of Education Robert Antonucci, dated October 15, 1996 (see attachment 1).

A member requested that the Superintendent look back to when the Department of Education told the Committee that the Agreement had to be amended. The member remembered that it was the Bond Counsel making the demand. The Superintendent reflected that to his recollection it was the Department of Education that made the requirement. Attorney McCabe affirmed the same.

Attorney McCabe reported that he would forward to Attorney Manley of Ropes and Gray, the executed agreement; Ropes and Gray would then submit it to the Department of Education. He expected it to be returned signed within one month.

Motion: To rescind the motion allowing the Intermunicipal Agreement  
(C. Esperti)  
(C. Connell)

Chairman Rokicki declared the motion out of order, per Roberts Rules of Order. When a motion involves a contract and the other party was notified the motion cannot be rescinded. The Town of Rutland was informed on December 30, 2002 and brought the issue to its Town Meeting on January 9, 2003.

Motion: To overturn the opinion of the Chair, on the basis that the motion was out-of-order and therefore null and void.  
(C. Esperti)  
(C. Connell)

Attorney McCabe informed the Committee that the Agreement was indeed valid and rescinding would be in ~~breach~~ BREACH of contract. He reported that rescinding the motion was illegal. The DOE is not a party to the Agreement, but only needs to approve the Agreement.

Roll call vote:

In favor:

Clifford Connell  
Carol Esperti  
Kimberly Ferguson  
Peter MacDonald

Opposed:

John Rokicki  
Duncan Leith  
Donald Benson  
David Fedeli  
Patricia Gates  
Jane James  
Alice Livdahl  
Kelly Maxwell  
John Nunnari  
Julie Scott  
Tammy Tod  
Margaret Watson  
Patricia Young

(Motion failed 4 – 13)

III. Adjournment

Motion: To adjourn

(C. Esperti)  
(D. Benson)

Vote:

In favor:

John Rokicki  
Duncan Leith  
Donald Benson  
Clifford Connell  
Carol Esperti  
David Fedeli  
Kimberly Ferguson  
Patricia Gates

Jane James  
Alice Livdahl  
Peter MacDonald  
Kelly Maxwell  
John Nunnari  
Julie Scott  
Tammy Tod  
Margaret Watson  
Patricia Young

Opposed:  
None

(Motion passed unanimously)

The meeting was adjourned at 8:57 PM.

Respectfully submitted,

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

ADT:ss