

Select Board Special Meeting
Monday, January 28, 2019 - 6:30 p.m.
Longmeadow High School, Room A15, 535 Bliss Road, Longmeadow, MA

Present: Chair Mark Gold, Thomas Lachusua, William Low and Richard Foster.
(Absent- Marie Angelides)

Also Present: Town Manager Stephen Crane, Jackie Sullivan, Marty O'Shea.
School Committee Members: Bronwyn Monahan, Ryan Kelly.
(Absent - Armand Wray), Janet Robinson also present.

The meeting was called to order at 6:30 p.m. by Select Board Chair Mark Gold.
The Pledge of Allegiance was recited.

Resident Comments: None

School Committee Comments: None

Select Board Comments: Mark Gold noted over the last several months the Select Board has received many inquiries as to why doesn't the Select Board get involved with the issues that are facing the School Committee, the fact is that the School Committee, based on State statutory authority has an awful lot of independence. The Select Board had no ability to interfere with the School Committee. Up until this point the issues have been School Committee issues. On January 23, 2019 that changed when four members of the School Committee resigned. Mark Gold stated that per State law it is the responsibility of the Select Board to fill those vacancies on the School Committee. Following that resignation on January 23, 2019 Mr. Gold participated in a teleconference with the town's attorney, Attorney Rose Crowley along with Town Clerk Katherine Ingram, Town Manager Stephen Crane, Superintendent Marty O'Shea and Assistant Superintendent Thomas Mazza. The subject of that discussion was summarized in an e-mail and is now public record, it is included in the documents of this meeting. On January 24, 2019 the Select Board received written notification from the three remaining School Committee members of the four vacancies on the School Committee. This notification begins a time line and is set by State Law. Mark Gold also stated the intent is that they are open with everything that is done.

New Business:

- 1. Review of State law, Town Charter, Town By-laws and School Committee and Select Board policies on filling vacancies** – Mark Gold noted that there are several pertinent documents, the first one is Massachusetts State Law, Title VII, Chapter 41 Section 11 titled Appointment to fill vacancy in town office.

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.

Mark Gold stated that the Longmeadow By-Laws are also applicable, Chapter 3, Section 3-206. (By-Law relating to filing a vacancy.)

3-206. Vacancy. If a vacancy occurs in an office that is filled by election, the vacancy is filled pursuant to the provisions of the General Laws of Massachusetts and these By-Laws to the extent these By-Laws are not inconsistent with MGL.

Also, in the by-laws are sections 3-505, 3-506, 3-507, and 3-508.

All the appropriate documents were distributed to the Select Board members and the remaining School Committee members.

2. Providing for School Committee to act as a board:

Mr. Gold stated that this is a particular concern to him, the Select Board and the remaining School Committee members. The reason being is that the School Committee has the need to act in a lawful manner to complete the business side of the schools. Mr. Gold noted that we cannot act on the business side of the schools because we do not have a quorum. MA General Law allows for the Select Board and School Committee members to fill a vacancy that is necessary. Although they cannot do it for a week following the notification. The notification was received last Thursday, January 24, 2019. They cannot fill this position tonight, but it can be filled one week from last Thursday, so this coming Thursday 1/31/2019. It can be filled by a majority vote with the Select Board and the remaining members of the School Committee. Having heard this opportunity Mark Gold, acting alone, thought they really only need one more person to make the School Committee whole for now. To give them a fourth voice on the School Committee. Mark Gold had a personal discussion with Janet Robinson (a former school committee member) to see if she would be interested. Mr. Gold is asking the School Committee and the Select Board if they would want to appoint one person on Thursday whether it be Janet Robinson or someone else. It would be an immediate process beginning Thursday afternoon. And then they would have four members of the School Committee and get them back into business. Then go forth with the process to fill the other vacancies. Mr. Foster stated that it is definitely in the spirit of the law, it is important to get the School Committee functional and he would definitely support appointing Janet Robinson.

Stephen Crane wanted to clarify for the record that the Town Attorney has worked in collaboration with the School's Counsel.

Bronwyn Monahan stated that she was hoping the appointments would come in an expedited time line, via the interview and appointment process. Although she believes Janet Robinson would be phenomenal. Ryan Kelly agrees with Bronwyn with regard to Ms. Robinson being an asset. Mr. Kelly questioned the timeline for things that must happen, when do they absolutely need a quorum in order for nothing to be derailed? Marty O'Shea informed him that they have spoken with Town Manager Crane about a budget development process that they could follow if the committee were situated following a longer wait period. They could go ahead with an informational presentation on the budget hearing as scheduled on February 5, 2019. There are some items that can be held until the committee is situated, there is nothing that is considered an emergency basis right now. Dr. O'Shea feels that it is in everyone's best interest to move this along promptly. Mark Gold noted that he heard there is a need to appoint a person to the School Committee to sign warrants. Tom Mazza noted that Mr. Kelly is authorized to sign the accounts payable warrants (when there is a quorum), they currently do not have anyone to sign the payroll warrants. Mr. Mazza has spoken with Stephen Crane and Paul Pasterczyk and was told they would not hold off on issuing paychecks, and once there was a quorum whoever gets appointed to sign those warrants, can do so at a later date. Richard Foster asked is there any compelling reason to leave this committee without a quorum for the next two, two and half weeks? Dr. O'Shea stated they can work with either scenario. It would be better to have a functioning School Committee. Bronwyn Monahan stated they absolutely want to be functional as a board, she just wants to be fair. Stephen Crane wanted to clarify that they will work with whatever decision is made, if the Board chooses to appoint a fourth member in one week, or if they go through the appointment process. Tom Lachiusa would be open to appointing Janet Robinson to a four- or five-week appointment. Mr. Lachiusa also stated he does think that they do have to give everyone an equal opportunity. Ryan Kelly asked how can other people put their names forward for the short-term appointment? Mark Gold

informed him that there is no process. Bronwyn Monahan appreciates Mark Gold doing all this research but the fact that there is no process is concerning to her. Marty O'Shea expressed that he would like to have a board situated sooner rather than later. Ryan Kelly just wants other people to have the opportunity if they want to be appointed to the short-term appointment.

Richard Foster made a motion to hold a special meeting with the Select Board and the School Committee on Thursday, January 31, 2019 at 7:00 p.m. for the sole purpose of filling one of the four vacancies on the School Committee at that point. For a period of time to expire when the selection of the other 4 members are made. Mr. Foster's motion continued that this vacancy be filled only through the election of four others to be completed through the agreed upon Select Board / School Committee process of applications and interviews to be conducted in several weeks. The motion was seconded by Tom Lachiusa.

The vote was 4 in favor -0 opposed. (Marie Angelides absent)

During the discussion process, town Counsel Attorney Rose Crowley noted that all appointments by the joint Select Board / School Committee are permanent appointments and the only way to affect an "interim appointment" (an appointment until the more inclusive process of self-nomination and interviews) is to request that the person being appointed pre-sign a dated letter of resignation that would take effect at the time the other four appointments are made.

Stephen Crane asked how do people notify this group if they are interested in this short-term appointment? Mark Gold stated they should notify the Town Clerks office with a signed letter of interest by Thursday at 12:00 noon.

3. June 11th election directive to town clerk: Direct the Town Clerk to add the three additional vacancies for a one-year term to the ballot in June.

*A motion was made by Richard Foster that the Select Board direct the Town Clerk to add to the June 11, 2019 Longmeadow Town Election ballot a contest for three positions on the School Committee for one-year terms to expire June 2020. The motion was seconded by Tom Lachiusa. **The vote was 4 in favor 0 opposed. (Marie Angelides absent)***

4. Setting schedule for filling vacancies: Mark Gold stated they would try and set a schedule for the appointment of the four School Committee vacancies, using the process of a minimum of two weeks of advertising. They can advertise for this as soon as they want to. The Board can direct the Select Board's office and the Town Clerk to advertise for these positions. Mark Gold suggests February 21, 2019 or February 22, 2019 as the interviewing dates. And the appointments could be one week after that. Bronwyn Monahan mentioned that was school vacation week, Mark Gold informed her they could change the date to February 25, 2019.

Richard Foster made a motion that the Select Board direct the Town Clerk and office of the Select Board to immediately post openings for town voters to self-nominate to fill the vacancies on the School Committee through the next annual town election (scheduled for June 11, 2019). Applicants must complete the available committee application form and may submit additional information. To be considered for appointment, applications are due by noon on Thursday, February 21st. Applicants are to be notified that they must be available for an interview to be held on Monday, February 25th at 7:00 p.m. in the Longmeadow High School meeting room A-15. Tom Lachiusa seconded the motion. The vote was 4 in favor, 0 opposed.(Marie Angelides absent)

The next Special Joint meeting with the Select Board and the remaining School Committee members is Thursday, January 31, 2019 at 7:00 p.m.

01 28 19 Special
3/4/19 Accepted w/correction

*Richard Foster made a motion to adjourn the meeting at 7:42 p.m. Tom Lachiusa seconded the motion. **The vote was 4 in favor 0 opposed.** (Marie Angelides absent)*

The meeting was adjourned at 7:42 pm.

Respectfully Submitted,
Jackie Sullivan

Documents:

8/19/2011 Town Counsel Letter, 1/23/2019 Town Counsel letter, By-law 3-206 Filling elected vacancies, MGL Title V11 chapter 41, section 11, School Committee policies on vacancies, School Committee vacancy appointments, Town By-laws relating to appointments, Vacancy application guidelines- E-mail.