

LEXINGTON SCHOOL COMMITTEE - EXECUTIVE SESSION
School Administration Building
Central Office Conference Room
146 Maple Street
Tuesday, August 14, 2012
6:00 PM

Minutes were taken by the Chair.

School Committee members present in the Executive Session included:
Margaret Coppe, Chair; Alessandro Alessandrini, Vice-Chair; Bonnie Brodner, Jessie Steigerwald and Mary Ann Stewart.

Others present were: Robert Fraser, School Counsel and Kevin Batt, Town Counsel.

The Chair called the meeting to order at 6:10 PM.

Ms. Steigerwald objected to Robert Fraser's presence during the Executive Session.

On a Motion made by Ms. Coppe and seconded by Mr. Alessandrini, the School Committee moved to go into Executive Session to discuss strategy with respect to a possible appeal of the July 26, 2012 Open Meeting Law ruling by the Office of the Attorney General (exemption #3) and not to return to Open Session. Further, the Chair declared that an open meeting may have a detrimental effect on the litigating position of the Town.

On a roll-call vote the above motion passed unanimously with all Committee members voting in the affirmative: Mr. Alessandrini-aye; Ms. Brodner-aye; Ms. Coppe-aye; Ms. Steigerwald-aye with an objection to Mr. Fraser being present; Ms. Stewart-aye.

Executive Session (convened at 6:12 PM)

Members of the School Committee discussed the recent determination by the Attorney General that two violations of the Open Meeting Law had occurred: failure to state in meeting notices the name of the person whose contract it planned to discuss and improperly voting to extend the Superintendent's contract in executive session during the June 1, 2011 meeting. The committee, or any member of the committee, has the right to obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, §23 (d) and must file that complaint within twenty-one days of receipt of this order, which will be August 17, 2012.

Counsel offered advice on what filing an appeal would involve, and what the possible outcomes could be.

There was a discussion about whether the School Committee was aggrieved or not. Some members felt they were not aggrieved because there were no monetary fines, compulsory trainings or contract nullification.

Ms. Steigerwald held a minority viewpoint that the School Committee was aggrieved by the finding because, in her opinion, the School Committee had not violated the Open School Committee Executive Session Minutes 8/14/2012

Meeting Law by taking a vote in Executive Session but was being held in violation due to Bob Fraser's advice which was not accepted by the Attorney General, and that, further, the School Committee acted on his advice on options available during the subsequent Open Meeting, which options led to the Open Meeting Law Complaint. She wished to pursue this point and was open to an appeal or other advice from Town Counsel.

It was noted that the School Committee, as well as the Board of Selectmen, are already putting more specific information in their agenda notification for executive sessions.

No motion to file an appeal was made.

As an alternative, a letter to the Attorney General asking for clarification on voting and guidance on future voting was discussed.

The committee asked counsel to explain how this determination would impact union negotiations. Counsel described the intersections of the Open Meeting Law and collective bargaining laws, which seems to be a murky area. Counsel spoke to what course such a letter might take, and to what it might say.

Motion

Ms. Steigerwald moved, in lieu of an appeal, sending a letter to the Attorney General seeking clarification on how we could take different steps to assure that future voting by the School Committee is not perfunctory.
With no second, the motion failed.

The Chair entertained a Motion to Adjourn from Executive Session made by Ms. Steigerwald and seconded by Ms. Stewart.

On a roll-call vote the above Motion passed unanimously with all Committee members voting in the affirmative: Mr. Alessandrini-aye; Ms. Brodner-aye; Ms. Coppe-aye; Ms. Steigerwald-aye; and Ms. Stewart-aye.

The Executive Session adjourned at 7:32 PM.

Voted Approved and Released January 15, 2013

Documents: Handout from Jessie Steigerwald dated August 14, 2012.