

## EXECUTIVE SESSION MINUTES

Town of Marblehead, Massachusetts

Marblehead School Committee

July 31, 2023, 9:30am

Present: Sarah Fox, Chair

Jennifer Schaeffner, Vice Chair,

Alison Taylor, Secretary

Meagan Taylor

Members Absent: Brian Ota

Upon motion duly made and seconded, it was moved that the School Committee go into EXECUTIVE SESSION and not return to open session in accordance with M.G.L. Ch 39, Sec. 23B.

The Chair then stated the reason(s) for the Executive Session:

(SEE THE REASONS CHECKED)

\_\_\_\_ (1) To discuss the reputation, character, physical condition or mental health, rather than the professional competence of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.1  (2) To conduct strategy sessions in preparation for negotiations with non-union personnel, or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; \_\_\_\_ (3) To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body and the Chair so declares ...;

\_\_\_\_ (4) To discuss the deployment of security personnel or devices;

\_\_\_\_ (5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints;

\_\_\_\_ (6) To consider the purchase, exchange, lease or value of real property, if such discussion may have a detrimental effect on the negotiating position of the governmental body with a person, firm or corporation; 1 The individual involved in such Executive Session must be notified in writing at least forty-eight (48) hours prior to such session and is (1) entitled to be present (2) to have counsel or other representative present and (3) to speak in his or her own behalf. Upon the request of the individual involved, no Executive Session shall be held and the meeting shall be held in open session. See G.L.c.39, §§23B(1) and (2).

\_\_\_\_ (7) To comply with the provisions of any general or special law or Federal grant-in-aid requirements;

\_\_\_\_ (8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtained qualified applicants: provided, however, that this clause shall not apply to any meeting, including meetings of a

preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening;

\_\_\_\_ (9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a.) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b.) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section. The School Committee during a properly constituted and noticed meeting:

VOTE: to go into Executive Session Roll Call Vote:

Member Name: Sarah Fox: Yes

Member Name Jennifer Schaeffner: Yes

Member Name Alison Taylor: Yes

Member Name Meagan Taylor: Yes

Member Name Brian Ota: Abstain

The School Committee WILL NOT RECONVENE in Open Meeting after the Executive Session.

Call to Order, Chair Sarah Fox 9:33am

Summary of Discussion:

School Committee Attorney Brunt explained that after the previous Executive Session, she had negotiated with Dr. Buckley's attorney and believed that the offer provided to the School Committee was not acceptable as it was asking for the full amount of the contract ending June 30, 2025, including a five percent increase for each year, full benefits, and a joint statement. Attorney Brunt informed Dr. Buckley's attorney that it was not acceptable and if an offer was not made in good faith by Wednesday July 26 at 7:30PM, the Committee would be going forward with a vote to terminate according to provision 12.2 of the contract. Dr. Buckley's attorney contacted Attorney Brunt at 7:12PM on July 26, at which point she advised Chair Fox to open and immediately close the scheduled open meeting and negotiations would resume.

Chair Fox concurred that the terms offered were a non-starter and was not in good faith. The teachers' raise was considerably less than five percent per year and given the general financial state of the district, those terms were unacceptable.

The Committee agreed to allow Chair Fox to work with Attorney Brunt to finalize a negotiated separation agreement.

There was again discussion about a mutual non-disparagement clause. Several members expressed concern about this clause in that it would inhibit the Committee from speaking facts to the process. Meagan Taylor strongly supported including such a clause to minimize divisiveness of the Committee. Alison Taylor expressed her frustration that Meagan Taylor had perpetuated divisiveness with a recent critique of the Committee in the local press during these negotiations.

Motion: To not include a mutual non-disparagement clause in the Committee's second offer of separation agreement to Dr. Buckley, while providing Attorney Brunt the ability to negotiate on those terms if necessary.

Moved: Jennifer Schaeffner

Seconded: Alison Taylor

Roll Call Vote:

Sarah Fox: Yes

Jennifer Schaeffner: Yes

Alison Taylor: Yes

Meagan Taylor: No

Motion: For Chair Sarah Fox to enter discussions with Michelle Creta to be Acting Superintendent.

Moved by: Alison Taylor

Seconded by: Jennifer Schaeffner

Roll Call Vote:

Sarah Fox: Yes

Jennifer Schaeffner: Yes

Alison Taylor: Yes

Meagan Taylor: No

Motion to adjourn Executive Session 10:04am:

Moved: Jennifer Schaeffner

Seconded: Alison Taylor

Roll Call Vote:

Sarah Fox: Yes

Jennifer Schaeffner: Yes

Alison Taylor: Yes

Meagan Taylor: Yes

Respectfully Submitted,

Alison Taylor, Secretary