

Ludlow-Mount Holly Unified Union School District Regular Meeting Minutes

June 12, 2019, 6:00 p.m.

LES Band Room

I. CALL TO ORDER:

Board: Paul Orzechowski, Dan Buckley, Mary Alberty, Katie Hollebeek, Brigid Faenza, Mariel Meringolo

Student Representatives:

Staff: Cheryl Hammond, Meg Powden, Craig Hutt Vater, Karen Trimboli

Public: Joanne Wilson, Shawn Cunningham, Cynthia Prairie

Mr. Orzechowski called the meeting to order at 6:25 p.m. He invited the board members to introduce themselves

II. APPROVAL OF AGENDA:

Ms. Alberty **moved** to approve the agenda with addition of New Business, item h, Open Meeting Law-Correction of Errors, and to add an executive session under 1 V.S.A. § 313(a)(3), the Appointment or Employment or Evaluation of a Public Officer or Employee, as they will be discussing an evaluation or employment of two professional employees.

III. APPROVAL OF MINUTES:

Ms. Alberty **moved** to approve the minutes of the May 8, 2019 meeting. There was discussion about the typographical error on the first page “Mr. Powden” should be “Ms. Powden”; and the resolution of the motion to approve the minutes of March 13, 2019 was missing. The board noted that the minutes were approved unanimously. Ms. Alberty withdrew her motion. Ms. Meringolo **moved** to approve the minutes of the May 8, 2019 meeting as amended. Ms. Faenza seconded and the motion carried unanimously.

Ms. Alberty **moved** to approve the minutes of the June 3, 2019 special meeting minutes. Ms. Meringolo seconded. The motion carried unanimously

IV. COMMUNICATIONS:

A. Board Comments

None.

B. Student Rep

There were no student reps since school is done for the summer.

C. Public Comments

None.

V. PRESENTATION:

A. After School Program

Ms. White introduced herself and reported on her history with the after-school program (ASP). She advised that the TRSU has met most of its ASP goals thus far. She shared what the program has accomplished and where it is headed. In 2013, there were only 2 schools with ASP's and \$86,000 in grant funding. Currently they have 4 fully funded ASP's. She noted that the TRSU ASP, isn't just a care program. It is the 2nd largest entity within TRSU. They have 5 sustainable programs—one at each elementary school and the summer program. They provide equity and inclusion for all students, as well as out of district placement students returning to their home schools for ASP. ASP is open 49 weeks per year and is very working-family-friendly. They have 1:1 helpers and great relationships with the schools. They work with the teachers to extend the school day into ASP as well as providing family friendly care. She described the hours of the programs, including into the evenings, the half days in Cavendish and school holidays. The summer program has operated for 10 weeks, and this year will be 7 weeks. She noted that the ASP and the summer program run for 49 weeks per year. The ASP serves 320 students. They planned to serve 70 students in the summer but now have 120 students registered. She thanked Zoe Lirakis, Shona Trimboli and Julie Goraj, the ASP providers in the schools. She felt that they are irreplaceable, valuable and have been with the program for the past 6 years. She reported on the employees, included more than 50 people across the SU. They have about 16 full time summer staff. The full-time staff participate in professional development. They have been participating in trauma-informed training during the half-day ski days.

Ms. White reported that they began with \$80,000 in grant funds and currently they have over \$260,000 in grant funds for the program. They have \$160,000 in revenue from parent fees and subsidies, and another \$50,000 in local money (GMUSD budget for CAES and CTES; and funds from the town budgets in Ludlow and Mt. Holly). The TRSU budget doesn't financially support the program, however all the funding flows through the TRSU. Between the grants, parent fees, subsidies and local funding, that is over \$2,000,000, which is put back into the schools to help the students and serve families.

Ms. White noted that the 2013 goal was to have ASP across the SU and provide equity. She also noted that in order for schools to improve test scores and close achievement gaps they have to provide equity. The ASP is helping in this endeavor. They also have learning targets and indicators, just like the school does. She has worked with the teachers to focus on what the teachers were hoping to accomplish. They outline short term outcomes and long-term outcomes. The ASP collaborates well with the educators. They worked as a SU-wide program to open opportunities to each school and an extension of the school day with targets aligned with those of the TRSU. She advised that many people think of ASP as a day-care in order to help with after school care and for the kids to have fun. She advised that while they do that, they also spend a lot of time with the administrative leadership team and Mr. Eppolito to help close achievement gaps. They look at the things that teachers are trying to accomplish but don't have enough time in the day for all of it. She described the current ASP learning goals at the LMHUUSD schools. She shared the goals developed between Mr. Hutt Vater, Ms. Trimboli, Mr. Eppolito and herself. She also reported on the data and the plans to reach those goals. She reminded the board that ASP is an extension of the school day and they are working to take advantage of that additional time to help learning. She outlined some of the programs that the students participate in.

Ms. White reported that because the program is federally funded, they report directly to the AOE 3 times per year and to the feds once. They also have DCF inspections. The AOE does periodic audits of financials and site visits to view every system. The employees have annual evaluations. She noted that the ASP also participates in team evaluations at each site, as well

as student, parent and teacher surveys. She reported on the benefits to the programming including tutoring and snacks. She reported on the various ways they meet their goals.

Ms. White discussed equity and noted that she agreed with the idea that they don't have an achievement gap, they have an opportunity gap. She felt that ASP was a place to give students equity to be exposed to the same things that their counterparts in other communities are—for example fencing, dancing, tae kwon do, ukulele, and coding. She noted that ASP has a sliding scale for parent fees.

Ms. White reported that the ASP is continuing with the farm to school initiative. They have gardens and someone teaching cooking, gardening and nutrition. She shared information on the students snowshoeing and mountain biking. CTES has mountain bikes and helmets for the ASP. Those will go to West Hill this summer. The ASP also teaches responsibility. CTES kids are whittling and learning hunters' safety. She noted that there is one system and each school has its own flavor based on the community. She also reported that each school is working on STEM. She also reported that ASP takes students on field trips every year to experience things they can't get in the classroom. The ASP is also bringing multi-culture exposure to the students—with cooking, flag making, studying other countries. They also work on art and engineering projects, as well as learning through play. She reported that the students have been learning about the engineering process.

Ms. White reported that there are many healthy adult/student relationships being built in ASP. It isn't just about whether they got their homework done. Ms. White reported that the next step for ASP is to build the summer program. The registrations went out in March and there were 50 applicants by Memorial Day and there are now another 65 applicants. Currently there are 4 communities and 1 program. The students are dropped off at their home school at 7:30, get breakfast and then go to the summer program in Ludlow by 9am. The camp is \$90/week with a \$5 discount for online registration. She advised that shortly after opening registration, she eliminated paper registrations and only allowed the online applications for \$85. There are over 30 5th, 6th, and 7th graders. Ms. White noted that there will be no swimming at West Hill this year because of the damage to the bottom of the West Hill Pond from TS Irene a few years ago. There are 111 students enrolled, but only 70 students allowed at the camp per day. There was discussion about the licensing requirements, such as 15 students per one sink. She has discussed future sink installation with the Ludlow Town Manager. The ASP is currently partnering with the Town of Ludlow to get the building and restrooms up to code, which will then improve community participation there, which could then get the community to approve tax payers dollars to dredge the pond to all swimming there again in the future. There was discussion about the signage near the rec area.

She discussed some of the programming that will happen this summer. She also reported on the free summer meals for the students. Ms. White shared the registration sheet and noted that they are focusing on mindfulness, social justice, teambuilding, arts, sports, physical health. They may have kayaks, fishing and other water activities besides swimming, but will get the water tested. She held a community dialog night and each community has some concerns about the changes in camp. She noted that CAES was used to swimming every day but now they are going to Ludlow, LES students were used to field trip Fridays, but now they aren't going, but the students get to be outside every day. She noted that transportation costs for the summer will be close to \$10,000 just driving to Ludlow. They are hoping to invite organizations to Ludlow—VINS, Grafton Nature Museum and others. There was discussion about the billing and the cleaning and supplies for the program. Ms. Trimboli noted that each school will be housing the students for inclement weather on a rotating schedule. Ms. White

noted that this is the first time that they have been having an SU wide program. They are the first 21C grant program not being housed in a school, and they have a plan for ticks and inclement weather—both that which happens in the middle of the day versus those that can be foreseen. There was discussion about the space available at LES. Mr. Hutt Vater voiced his support for the ASP year-round. The staff is fully invested and the students benefit immensely. The program's self-direction helps the students take the lead in their learning.

Ms. Powden thanked Ms. White for her work on the ASP, especially the summer program. There was discussion about the West Hill Revitalization project. Ms. White noted that they might be able to get away with camp for 2 summers without water, but would need a more permanent solution afterward. She is presenting to the select board in August.

VI. ADMINISTRATOR REPORTS:

A. Superintendent Report

Ms. Powden reported that she attended the MHS and LES graduations. Both of the ceremonies were wonderful. She acknowledged the 6th grade teachers for planning their wonderful graduation programs. She noted that she reviewed Mr. Buckley's question regarding transportation, and cited title 16, section 1222 which states that students may be provided with transportation at the choice of the board. There was discussion about the needs of some special education students requiring transportation for them. There was discussion about the Tarrant Institute and the teachers will be working with students on their transitions to other schools.

B. Principal's Report

Ms. Trimboli reported that they are interviewing for a 1st and 3rd grade teacher and have been preparing for graduations. She noted that in the high school, the teachers have been working with students to be sure that they have met their proficiencies. Friday night is the senior awards night and Saturday morning is graduation. She has also been interviewing for some open positions. She noted that this time of year has been very busy. Ms. Meringolo questioned if there will be board members included on the hiring committees and if so, she is willing to help.

Mr. Hutt Vater reported that the graduation and field day were held recently and they were exciting. The students also viewed a film from the ASP students. They also had a staff versus 6th grade basketball game. The students also held a talent show during the halftime of the game. He noted that the Mt. Holly Fire Department came to the school and the students were able to explore the trucks. The last few weeks have been exciting. He noted that there is an anonymous donor who wants to donate flags to the school. There has been a lot of support for the building of the music room, including some builders, engineers, and musicians. Ms. Meringolo clarified that the flags being donated are American flags. He also thanked the American Legion for the Memorial Day ceremony. He noted that the staff won the basketball game, but the students were very close to winning.

Ms. Trimboli noted that the class graduating from BRHS is the first class that started in preschool at Ludlow and Mt. Holly.

VII. OLD BUSINESS:

A. Subdivision of Ludlow Elementary School Property

Mr. Buckley reported that the town committee has met twice, once at the high school where Mr. Tuomisto gave a detailed tour of the facility. He noted that the only things left to do is 1 ½ sets of windows. He shared the maintenance costs from the last budget with Mr. Murphy, the town manager. He felt that the board may want to consider finishing the windows. He noted that the

budget he gave Mr. Murphy is about \$340,000 which includes the custodial staff for that building and the inspections of the building. Ms. Hammond noted that there is a portion of the BRHS budget for maintenance is including the work done in the shared space in the LES building. He outlined some of the makeup of the maintenance costs for the BRHS building. There was discussion about the \$340,000 being over stated because of the shared space expenses. Mr. Buckley felt that the \$340,000 would be a better estimate than the prior estimate of \$120,000. One of the committee discussions was to impose a local options tax to help cover the costs. The local options tax will help upkeep the building so it isn't abandoned and an eyesore in town. The expectation is for the committee to present to the select board in September. If they want to move forward, the select board will warn a vote for the voters of Ludlow. They will coordinate that vote with the standard November vote happening this year. The next committee meeting will be next Thursday, June 20 at town hall at 6 p.m.

Ms. Hammond noted that they received an estimate about splitting the electric, which will be about \$20,940 including the Ludlow Electric Expenses. This will come from the transition funds.

VIII. NEW BUSINESS:

A. Café Services

Ms. Hammond noted that Cafe Services has decided not to renew their contract. They are scheduled to lose about \$8000-\$9000 this year with the new pricing structure. She noted that the overall budget was \$165,000, and they have paid them about \$117,000 through April. She explained that there have been issues with the new structure. She advised that there are two options—go out to bid or do it on their own. If they went out to bid, they would only be able to do it for one year because of BRHS closing and that being a material change to the program. She explained some of the process that they will have to go through for bid services. There was discussion about what the GMUSD board is doing. There was also discussion about the benefits of providing the service in house. Ms. Hammond noted that she recommends going out to bid for the year and then taking the year to examine the options. She advised that currently they pay \$3.85 per meal, but it is estimated that they will need to pay \$4.16. She reported on the subsidies that they receive from the government, as well as the commodities they receive. The school would end up paying about 59 cents per FRL meal. When they go out to bid, Café Services might submit a bid, but at a higher rate. The board discussed the difference between the bids last year. There was discussion about the Abbey Group and their quality of food compared to Café Services.

Mr. Buckley **moved** to go out to bid for food services for the 2019-2020 school year. Ms. Faenza seconded. Ms. Meringolo questioned if they should add something formal in the motion to explore options during the next year. Mr. Buckley amended his motion accordingly. The amended motion carried unanimously.

B. Year Ending 2018 Audit

Ms. Hammond reported on the audit meeting held last month. She distributed information on the anticipated fund balance and explained how the figures got there. She explained that the auditor noted concerns with the student activities funds and felt that they should tighten up those practices, including greater detail in the audit. She noted that the funds need to be student-raised funds. She noted that MHS does not have student activity funds. She noted that the GMUSD board accepted their audits because the boards audited no longer exist.

Ms. Powden reminded the board that the previous boards ended in December 2018 and they anticipated that the audits would be done by then. Mr. Buckley **moved** to accept the audits of

the U39, LES and MHS boards for fiscal year ending 2018 in lieu of those boards. Ms. Meringolo seconded and the motion carried unanimously.

C. Reserve Account

Ms. Hammond distributed information regarding the capital reserve account and other special funds. There was discussion about the fund accounting and “interfunds”. She explained that an interfund entry was done backwards at some point and she would need to make a journal entry to make that line whole. She noted that she went back to the early 2000’s. She advised that they are going to change their practice going forward. She advised that she is still working on the details. The funds are held by the entire LMHUUSD board, but are earmarked for the specific school. There was discussion about the outcome of the scholarship programs. Ms. Hammond will contact the families to see how they want the scholarships handled. There was discussion about the grants, and the donations and the intent of the donors for the money to be used.

There was discussion about the transition funds and the deadline to spend the transition funds. Ms. Powden noted that they anticipate spending it. She outlined how the funds are being spent, such as on the electric split, the student transition, the elementary report card, etc.

D. Tax Anticipation Note

Ms. Hammond reminded the board of their prior approvals of the tax anticipate notes. She explained that there are expenses that must be paid before taxes are made available to them. She has requested 1,250,000 at an interest rate of 2.6%. The district only uses what they need and are assessed interest on only that portion. Ms. Meringolo **moved** to approve the tax anticipation note for \$1,250,000 as presented by Ms. Hammond. Mr. Buckley seconded and the motion carried unanimously.

E. Staffing Plans for BRHS

Mr. Buckley questioned if they could discuss staffing before the recommendations for hire because of the rumors of many teachers leaving.

There was discussion about the staffing needs. The art teacher is moving to GMUSD. The music teacher is moving to Maine. The PE teacher is no longer with them. The school needs a guidance counselor and an administrative assistant, as well as a 1st grade and 3rd grade teacher. Ms. Trimboli outlined the teachers who are staying at BRHS. There was discussion about Ms. Gardner’s transition to the TRSU. There was discussion about the issue with the English teacher hired last year. Mr. Buckley questioned why they are making that decision. Ms. Powden noted that she wanted to make sure that they did what they could to be sure that the BRHS teachers landed where they could continue their career. There was discussion about the feeling that the administration is “gutting” the school in its last year. Ms. Powden noted that they have allowed 2 teachers to transfer, and Ms. Gardner will be housed mostly in BRHS than GMUHS this year and will be involved in the school. Ms. Meringolo noted that for a PR standpoint, they need to get that word out to the public. There was discussion about Ms. Trimboli just receiving the news today and emphasizing the key point that she will still be involved in the school. Ms. Powden noted that some teachers will have difficulty finding another job and when they can support their teachers in finding another position, they should.

Ms. Wilson agreed with that statement, but didn’t want to lose sight of the students being the primary focus and requested that the administration share information about the future of classes as soon as it is available. The board discussed quelling the rumors as soon as possible.

F. Recommendations for Hire

Ms. Powden noted that they are recommending Allison Balk for LES grade 1 teacher, Alexandra Meberg for grade 3 at LES, Ellen Boles for music at BRHS, Colleen Palmer as the BRHS Guidance Director, Bob Ruley as an English Teacher at BRHS, and Rai D’Honore as the Spanish teacher at BRHS. There was discussion about the process for checking references—not just the names provided by the candidates, but also other people they know who might have worked with these people. Ms. Alberty **moved** to hire the candidates as recommended. Ms. Meringolo seconded and the motion carried unanimously.

Ms. Trimboli noted that they will still need to hire an art teacher and PE teacher, but the board approval being delayed to August might make candidates nervous. Ms. Powden noted that they can call a special meeting.

Ms. Meringolo noted that Colleen Palmer is a great hire as she knows her history. Ms. Powden advised that she has been a superintendent, principal and guidance counselor. She is contributing to her community since she has owned property in Ludlow for some time. She also has experience in transitioning and closing a school and will help support the students.

G. Year Ending 2018 Audit (continued)

Ms. Hammond noted that at the audit meeting there was discussion about how much should be held in reserve. She sought the information. Looking at 20% of operations is about \$80,000, however looking at 1% of valuation is about \$51,000. She advised that this will give them a ballpark of what to aim for during budgeting.

H. Open Meeting Law-Correction of Errors

Mr. Orzechowski noted that the Chester Telegraph has made allegations of open meeting law violations. He read aloud the statement provided by the district’s attorney. Ms. Powden encouraged the board to hold an open meeting law training in August. Mr. Orzechowski discussed some of the topics of the training, including a script to enter executive session. Mr. Buckley also recommended that the agenda be more informative about the nature of the executive session and not just cite the statute related to discussion.

The Chester Telegraph has made allegations of inappropriate executive sessions at the Board meetings on September 12, 2018, October 10, 2018, December 12, 2018 and March 13, 2019.

The allegations relating to the September 12 and October 10 meetings are virtually identical and this memo will address those two meetings first.

For the meetings of September 12, 2018 and October 10, 2018:

From the allegations and the minutes, it appears that the Board went into executive session to discuss “Black River Teachers and staff jobs ending in 2020”.

The Chester Telegraph alleges that: 1) this is not a proper topic for executive session under the exemption used (1 V.S.A. §313(a)(1)(B) – Labor Relations Agreements with Employees); and 2) that the Board did not make a specific finding that premature public knowledge would clearly place the Unified Union School District or a person involved at a substantial disadvantage.

We do not know specifically what was discussed during executive session, however, it is our belief that if the Board went into executive session to discuss scenarios relating to the

teachers' collective bargaining agreement and individual staff contracts due to mergers occurring in 2020, then those were appropriate topics for executive session and the exemption used, 1 V.S.A. §313(a)(1)(A), was arguably proper. We would additionally recommend that the Board utilize 1 V.S.A. §313(a)(1)(B), Contracts, and 1 V.S.A. §313(a)(3), appointment or employment or evaluation of a public officer or employee, for this executive session.

As for the specific finding required, the minutes reflect that such a specific finding was made but the allegation quotes the video recording stating that such a finding was not made. If we look at the situation in the light most favorable to the party making the allegations, the executive session statute was not complied with because the Board did not make a specific finding that premature public knowledge would clearly place the UUSD or a person involved at a substantial disadvantage.

Mr. Orzechowski publicly acknowledged and admitted that the Board erred on September 12, 2018 and October 10, 2018 by 1) failing to make a proper and specific finding that premature general public knowledge would clearly put the Unified School District at a substantial disadvantage prior to entering into executive session; and 2) by failing to properly cite to and state the applicable exemptions under which the Board was to enter into executive session.

Ms. Faenza **moved** to ratify that the LMHUUSD Board went into executive session during its September 12, 2018 and October 12, 2018 meetings to discuss "Black River Teachers and staff jobs ending in 2020" and that this is a proper subject for executive session. Ms. Meringolo seconded. There was discussion about the recommendation for this motion having come from legal counsel. The motion carried unanimously.

Ms. Faenza **moved** that the Board specifically finds that the premature general public knowledge of the topics it discussed during the executive sessions on September 12, 2018 and October 10, 2018 relating to Black River Teachers and staff jobs ending in 2020 would clearly put the Unified Union at a substantial disadvantage. Ms. Hollebeek seconded and the motion carried unanimously.

Ms. Faenza **moved** to retroactively enter into executive session, pursuant to 1 V.S.A. Section 313(a)(1)(B), Labor Relations Agreements with Employees, 1 V.S.A. §313(a)(1)(A), Contracts, and 1 V.S.A. §313(a)(3), Appointment or Employment or Evaluation of a Public Officer or Employee, to discuss Black River Teachers and staff jobs ending in 2020 and invite the Superintendent, Ms. Powden, Ms. Trimboli, Mr. Hutt Vater, Mr. Davis and Ms. Hammond to participate in this discussion. Ms. Meringolo seconded. Mr. Buckley cited the law pertaining to how to remedy this problem including adoption of specific measures to prevent the issue from recurring. He felt that this remedy does not address the statute. There was discussion about the disagreement regarding action, including that the remedy proposed will not prevent the board from litigation. He proposed following the statute for the remedy. There was discussion about there being no action taken out of that executive session, therefore there is no action to be taken at this time. There was discussion about what harm there is by retroactively going into executive session, versus there not being a provision in the law allowing for retroactive executive session entry.

Mr. Orzechowski noted that he felt that litigation was likely inevitable. Ms. Meringolo read from the law, noting that they can make their motions as recommended by the attorneys, but also make a specific motion to set training to help prevent future violations. The motion carried with Mr. Buckley in opposition.

For the meeting of December 12, 2018;

Mr. Orzechowski read aloud a statement regarding the executive session on December 12, 2019: The allegations relating to the executive session occurring on this date are similar to the allegations made for the September 12 and October 10 meetings, however, the Board in this instance, discussed four separate topics in executive session and requires separate analysis.

The allegations by the Chester Telegraph are the same:

1) that the topics discussed in executive session were not proper topics for executive session under the exemption used (1 V.S.A. §313(a)(1)(B) – Labor Relations Agreements with Employees); and 2) that the Board did not make a specific finding that premature public knowledge would clearly place the Unified Union School District or a person involved at a substantial disadvantage.

The meeting minutes reflect that the Board went into executive session to discuss:

- 1) Black River Teachers and Staff Jobs ending in 2020
- 2) Compensation for Leave Days
- 3) Teacher Negotiations
- 4) Secondary Personnel Issue

With regards to the first three items listed, we believe, if these were the topics that were discussed, that these are proper topics for discussion in executive session. We believe, however, that in addition to 1 V.S.A. §313(a)(1)(A), Labor Relations Agreements with Employees, the following additional exemptions should have been used: 1 V.S.A. §313(a)(1)(A), Contracts, and 1 V.S.A. §313(a)(3), Appointment or Employment or Evaluation of a Public Officer or Employee, as these are also applicable, perhaps more so, to the topics discussed.

He also acknowledged that the Board likely erred in not making the specific finding relating to premature public knowledge required by the statute.

To Cure these errors, Mr. Orzechowski publicly acknowledged and admitted that the Board erred on December 12, 2018 by 1) failing to make a proper and specific finding that premature general public knowledge would clearly put the Unified School District at a substantial disadvantage prior to entering into executive session; and 2) by failing to properly cite to and state the applicable exemptions under which the Board was to enter into executive session.

Ms. Faenza **moved** to ratify that the LMHUUSD Board went into executive session during its December 12, 2018 meeting to discuss:

- 1) Black River Teachers and Staff Jobs ending in 2020;
- 2) Compensation for Leave Days; and
- 3) Teacher Negotiations

and that these are proper subjects for executive session. Ms. Alberty seconded and the motion carried unanimously.

Ms. Faenza **moved** that the Board specifically finds that the premature general public knowledge of the topics it discussed during the executive session on December 12, 2018 relating to

- 1) Black River Teachers and Staff Jobs ending in 2020;
- 2) Compensation for Leave Days; and
- 3) Teacher Negotiations

would clearly put the Unified Union at a substantial disadvantage. Ms. Hollebeek seconded and the motion carried unanimously.

Ms. Faenza **moved** to retroactively enter into executive session, pursuant to 1 V.S.A. Section 313(a)(1)(B), Labor Relations Agreements with Employees, 1 V.S.A. §313(a)(1)(A), Contracts, and 1 V.S.A. §313(a)(3), Appointment or Employment or Evaluation of a Public Officer or Employee, to discuss 1) Black River Teachers and Staff Jobs ending in 2020; 2) Compensation for Leave Days; and 3) Teacher Negotiations and invite the Ms. Powden, Ms. Trimboli, Mr. Hutt Vater, and Ms. Hammond to participate in this discussion. Ms. Meringolo seconded. There was discussion about there not being any actions taken after this executive session. The motion carried with Mr. Buckley opposed.

Mr. Orzechowski read aloud a statement: Lastly, the Board on December 12, 2018 also went into executive session to discuss a Secondary Personnel Issue under 1 V.S.A. §313(a)(1)(B), Labor Relations Agreements with Employees. It is our understanding that there is no recollection of what discussion was had in relation to this subject or what “Secondary Personnel Issue” relates to. Accordingly, without further description or understanding of the issue discussed, we do not believe this was an appropriate topic for executive session.

To address this error, Mr. Orzechowski admitted that the Board erred by improperly entering executive session for a “Secondary Personnel Issue” on December 12, 2018.

Ms. Alberty **moved** to declare as void that portion of the executive session on December 12, 2018 that was entered into to discuss a “Secondary Personnel Issue”. Ms. Meringolo seconded and the motion carried with Mr. Buckley opposed.

Mr. Orzechowski noted that while the statute requires that any action taken as a result of such improper executive session be voided, no action was taken as a result of the discussion in executive session on December 12, 2018 relating to a “Secondary Personnel Issue” and no action can accordingly be voided.

For the meeting of March 13, 2018:

Mr. Orzechowski read aloud his statement regarding the executive session of March 13, 2019. There was discussion about the actions after this executive session having been subsequently corrected at a later meeting. From the minutes from this meeting, it looks as though the Board went into executive session to discuss “Negotiations for Non-Bargaining staff”. The minutes, however, do not indicate what executive session exemption to the open meetings law the Board was relying on.

In alleging that the Board acted improperly, however, the Chester Telegraph states that the video recording identifies that the Board went into executive session pursuant to 1 V.S.A. §313(a)(1)(B), Labor Relations Agreements with Employees.

It is our opinion that the topic the Board discussed in executive session is arguably proper under the §313(a)(1)(B) exemption. However, we feel the Board should have used 1 V.S.A. §313(a)(1)(A), Contracts, 1 V.S.A. §313(a)(1)(B), Labor Relations Agreements with Employees, and 1 V.S.A. §313(a)(3), the Appointment or Employment or Evaluation of a Public Officer or Employee, as these three exemptions provide greater coverage here. Also, before entering into executive session pursuant to 1 V.S.A. §313(a)(1)(A) and (B), a Board is

required to make a specific finding that premature public knowledge would clearly place the public body or a person involved at a substantial disadvantage.

In this situation, the Chester telegraph alleges that: 1) The executive session exemption used was not proper; and 2) the Board failed to make a specific finding that premature public knowledge would place the public body or an individual at a substantial disadvantage.

To address this allegation and correct any errors, the Board should:

Mr. Orzechowski acknowledged that the Board made an error by failing to make a proper and specific finding that premature general public knowledge would clearly put the Unified Union School District at a substantial disadvantage prior to entering into executive session and by failing to properly identify the applicable exemptions under which the Board was to enter into executive session.

Ms. Faenza **moved** to ratify that the LMHUUSD Board went into executive session during its March 13, 2019 meeting to discuss: “Negotiations for Non-Bargaining Unit Staff” and that this was a proper subject for executive session pursuant to 1 V.S.A. §313(a)(1)(A), Contracts, 1 V.S.A. §313(a)(1)(B), Labor Relations Agreements with Employees, and 1 V.S.A. §313(a)(3), the Appointment or Employment or Evaluation of a Public Officer or Employee. Ms. Meringolo seconded and the motion carried unanimously.

Ms. Faenza **moved** that the Board specifically finds that the premature general public knowledge of the topics it discussed during the executive session on March 21, 2019 relating to Negotiations for Non-Bargaining Unit Staff would clearly put the Unified School District at a substantial disadvantage. Ms. Meringolo seconded and the motion carried unanimously.

Ms. Faenza **moved** to retroactively enter into executive session, pursuant to 1 V.S.A. §313(a)(1)(A), Contracts, 1 V.S.A. §313(a)(1)(B), Labor Relations Agreements with Employees, and 1 V.S.A. §313(a)(3), the Appointment or Employment or Evaluation of a Public Officer or Employee, at the Board’s March 13, 2019 meeting, to discuss Negotiations for Non-Bargaining Unit Staff and invite Ms. Trimboli, Mr. Hutt Vater, Ms. Hammond and Ms. Powden to participate in this discussion. Ms. Alberty seconded and the motion carried with Mr. Buckley opposed.

Ms. Faenza **moved** to ratify the action of the Board on March 13, 2019 to approve spending \$13,681 for pay increases for the maintenance position at Mt. Holly, the administrative assistant at Mt. Holly, and the associate principal at BRHS/LES as discussed in executive session for the purpose of improving pay equity, and to approve 2.75% pay increase for the non-bargaining support staff and a 2.5% salary increase for the principals to keep in line with the teacher’s negotiated salary increase. Ms. Alberty seconded. Mr. Buckley questioned if they should change the amount to avoid confusion with the subsequent motion to correct the figure. The motion carried unanimously.

Ms. Meringolo moved to cure the problems by scheduling a meeting with the VSBA on open meeting laws and how to properly enter executive session. Ms. Alberty seconded. Mr. Buckley suggested that the agendas should also clearly state the topic of the executive session discussion in addition to citing the law. Ms. Meringolo accepted the amendment to her motion. The motion carried unanimously.

IX. PUBLIC COMMENTS:

None.

X. EXECUTIVE SESSION:

A. Academic Records or Suspension or Discipline of Students-Title I V.S.A. § 313 (7)

Mr. Orzechowski requested a motion to enter executive session at 8:29 p.m. under 1 V.S.A. §313(a)(3) the Appointment or Employment or Evaluation of a Public Officer or Employee, to discuss the evaluation or employment of two professional employees, inviting Ms. Powden, Ms. Trimboli and Mr. Davis. Ms. Alberty seconded. The motion carried unanimously.

The board returned from executive session at 8:43 p.m. No action taken.

XI. NEXT MEETING DATE AND AGENDA:

There was discussion about skipping the July meeting but scheduling a special meeting for the hiring of candidates and food service discussion. The next regular meeting will be on August 14, 2019 at 6:00 p.m. at BRHS. The VSBA will be here for training on open meeting law. Mr. Hutt Vater and Ms. Powden will be away that evening. Ms. Powden will send a TRSU representative and Mr. Hutt Vater will call into the meeting. There was discussion about the timing of the bid process. There was discussion about the status of the music room at MHS, including donor support and PTSA support.

XII. ADJOURNMENT:

Ms. Alberty **moved** to adjourn at 8:44 p.m. Ms. Meringolo seconded and the motion carried unanimously.

Respectfully submitted,

Amber Wilson
Board Recording Secretary