

Southern Berkshire Regional School Committee
Mt. Everett Regional School
Sheffield, MA
March 22, 2016
Special School Committee Meeting

School Committee: Mr. Stewart, Ms. Silvers, Mr. Valentini, Mr. Batacchi, Ms. Lartigue, Mr. Sears, Ms. Sparhawk, Ms. Rundle

Absent: Mr. Flynn

Administration: Mr. Hastings, Mr. Turner

Press: CTSB, Julie Ruth, Berkshire Record

Others: Karen Chamberland, Karen Frighetto, Charlie Ketchen, Nat Yohalem, Kerry Burke, Andrew Rapport, Dan Weston, Christine Regan, Glenn Devoti, Sarah Siket, Ingrid Borwick

1. The Meeting was called to order by Chair, Mr. Stewart at 5:32 p.m.

2. Consideration of Amendment to the FY16 Budget

Mr. Valentini reiterated the history behind the amendment. The most recent vote was on February 11, 2016 and, therefore, a new vote needed to occur prior to March 26, 2016. Subsequent to the last vote, 3 towns have articulated in open meeting that they are not likely to support the FY17 proposed budget meaning the budget likely will not pass.

Mr. Valentini read 603 CMR 41.05 (4). Mr. Valentini wanted to point out that if the FY17 Budget doesn't pass and the commissioner takes over, the commissioner may determine the budget based on FY16 amendment reducing the proposed FY17 budget by approximately \$650,000.00 instead of \$439,000.00.

Ms. Sparhawk noted that even if the select boards are not in favor of the budget that does not mean the citizens won't pass the budget.

Mr. Valentini moved, seconded by Ms. Silvers, to amend the FY16 budget to reflect \$217,002.00 reduction on the expense side and a \$70,000.00 reduction on the income side for a total reduction of \$287,002.00.

Roll Call Vote:

<i>Mr. Batacchi</i>	<i>Yes</i>	<i>Ms. Lartigue</i>	<i>Yes</i>	<i>Ms. Sparhawk</i>	<i>Yes</i>	<i>Mr. Stewart</i>	<i>Yes</i>
<i>Ms. Silvers</i>	<i>Yes</i>	<i>Mr. Sears</i>	<i>Yes</i>	<i>Mr. Valentini</i>	<i>Yes</i>	<i>Ms. Rundle</i>	<i>Yes</i>

Motion Carries.

3. **Discussion of 5-town Select board meeting scheduled for March 22, 2016**

Mr. Stewart explained that Superintendent Hastings had been invited to the 5-town Select board meeting and prepared answers to questions that were submitted by the towns. Mr. Stewart stated that the questions submitted to the Superintendent are an improper way to get information because it is burdensome and has no useful purpose. For example, the questions ask for information from 7 years ago when Mr. Hastings was not superintendent. Asking these type of questions keep the Superintendent from doing the work he is supposed to be doing. A majority of the questions that were delivered by Ms. Nadine Hawver were the same as the questions submitted by Mr. Charles Flynn. They are abusive and bullying in nature.

Mr. Valentini stated the questions had not been seen by the School Committee and include questions like “how long do the busses idle.” Superintendent Hastings should answer questions germane to the budget.

Mr. Yohalem stated that New Marlborough emailed separate questions to the Superintendent.

Mr. Stewart remarked that Ms. Hawver represented they were questions from the 5 towns. Nat Yohalem and Chuck Ketchen both disavowed connection to the questions submitted to Superintendent Hastings by Nadine Hawver.

Mr. Stewart believes this sets a precedent and is inappropriate. It appeared as if Ms. Hawver was presenting questions after consulting with the five towns.

Superintendent Hastings stated that he would like to work with the Boards and they have asked wonderful questions.

Mr. Valentini noted that the invitation to the Superintendent excluded school committee members, and he should stay at the meeting if they are accepting and work with him in an open manner. If it becomes a witch hunt, then Dave should leave.

Ms. Silvers recommended that Mr. Hastings and Mr. Turner go to the meeting with the idea of basic respect and answer questions that are appropriate. If it gets ridiculous then they should leave.

Mr. Sears stated that he is not against Mr. Hastings attending the meeting but it is a 5-town meeting to resolve issues the School Committee votes on.

4. **Discussion of Possible Disciplinary Action against School Committee member Charles Flynn.**

Mr. Sears read a two page statement, which was handed out to the School Committee (attached). He also handed out Policies: “BBA - School Committee Powers and Duties”, “BBAA - School Committee Member Authority”, and “BCA - School Committee Member Ethics.”

Mr. Sears moved, seconded by Ms. Sparhawk, that the Southern Berkshire Regional School District School Committee censure Mr. Charles Flynn for violations of multiple sections of SBRSD policy and conflict of interest violations.

Mr. Stewart stated that he was directly involved with the appointment of the Municipal Representative for Unit D negotiations. Further, Mr. Flynn did incorrectly set forth what he believed to be the law requiring a 21 day wait when it is crystal clear from the law that Nat Yohalem who was the Municipal Representative for the last union negotiations remains that because his term is coterminous with his Select Board term. No arguing about that. Do not know the motivation but took up time, but did not consult with our attorney so it did not cost the district anything.

Ms. Lartigue asked what censure means. Mr. Sears explained that censure is disciplinary and means “we are not happy with you.”

Maria Rundle and Arthur Batacchi voted against the motion to censure. All others voted in favor of censure. Motion carries 7 to 2.

Mr. Sears moved, seconded by Ms. Silvers, that the SBRSD School Committee prepare and file a conflict of interest complaint against Mr. Flynn to the Massachusetts State Ethics Commission.

Mr. Sears volunteered to be one of the members to draft the letter to the State Ethics Commission. Mr. Stewart clarified that the State Ethics Commission has determined, on more than one occasion, that there is no inherent conflict of interest between holding two municipal offices. It is how you treat those positions that may or may not create a conflict of interest. The violation exists because Charlie Flynn took advantage of wearing two hats. He tried to make something go through the school committee and when that failed he used his role as selectman to try and get something. Ms. Silvers noted one other occasion when Charlie Flynn was speaking as a select board member while attending a Building and Grounds Subcommittee Meeting as a school board member.

Arthur Batacchi voted against the motion, 7 members voted in favor of the motion to file a complaint with the State Ethics Commission. Motion carries 7 to 1.

4. Adjourn

Ms. Lartigue moved, seconded by Ms. Rundle to adjourn at 6:43 p.m. Voted unanimous.