

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Session – February 6, 2012

A Regular Session of the Wayland School Committee was held on Monday, February 6, 2012, at 7:00 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Barb Fletcher, Chair
Beth Butler, Vice Chair
Malcolm Astley
Ellen Grieco
Shawn Kinney

Also:

Paul Stein
Superintendent of Schools

Brad J. Crozier
Assistant Superintendent

Geoffrey S. MacDonald
Business Administrator

Marlene M. Dodyk
Director of Student Services

Also:

Attorney Jim Toomey, MHTL

Chair Barb Fletcher convened the regular meeting at 7:05 P.M. and announced Shawn Kinney provided the appropriate form to participate by remote.

1. Comments & Written Statements from the Public:

Kent George expressed his concerns about hiring new employees in tough times and commented that the schools should be outsourcing services and not adding to the pension and benefit program. He also commented that it is not necessary to hire an attorney for a legal opinion on the revolving accounts, as the money in those accounts should go back to free cash. He stated that the taxpayers can't vote for a budget until they have all the information regarding the actual expenses for FY11 and 12.

Linda Segal commented on the surpluses from accounts mentioned in the Abrahams Group Report. She agrees with the recommendation that the surplus funds be returned to the general funds. She commented that proper restitution should occur for those who have paid more than their fair share and should be done to the greatest extent of what is allowed, as it would go a long way to insure everyone's continued support.

Donna Bouchard commented on the transportation and athletics fee-based programs. She stated that if there are monies left in these accounts, taxpayers are paying twice; thus, money needs to be spent or the schools should charge less to the fee payers. She also stated that she sent the School Committee the legal opinion from the Department of Revenue concerning the BASE revolving accounts and referred to a comment made by a resident at a past meeting regarding these accounts. She asked the School Committee that if they decide to return the money to the fee payers, that they give them an option to either take the refund or gift the refund, as that would rebuild the trust in the community. In referring to the checking accounts that were recently closed, she stated that public money should be accounted for by the Town Treasurer, not the School Department.

Kim Cook commented on the revolving accounts, including the BASE account. She referred to information that she requested and sent to her by Paul Stein regarding a refund given to BASE families. She also commented on the legal opinions given by Town Counsel Mark Lanza and Attorney Jim Toomey and suggested the attorneys should be informed of the precedence set in terms of some of the refunds already given. She also referred to the Abrahams Group Report in terms of the revolving accounts and fee-based programs.

Diane Bladon commented on the revolving funds and stated that when talking about profits and surpluses that accumulate in these funds, it is permissible to charge indirect costs and, in her opinion, that has not been done. She also stated that most fees are collected in advance and there are timing differences in terms of fees collected in one year for expenses that occur in the following year. She also commented on the restatement by the Abrahams Group as it relates to a transfer of a donation made to METCO. She suggested that if there was a cost sharing relationship in this transfer, then it should be factored into the cost analysis as well.

Paul Stein commented on the requests and discussions that were made with regard to auditing the revolving and the closed checking accounts. He concluded that he fully supports these audits because there is an issue of trust in this community, and until that trust is re-established, it will be difficult to move on with teaching and learning in the schools. Thus, he feels this audit should take place as soon as possible. He further stated that guidance and clarity is needed in order to make decisions about what to do with these accounts in terms of where the funds should go and how they should be distributed.

The School Committee supported Paul's comments and agreed that efforts should continue to resolve these matters expeditiously.

Geoff MacDonald commented on what he referred to as historical misinformation and provided a chronological timeline relating to the revolving account balances and the principal discretionary accounts, his discovery of them, and the counsel he sought in terms of what to do with these accounts.

2. Discussion of Revolving Accounts:

Attorney Jim Toomey of Murphy, Hesse, Toomey and Lehane was invited to the meeting in anticipation of a formal opinion regarding the revolving accounts, to give the legal background and a platform for discussion for the School Committee in order to determine what to do with the revolving accounts.

Jim stated that in speaking with Ellen Grieco and Paul Stein, he was asked to provide the Committee with options and inform them of the rules as they apply to Wayland's revolving accounts. He prepared a draft opinion and provided a general overview for the School Committee. He went on to explain the general rule of municipal finance and the exceptions to this rule, as well as the basic principles of how revolving funds are set up.

He stated that in Wayland and based on the Abrahams Group Report, the issue is that there is a surplus in these accounts. The statutes state that these funds can be held and can be spent for the purpose of the fund, but, in these circumstances, there are no provisions that allows for any excess to be returned to the general fund. However, he stated that there is a statute that allows for this and cited an example with the building use account. He also stated that the DOR's legal opinion is that the School Department is bound by the concept of fiscal years, which means that adjustments cannot be made for prior fiscal years. Jim stated that going forward, the School Committee can use balances to defray the cost of the program on an ongoing basis or could change a greater proportion of expenses to the revenue received.

Jim answered questions from the School Committee and will provide more information in greater detail as a result of their questions. He advised the School Committee that going forward year by year, they should determine costs, have fees approximate the cost of the services provided, and allow for a small factor for unanticipated expenses. He also suggested that fees be adjusted downward if surpluses are more than anticipated.

Jim will also follow up with Town Counsel Mark Lanza regarding Mark's informal opinion.

3. Discussion of Outstanding Checking Accounts:

Paul Stein stated that there are no open checking accounts that should be closed. He further stated that the BASE/Pegasus account was closed the fall of 2011 and the METCO account was closed the first week of January 2012. In closing The Children's Way account at the end of January, a capital fundraising account (Space Launch Foundation) was discovered, which was set up to renovate the space in which they occupy, and to pay off the loan incurred. Since the loan was paid off four years earlier, there was money left in the account, which was moved into a gift account. This gift must be approved by the School Committee at their next meeting. Paul also sought the legal advice of Mark Lanza.

A discussion ensued between the School Committee and the administrators.

Shawn Kinney referred to questions that he sent via email to the School Committee and copied Paul Stein and Geoff MacDonald. He asked that the questions answered at this meeting be put in a written response and sent to the School Committee.

4. **School Building Use Policies/Fees:**

John Moynihan presented the Building Use Policy, which was updated by the School Committee in 1989, but with the exception of a change in 2010. John stated that with the construction of the new high school facility, he felt it was time to revisit the policy in terms of who can rent the buildings, what fees can be charged, which groups are exempt or not exempt. He conducted a survey with multiple towns and found that their policies and rates were very inconsistent across the board. The result was that school districts that updated their buildings also updated their policies.

He reviewed the draft policy and the associated fee schedule with the School Committee.

Barb stated that the School Committee has a policy on the use of facilities and the proposed building use policy would be a change to the existing policy. She handed out copies of the current policy and asked the School Committee to determine what the next steps would be in terms of the policy. Barb suggested that the first paragraph of the proposed policy be put out for public comment, keeping the existing policy in place. The Policy Subcommittee will meet and come back to the School Committee with a recommendation.

The School Committee concurred; however, they would like to understand how these fees would impact WSCP in terms of determining direct and indirect costs. Malcolm suggested that for certain outside groups, we should consider charging an appropriate fee that would result in a profit.

5. **Outstanding Capital Appropriations:**

Barb referred to the appropriation that was made two years ago for emergency repairs for the high school facility. She stated that since students and staff have moved into the new facility and the demolition process has begun, this is the appropriate time to release those funds.

Upon a motion duly made by Beth Butler, seconded by Malcolm Astley, the School Committee voted unanimously (5-0) by a roll call vote to release funds related to the prior capital appropriations associated with the NEASC repairs and the emergency repairs related to the high school facility.

6. **Space Utilization Study:**

John Moynihan stated that TBA spoke with the elementary principals and toured the facilities and should have an update related to the space utilization study by February 9.

7. **Update re: China Exchange Program:**

Paul Stein updated the School Committee regarding the China Exchange Program. He stated that this program involves a tremendous amount of coordination and will require sending Principal Pat Tutwiler to China in March for ten days, in order to meet with the principal of the school in Beijing and to establish the program. Also accompanying Pat will be the Exchange Program Director from Newton Public Schools who will act as an interpreter. Funds from the Professional Development accounts in this year's budget will cover the cost of this trip of \$2,500 to \$3,000, plus the consulting fees. The School Committee provided its support for this recommendation.

8. **Discussion re: the FY13 Budget Book:**

The School Committee discussed ways in which to improve the budget process and information for FY14 and referred to Paul Stein's list of ways to accomplish this. The Committee will review this list and make additions as necessary. As this will be a work in progress, a future meeting will be devoted to debriefing the budget process.

The School Committee also discussed the FY13 Budget Booklet in terms of the format and the content of information, as well as the timeline in notifying the public in advance of the School Committee's Budget Hearing and Town Meeting. The School Committee will send changes to the budget booklet to Barb by February 10 and the Committee agreed to send a notification postcard to residents before March 5.

Barb also stated that the Finance Committee voted on the School Committee's FY13 operating and capital budgets and both were approved as presented. She also passed along two points of discussion from the Finance Committee to the School Committee. The Finance Committee will present their recommended draft budget to the town on February 13, and since some School Committee members will attend, the meeting will be posted.

9. **Discussion of District Goals and Future Agenda Items:**

The School Committee discussed the recommendation by Barb Fletcher and Paul Stein that in lieu of the Superintendent's mid-year goals, a curriculum-based presentation related to each of the district's goals would be put on agendas of future meetings. This would involve a presentation at each meeting related to one aspect of one or two goals, and a summary would be presented to the Committee of the work that had been done to date.

Malcolm recommended that these discussions include expected outcomes for staff and students. The School Committee agreed to move forward with this format for future meetings.

10. **Approval of Accounts Payables & Payroll Warrants:**

Upon a motion duly made by Beth Butler, seconded by Ellen Grieco, the School Committee voted unanimously (5-0) by roll call vote to approve the Accounts Payables warrant, dated February 6, 2012, in the amount of \$428,106.95.

11. **Approval of Minutes:**

Upon a motion duly made by Malcolm Astley, seconded by Ellen Grieco, the School Committee voted (4-0-1) by roll call vote (Beth Butler abstained) to approve the Regular Session minutes of January 12, 2012, as amended. It was also recommended to remove titles and note absences.

Upon a motion duly made by Ellen Grieco, seconded by Shawn Kinney, the School Committee voted unanimously (5-0) by roll call to approve the Regular Session minutes of January 17, 2012, as amended.

Upon a motion duly made by Beth Butler, seconded by Ellen Grieco, the School Committee voted unanimously (5-0) by roll call vote to approve the Regular Session minutes of January 19, 2012, as amended.

12. **Superintendent's Report:**

(a) School News:

Paul Stein reported that retired Deputy Commissioner of Education (MA) made a presentation to representatives from Wayland and nine other neighboring communities on the progress of the State regulations surrounding the new evaluation instrument. Paul stated that this process will require Wayland to adopt, adapt, or revise the proposals that the state has provided and will involve negotiations. The School Committee will also have to decide to adopt, adapt, or revise the Superintendent's Evaluation Tool.

Paul commented that John D'Auria of TEACHERS21 will speak to the faculty on February 15 to give an overview of these initiatives. He invited the School Committee to join them. Paul also noted that information can be found on the DESE website regarding the formats they suggest, as well as language of contractual agreements.

Paul announced that student Kenya Heard was the Massachusetts first place winner for the "Best Writes Student Essay Competition." Her teachers are Jim Page and David Gavron and this is the 6th year that Wayland has placed at the top of the competition.

Paul stated that he attended his first theatrical production during Winter Week and enjoyed it tremendously. He also praised the high school theater program.

(b) Enrollment Update:

Paul Stein updated the School Committee on the February 1 enrollment.

13. **Follow-up and Future Agenda Items:**

The School Committee reviewed and discussed agenda items that they would like to follow up on or discuss at future meetings. They include: 1) the Concussion Policy, 2) a report by a wellness representative on how the staff reads student engagement, as well as the students' perspective, 3) a job description review for the Business Administrator, 4) the Alumni Association, 5) the Suburban Coalition, 6) a status report of outstanding items, and 7) continued discussions related to the draft School Committee Report for Part II of the Abrahams Group Report.

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14. **Comments from the Public:**

Donna Bouchard commented on the revolving accounts and the offset in the budget in terms of the square footage calculated for the fee-based programs. She also commented on the legal opinions given by Town Counsel Mark Lanza and Attorney Jim Toomey of MHTL in terms of the law in rectifying certain issues surrounding the revolving accounts and would like some clarification. She also questioned if the School Committee was aware of the ruling made by Town Counsel regarding the principal discretionary accounts in December 2010. She referred to Part I of the Abrahams Group Report regarding petty cash accounts. She again commented on Jim Toomey's comments in relation to the revolving accounts and how people can be reimbursed. Lastly, in light of Pat Tutwiler's trip to China, she recommended that the School Committee consider a policy allowing staff to travel business class if a trip involved more than eight hours of airtime.

Tom Sciacca commented on the fares to China and suggested there were some good deals if the research is done. He also stated that he spoke to the League of Women Voters regarding a clean water supply and invited the School Committee to read the summary in the Town Crier and to watch the discussion on WayCAM. Tom also commented on Paul Stein's motivation to resolve financial issues and regain public trust and believes that Paul's time could be better spent and hopes that these issues are resolved quickly.

15. **Adjournment:**

Upon a motion duly made by Beth Butler, seconded by Malcolm Astley, the School Committee voted unanimously (5-0) by roll call vote to adjourn the Regular Session at 10:15 P.M.

Respectfully submitted,

Paul Stein, Clerk
Wayland School Committee

Observers:

See attached.

Corresponding Documentation:

1. Memo from John Moynihan re: School Building Use Policies and Fees
2. Memo from Paul Stein re: Budget Enhancements
3. Enrollment Report as of February 1
4. FY12 Budget Booklet
5. Accounts Payable Warrant
6. Regular Session Minutes of January 12, 17, and 19, 2012