

Hamilton-Wenham Regional School District Committee and Wenham Board of Selectmen  
Joint Meeting of September 22, 2011

Minutes

**CALL TO ORDER:** A. McCloughan called the meeting to order at 7:01 p.m. in the Multipurpose Room of Buker School.

**PRESENT:** School Committee: Sean Condon, William Dery, Kym Donnellan, Roger Kuebel, Alexa McCloughan, Ann Minois, Jack O'Keefe, Dacia Rubel; Wenham Selectmen: John Clemenzi, Molly Martins, Patrick Wilson

**ABSENT:** No one.

**APPOINTMENT TO SCHOOL COMMITTEE:**

School Committee and Board of Selectmen members deliberated who to appoint to the vacancy on the School Committee due to the resignation of Wenham resident Don Gallant. The regional agreement stipulates that when a Committee member resigns, the selectmen of that Committee's town of residence must vote jointly with the Committee to appoint a resident of that same town to fill the vacancy. The voting procedure laid out is that if in a first round vote no candidate received a majority of the votes cast, the group would vote again on the top two candidates; with 11 voting participants, a majority vote would be 6. Three candidates submitted resumes and letters of interest and the Board of Selectmen and Committee interviewed them on Sept. 19.

**MOLLY MARTINS MADE A MOTION TO THE VOTING BODY THAT THE FOLLOWING INDIVIDUALS BE NOMINATED TO FILL THE VACANCY ON THE HAMILTON-WENHAM REGIONAL SCHOOL COMMITTEE: HARRIET DAVIS, TYSON GOODRICH, AND LAWRENCE SWARTZ. ALEXA MCCLOUGHAN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY (11-0-0).**

Opening remarks by several people praised the qualifications and interest of all the candidates. A selectman noted that L. Swartz and H. Davis have extensive experience in Wenham town government. Much of the discussion centered on the potential impact of the fact that the wife of L. Swartz works for the district. Those present reported that the attorneys for the selectmen and the Committee agree that under Massachusetts General Law 268A, it would be acceptable for him to participate in all discussions and "bottom line" budget votes if he is appointed to the Committee, but that he should recuse himself from line item votes directly related to his wife's job. State law regards elected officials differently, and the attorneys also agreed that if he were later elected to a seat on the Committee his participation would be more constrained. Two Committee members suggested they would prefer that the new member of the Committee be

someone who could serve effectively beyond this 8-month appointed term while the Committee considers sensitive long-range restructuring issues and carries through on the resulting decisions. A selectman spoke highly of L. Swartz's diligence, candor, and respect for differing viewpoints and another selectman said this vote should be based on which individual is the best choice for the immediate 8-month period, and leave decisions beyond that to voters. A Committee member said he would cast his vote based on the candidate who would be best for taxpayers.

R. Kuebel noted that the group did not vote on the motion that had been prior motion. M. Martins called for a show of hands in favor of moving the three candidates forward. **THE MOTION PASSED UNANIMOUSLY (11-0-0).**

**ALEXA MCCLOUGHAN MADE A MOTION FOR THOSE IN FAVOR THAT HARRIET DAVIS BE NOMINATED TO FILL THE VACANCY ON THE SCHOOL COMMITTEE TO RAISE THEIR HANDS. MOLLY MARTINS SECONDED THE MOTION. FIVE VOTES WERE CAST FOR H. DAVIS.** (Kym Donnellan, Alexa McCloughan, Ann Minois, Jack O'Keefe and Dacia Rubel).

**ALEXA MCCLOUGHAN MADE A MOTION FOR THOSE IN FAVOR THAT TYSON GOODRICH BE NOMINATED TO FILL THE VACANCY ON THE SCHOOL COMMITTEE TO RAISE THEIR HANDS. NO VOTES WERE CASE FOR TYSON GOODRICH.**

**ALEXA MCCLOUGHAN MADE A MOTION FOR THOSE IN FAVOR THAT LARRY SWARTZ TO FILL THE VACANCY ON THE SCHOOL COMMITTEE TO RAISE THEIR HANDS. SIX VOTES WERE CAST FOR LARRY SWARTZ** (John Clemenzi, Sean Condon, Bill Dery, Molly Martins, Roger Kuebel and Patrick Wilson).

A. McCloughan announced that L. Swartz was appointed to fill the vacancy on the Committee, by majority vote.

Attorney Donna Brewer explained that L. Swartz's appointment leads to the second task of deciding whether to vote for a legal waiver that would give L. Swartz broader scope to participate in discussions and votes than would be the case absent a waiver, including line items or payroll accounts affecting his wife directly. L. Swartz read aloud information from the waiver form he had filled out, including that his wife has worked at Cutler for more than 10 years, earns less than \$25,000 a year as a language arts teaching assistant, and is not a member of a collective bargaining unit. He said that although a waiver would authorize him to participate in anything, he would recuse himself in some cases regarding budget line item matters or matters highly specific to his wife's position.

**ROGER KUEBEL MADE A MOTION THAT THIS BODY ACCEPT THE WAIVER IN ITS ENTIRETY. PATRICK WILSON SECONDED THE MOTION.**

Further discussion that followed touched on the risk of violating state conflict of interest law; confidentiality issues in teacher contract negotiations; the different standards to which elected and appointed officials are held; and other types of conflict of interest that may exist for other Committee members, such as a member voting on user fees for sports in which that member's child participates.

**THE MOTION PASSED 8-2-1.** (A. McCloughan and A. Minois voted no; D. Rubel abstained.)

**WILLIAM DERY MADE A MOTION THAT THE TWO CHAIRS SIGN THE DOCUMENT. THE MOTION PASSED UNANIMOUSLY (11-0-0).**

A. McCloughan adjourned the joint meeting at 7:44 p.m.

**DOCUMENTS & EXHIBITS  
USED AT MEETING:**

Documentation of Massachusetts General Law 268A

Respectfully submitted,

Ann Smith, School Committee Recording Secretary