

TRANSCRIPT OF RECORDED MINUTES
METHUEN SCHOOL COMMITTEE MEETING
EXECUTIVE SESSION-Declassified
AUGUST 30, 2018

This Executive meeting of the Methuen School Committee was held in the Media Center at Methuen High School. Mayor Jajuga called this Executive Session to order at 7:36 PM p.m. with a quorum of members in attendance for the purpose of:

#1. Executive Session Pursuant to M.G.L. c. 30A, Section 21(a)(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 – Superintendent of Schools.

#2. Executive Session Pursuant to M.G.L. c. 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Superintendent of Schools Employment Contract.

MEMBERS IN ATTENDANCE:

Mayor James P. Jajuga, Chairperson
Nicholas DiZoglio, Vice Chairperson
Dennis D.J. Deeb, Secretary
Jana DiNatale
Susan Nicholson
Robert F. Vogler
Jana Zanni Pesce

OTHERS IN ATTENDANCE:

Brandi Kwong, Assistant Superintendent
Paul Fahey, Chief of Staff to the Mayor
Michael Maccaro, Legal Counsel for MSC
Deidre Runge, Public Recorder

MOTION: Ms. DiNatale asked for a vote to allow Paul Fahey to attend the Executive Session
Mr. Vogler seconded the motion

VOTE: 7-0-0 APPROVED

MOTION: Mr. DiZoglio motioned to allow Brandi Kwong to attend the Executive Session
Ms. DiNatale seconded the motion

VOTE: 6-1-0 APPROVED (Mr. Deeb voted no)

#1 Discussion on the reputation, character, physical condition or mental health, rather 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 – Superintendent of Schools.

The Mayor read Superintendent Scannell's resignation letter.

MOTION: Mr. Vogler motioned to accept the resignation

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Ms. Nicholson seconded the motion

DISCUSSION:

Mayor Jajuga –let the Committee know that the Superintendent decided not to appear at the meeting (Please note: she received the proper notice of her rights to attend the meeting), and that, in his opinion, resignation would be the best avenue. This would be effective immediately

Ms. Pesce – What legal ramifications are there for termination verses resigning.

Mr. Maccaro – There are different ramification/scenarios under her contract. He discussed the differences, referencing Article 10 and Article 2 of the Superintendent’s employment contract.

Mr. Maccaro - State law requires an employer to pay an employee for all her accrued but unused vacation pay at employment separation.

Mr. Deeb and Ms. Pesce both asked if they could withhold her vacation pay.

Mr. Maccaro went on to read that the Superintendent’s annual vacation will be paid out on retirement. The contract allowed her to carry over her vacation pay. State law says an employer has to receive compensation for all her vacation pay. So you can fight it but you do have to pay her her vacation pay.

Ms. Pesce – What about her pension.

Mr. Maccaro – Ultimately pension decisions are the retirement board’s decision not the School Committee.

Ms. Pesce – Will they look at her license?

Mr. Maccaro – They are reluctant to strip away her pension. Whatever you decide will not matter.

Ms. Pesce – Under “Performance” when it says breach of contract you may discharge. No one is mentioning discharge for a cause.

Mr. Maccaro –the Committee has that option but there are steps required, such as providing her notice. This would require that she stay on the payroll. You would also be paying someone else to do the job.

Mr. DiZoglio - This is not all on us. We are looking at the last 9 years of School Committees and 3 mayors that did not catch this. I would like to know where the government comes into play under watching over credentials

Mr. Maccaro –There are certainly safe guards that can be put into place in the future. (Attorney Maccaro also addressed concerns regarding legal review of the Superintendent’s contracts.)

Mr. DiZoglio – Was she licensed?

Ms. DiNatale – DESE said she did not hold a Principal or Superintendent license.

Mr. Maccaro – I heard some of you were asking if you should be concerned with any issues over the non-licensure. DESE said she was appointed and said there were no concerns. I want to mention I never saw or did this contract.

Mr. Vogler – She came in and did her first contract with Mayor Manzi. Then her last two with Mayor Zanni. When Jeanne Whitten retired, she was the only one they wanted. Also, MA wage laws says she has to get her vacation pay. I think the Mayor’s office did the contracts.

Mr. Maccaro – I believe the cleanest course of action is to accept her resignation. I also recommend changes in the superintendent contract moving forward.

Ms. DiNatale – Are you recommending for us to accept her resignation.

Mr. Maccaro – It is the Committees decision if you want to accept or terminate.

Ms. Pesce – She was a Superintendent that did a ton of good things but she blatantly ignored the rules. I want to send out a message that this is not all right. If we terminate how much would it cost and how long will the termination process take.

Mr. Maccaro – Would depend. If you terminate she would not come to work tomorrow but she will still be on the payroll. You will have to work on attorney schedules...

Ms. Pesce – I feel like we are letting her off the hook. What do you do in similar cases

Mr. Maccaro – Ultimately you just do not want them employed so you accept their resignation.

Mr. Deeb – I question again, why we have to pay vacation pay and why there are no pension repercussions. I think we can let her go for just cause.

Mr. Maccaro – you can terminate her as stated in 38g for just cause but you will still have to pay her her vacation time due to her.

Mr. Deeb – When we go back into regular session are you prepared to say to the public we have no control over her pension.

Mr. Maccaro – Yes.

Ms. Nicholson – I am very saddened under the circumstances that we are here. I believe there was no willful intent on the Superintendent's part. I believe she did not pay attention to something that she should have. She is already going out under a black cloud. This is distressing to me after all the good she has done. We need to put this to rest.

ROLL CALL:

Robert F. Vogler (Y)

Susan M. Nicholson (Y)

Nicholas DiZoglio (Y)

Jana DiNatale (N)

Dennis D.J. Deeb (Y)

Jana Zanni Pesce (N)

Mayor James P. Jajuga, Chairperson (Y)

VOTE: 5-2-0 Motion to accept resignation is APPROVED

#2 Conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Superintendent of Schools Employment Contract.

Mayor Jajuga – I thought that on an Interim basis the best thing we can do is have stability so we asked Brandi Kwong if she would consider being the Interim Superintendent. Then at the September 10th business meeting, we can discuss strategy on going forward with a full search for a permanent superintendent

Ms. DiNatale conveyed her opinion that Dr. Kwong is the perfect candidate for Acting Superintendent on an emergency, tentative basis and expressed her support for promptly commencing the search for the positions of Interim and Permanent Superintendent. Discussed concerns with hiring additional staff to support the Acting Superintendent due to the temporary status of the position.

Mr. Vogler – I agree with Ms. DiNatale. I think she is highly capable. We could hire a mentor to work with her. But I want to get a search Committee started right up with parents, teachers and committee members. There are many openings out there and we need to start looking and get someone in hired by February. This will be my last superintendent search. It is a lengthy process and when all is said and done, she may be the best candidate.

Ms. Nicholson – I see a couple of issues. We need to decide if we are going with a short term, long term or longest-term plan. I believe she has all the background we need. I do not think she has the political skills for the current environment. She needs a mentor. I strongly disagree she can do both jobs. One person cannot do the job of the assistant superintendent and superintendent. It is setting her up for failure.

Mr. DiZoglio – I don't think she can do the political part. Methuen is not in a good place right now.

Mr. Maccaro – I suggested that Ms. Kwong could be appointed in the acting capacity until the Committee meets again on September 10th.

Mr. Vogler – Mayor can you call MASS and look at possibilities of them coming to the September 10th meeting to speak with us about the search process.

Mr. Deeb – I agree with Ms. Nicholson. We need to come out tonight with a strong plan. I think we have to move forward quickly.

Ms. Pesce – I think we ask Ms. Kwong to be the acting superintendent and check with MASS if they can attend September 10th which is only 11 days away.

MOTION: Mr. Vogler motioned to appoint Brandi Kwong as acting Superintendent
Mr. DiZoglio seconded the motion

ROLL CALL:

Robert F. Vogler (Y)

Susan M. Nicholson (Y)

Nicholas DiZoglio (Y)

Jana DiNatale (Y)

Dennis D.J. Deeb (N)

Jana Zanni Pesce (Y)

Mayor James P. Jajuga, Chairperson (Y)

VOTE: 6-1-0 the appointment passes

Ms. Kwong entered the room

Mayor Jajuga told Ms. Kwong they wanted her to serve as acting superintendent.

Ms. Kwong accepted.

MOTION TO ADJOURN EXECUTIVE SESSION:

With no further business to discuss in Executive Session, Mayor Jajuga entertained a motion to adjourn this Executive Session at 9:10 p.m. and enter back into the Special Meeting.

MOTION: Mr. Vogler motioned to adjourn the executive session at 9:10 pm
Mr. DiZoglio seconded the motion

ROLL CALL:

Robert F. Vogler (Y)

Susan M. Nicholson (Y)

Nicholas DiZoglio (Y)

Jana DiNatale (Y)

Dennis D.J. Deeb (Y)

Jana Zanni Pesce (Y)

Mayor James P. Jajuga, Chairperson (Y)

VOTE: 7-0-0 Unanimous

Respectfully submitted,
Deidre Runge, Public Recorder
Methuen Public Schools