

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
August 1, 2011 - 7:00 PM
Lakeville Council on Aging

On August 1, 2011, the Board of Selectmen held a meeting at 7:00 PM at the Lakeville Council on Aging Building. The meeting was called to order by Chairman Olivier at 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Belliveau and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary. Cindy Dow of the Middleborough Gazette and James Cosgrove of Comcast were recording the meeting

Meet with the Lakeville School Committee to discuss the 2001 Amendment to the Regional School Agreement and the 2010 Regional School Agreement

Larry Ashley, John Olivieri, Aaron Burke, David Davenport, Lorraine Carboni, Robert Noriega, David McQueeney, Robert Anderson and Aaron Burke, Members of the Regional School Transitional Committee, James Lampke, Special Counsel to the Town of Lakeville and John McCarthy, Superintendent of Schools, were present for the discussion. Larry Ashley called the Regional School Transitional Committee Meeting to order at 7:01 PM.

Chairman Olivier took the floor and explained the discussion that the Selectmen had at their last meeting, which was attended by some parents. The purpose of that meeting was to discuss the 4th grade being moved to the George R. Austin Intermediate School (GRAIS). When Regionalization was proposed, one of its benefits was to lower class sizes. Also, it would address shifting resources to address special needs and make everything more efficient, along with moving the 4th grade over to GRAIS. All of that was on the table until the last round of budget cuts. The Selectmen supported the 4th grade going back to GRAIS and wanted to exercise the 2001 amendment when the Town agreed to pay for the full bonding of the school in exchange for having 550 seats at GRAIS, since overcrowding was an issue at Assawompset then. It was either renovate the building or build another school. Chairman Olivier said the Region and the Town agreed that there would be more benefits and advantages to renovating GRAIS than by building a new school. If the Town agreed to pay the full bond, then the Town wanted some assurance that they could use it. That is why the amendment is in place. The base per capita was set in sharing the cost. If the figures went over the base, both Towns would have to share in the capital costs. Lakeville is in need of space at Assawompset and wants to move the 4th grade over to GRAIS. We want to come to some sort of conclusion and make it equitable for both Towns.

Chairman Olivier said from an educational quality standpoint, it appears that the best approach is to move the 4th grade students to GRAIS from an overcrowded Assawompset. This is what the residents thought was going to happen, if full Regionalization took place. This is an opportunity for parents to hear from the Regional Transitional School Committee, since they have been asking us why the students are not being moved. Chairman Olivier said there is also a question if the Lakeville School Committee still exists, even though they voted themselves out of existence as of July 1, 2011. He asked Attorney Lampke to speak to that. Attorney Lampke said it is his opinion, based on the new Regional School Agreement, that the Local School Committee

still exists, until the Regional School Committee is elected. That is based on the language in the agreement. Technically they exist, although they feel they no longer exist. The Regional School Committee voted to abolish the Local School Committee in December of 2010, and now the Local School Committee is under the impression that they do not exist. Attorney Lampke said there are several points that need to be resolved or clarified to make the reality and benefit that everyone wants to see for both communities. He did not wish to debate the existence of the Local School Committee since their attorney, who is under a different impression regarding their existence, was not present. There are other matters regarding the Regional Agreement. Lakeville made a commitment and in that agreement there was supposed to be some kind of benefit. There is now the question of how that would be implemented. Whoever is in charge of the school system affecting the students needs to be discussing this, whether or not the Local School Committee still exists for certain purposes. No one is questioning the status of the Regional School Committee. The status of the Local School Committee remains to be seen, and therein lies the concerns of the residents.

Mr. Ashley stated that this meeting was called on short notice. The agenda lists that the meeting is to discuss the amendment to the Regional School Agreement. In the future, he would appreciate a more detailed discussion item on the agenda. It is unfair to bring people here without due preparedness and without knowing what is on the agenda. He was feeling sandbagged. Mr. McCarthy said the Department of Elementary and Secondary Education (DESE) needs to be at this table for this discussion. If we had ample time, we would have the representative here tonight. We were told that we had to abolish the Superintendency Union 34 Committee and the two (2) Local School Committees. The Local School Committee voted that this would occur on June 30, 2011. We need the DESE to be at the table, since that is where we took the direction from. From our attorney's perspective, those three (3) committees no longer exist. Mr. McCarthy spoke with Christine Lynch at the DESE and encouraged her to meet with us as well to come to a reasonable solution to the problem. Hopefully, that will take place at some point in time, but he did not get any sense that they were interested in attending a public meeting at this time. Perhaps they might meet with the group at another time to discuss some of these issues.

David McQueeney said that he thought that the financial agreement would be discussed and the safety issues at Assawompset. Mr. Ashley stated that those were conjectures on his part, since he did not have any other details. That is what he understood would be discussed. Mr. McQueeney asked the Superintendent to discuss how the School Committee came to the reluctant decision that it was the best situation for both 4th grades to remain where they are for the next fiscal year. Mr. McCarthy said that Chairman Olivier is fairly accurate on the reason for full regionalization. Another goal was to have combined resources in order to get the best efficiency possible. We built a budget supporting these three (3) goals and met twice with the Finance Committees and the Boards of Selectmen in February and March trying to identify some of the financial issues. One caveat we mentioned at all times was this was possible if we operate with the same amount of resources. As the budget season progressed, we were seeing less and less of the resources. We now have less than level funding for FY12, so we had to make some very difficult decisions. There was no additional revenue coming in, and we would have to make further cuts. We were in a deficit of \$868,000 and had to make additional cuts. Mr. McCarthy said he had supported moving both 4th grades for educational purposes to GRAIS, but

we had to make the choice to have the 4th grades remain where they were. We would have had to increase the cost nearly \$400,000 to provide the necessary support services if we moved the 4th grade over. That is why it was agreed to keep them in place for one (1) more year. We wanted to get the class size down. We accomplished that in both elementary schools. We put together an Educational Subcommittee to consider the best role model for the students. They will report their results in October. In October, the School Committee took a vote to move the 4th grade. The School Committee then took another vote to keep the 4th grade at Assawompset. The 3rd goal has not been accomplished, but the first two (2) have been.

Philip Oliviera asked the Selectmen if they have asked Town Counsel what the definition of Town was. We did have a discussion on who represents the Town, so what is the definition of Town relative to that contract? Attorney Lampke replied that is information that he has not seen. He is familiar with the agreement, but who is the Town under the agreement. He believes the agreement is a little less than clear on who makes the decisions; an argument can be made either way. He would need to see additional information to make that determination. Mr. McCarthy said we always believed that the Town of Lakeville should be able to use GRAIS. We brought forward all the existing debt agreements. Out of that, the question arose on who is the Town for decision making. The 550 seats would be the Town of Lakeville's and Freetown has 200 seats. The debt is built around how many students are in the school and who is using it. The gray area is who the Town is when it comes to the assignment of students. According to Attorney Long and Attorney Finnegan regarding pupil assignment, the Town was the Local School Committee, and after June 30, 2011, it was the Regional School Committee. The 550 seats are guaranteed per the agreement. Now we need to find a way to use those seats. We do not want to work as adversaries. We want to work to find a solution to the problem. GRAIS is a beautiful school and it is underutilized, but to put students in there without proper staffing and funding is not a good idea.

Selectman Belliveau said two (2) things from the 2001 amendment should have been incorporated into the Regional Agreement. If the Region takes over the debt, that would have solved a lot of the problems, and you would also have an agreement that the Lakeville School Committee still exists. Now you are saying that the Lakeville School Committee was dissolved, which effectively means that those members have resigned, and the Town of Lakeville has no representation whatsoever. If we go forward, we have to address the 2001 amendment; discuss a lease agreement for Assawompset; discuss special legislation for a special election in April, and safety at Assawompset. He was willing to discuss all of that, but feels the agreements must be read. He thought it would be a real stretch by Attorney Long for Freetown to have the right to address the Lakeville side. You tore up an agreement, and now Lakeville has no representation.

Robert Noriega said he has been on this committee for 24 months and did not miss a meeting. We had many discussions with Mr. McCarthy and the DESE, and we were informed that the Local School Committee had to be abolished. That has happened with other Towns that have fully regionalized. He referred to language in the agreement. The School Committee debated the issue of GRAIS for many, many hours. We just need another year. That is all we are asking for. Chairman Olivier said we did our due diligence and agreed we would work with Kopelman and Paige. The main selling point for him about Regionalization was for the 4th grade to move to GRAIS. If he had known this originally, he would not have supported Regionalization.

David Davenport said he attended a Freetown meeting on full Regionalization, and the attorney at that time brought it to our Town Meeting floor and to Attorney Long. He thought we were safe on this. We did not know that the definition of Town would come up eight (8) months later, and we would be having this problem. We were given that same reassurance at Town Meeting. Mr. McQueeney said his interpretation is that it is a financial agreement that is ten (10) years old. If the Region takes over the bond, that means Freetown will have to pay more. Why would they agree to that? The agreement is still in effect and does not change anything on how the students are sent there. Laurie Hunter has made it very clear that she thought the best educational place for the 4th grade was at Assawompset. He had spoken with David Goodfellow, who was a member of the Lakeville School Committee, and is the Deputy Fire Chief. He visits the school once a year and said there are no code violations or safety issues at Assawompset. So this simply is not an issue.

Aaron Burke said it is important to point out regarding debt structure, the amendment is an acronym. For full regionalization to work, this needs to be resolved. We are a school system with five (5) schools and we need 4.2. This is the challenge of the Towns and the School Committee, to use these schools to best educate the students and to best fit the needs of the Towns. Selectman Belliveau said the reason he brought it up is, if you go to a five (5) school model next year and put Kindergarten through grade 5 in three (3) schools, if there is a mixture above a certain number, then Freetown will pay more no matter what the capital costs. He understands Mr. Ashley's concerns regarding dumping debt on Freetown, but that is why the agreement needs to be resolved. It should have been done under full regionalization, and we would not have all this animosity. It appears that the person that recommended dissolving both of the Local School Committees did not read this agreement clearly since this needed to wait until there is a special election or a vote.

Selectman Maksy stated that he wanted the audience to have an opportunity to speak at this time. Mr. Anderson said this was drafted by an attorney, and it will have to be up to them to go over it and tweak it to make it right. We can go back and forth all night, but until the people that drafted the agreement come in, they need to do this. Also, how many organizations have to tell you that the Local School Committee does not exist? Mr. Nelson said that he is left with one thought about the capacity in the elementary school. Is the Town aware of the exposure that you have using an overcrowded school, when there is another with all kinds of room able to take the students? Mr. McQueeney said that Mr. Goodfellow was talking about code violations. Mr. Nelson responded that was before Regionalization. But today, we have an overcrowding potential with a school in September, and the exposure for that is potential. Mr. McCarthy said the enrollment for Kindergarten through grade 4 will be 645 students. Two years ago when the Town had an extraordinary crises, there were close to 700 students at Assawompset. The maximum is 613 students. There are 29 classrooms for Kindergarten through grade 4, which will be used next year with 22 students per class, so 638 students could theoretically fit in that school. We need to be careful when saying that Assawompset is overcrowded. Mr. Nelson asked what the legal definition of overcrowding is. Is there a definite number that an attorney can put a finger on? If so, then you have some exposure. Mr. McCarthy said he does not agree. Someone could say it depends on a number used for square footage. If we use the classroom approach, we do not have exposure. If we use another figure then yes, one could say it is

overcrowded. This is not a legal opinion, it is his opinion. If the Fire Department and the Building Commissioner said it was overcrowded, then he would move the students at all costs due to risk. At this point, it is not a risk. We can keep the students safe and manage, but things can happen no matter how many students. Mr. Nelson asked what the magic number is. Mr. McCarthy said to him it is more about class size than it is about school size. Mr. Nelson suggested that the Fire Chief or Deputy Fire Chief rerate Assawompset. Mr. McCarthy said we can, but the State also puts out a number. Mr. Nelson said you have a school that is sitting virtually half empty. As a taxpayer, he had a real problem with that, since he feels that this is exposing both towns to a negligent situation since the Town has the ability to move students and chose not to.

Selectman Belliveau said GRAIS is owned by the Region, Assawompset is owned by Lakeville and Freetown Elementary by Freetown. The problem is the consideration. We are paying a debt without consideration, and we do not have a right to put students in GRAIS. Mr. McCarthy said the issue is how to resolve this and move forward. It is important to come to common ground. This is where you come together and resolve this problem about what is the fair and equitable solution. Freetown is paying over \$1 million a year and Lakeville is paying \$850,000. A lot of money is being spent by the Towns for debt on their schools. Mr. McQueeney said this is not anything we can solve tonight. We need a properly composed committee with a few members to come up with some options with some legal advice. When leases are signed, the Region can operate all five (5) buildings. We have a lot of empty seats and that number is growing. There had been talk about eventually having four (4) schools and there could be a savings of \$900,000. He recommended that a committee be formed with Selectmen from both towns, members from the Regional School Committee and an Attorney to review the agreement.

Sharon Remis-Goyette said that she thought that Mr. McCarthy said in order for the 4th grade to move to GRAIS, \$200,000 was needed from the Town. Is the money there to make it happen? Chairman Olivier said it is not; that is the amount of money needed from each of the Towns. When we worked through the budget process, fixed costs had gone up. No additional monies were received from the State. The Town gave all Departments a zero increase, and only the Region gave raises. Our focus was to help out the Region. Every step of the way, he believed in Regionalization and knew efficiencies would be coming with economies of scale. We did that at the expense of our Town Departments. Selectman Maksy said if we thought that would change their mind, we would find the money. Mr. Olivieri asked if we had \$200,000 drop into our lap, what would our priority be. Mr. McCarthy said we are going without a librarian at the Middle School. One Guidance Counselor has been cut. Moving the 4th grade was on the table to the very end. It was a consideration, but this should have been done back in April. It is long past that point. In April, we wanted a decision since parents, teachers, and the principal needed to know, so the vote was taken. To go back at this point with classes and staff assigned, we would have to hire people.

Maria Martin said at the May 4th meeting of the School Committee, it was stated that Assawompset was 114% overcrowded and GRAIS had 33% open seats. We need five (5) buildings. For Lakeville, the only thing they are using is the live birth rate. We have not taken into consideration buildable lots and the apartment complex, so she did not want to hear about

the student population going down. If the economy starts turning around, we will need our five (5) buildings. Jennifer Olivieri said that she did not think the financial situation will improve for the next school year. She wants to hear for herself that you will move the 4th grade next year. They can put a recommendation out there, but how will that be implemented? People want to believe that promise that in 2012 the students will be moved. However much money we need has to be received from the Towns of Lakeville and Freetown now. She believed we were building a better school system with full Regionalization. Everyone believed in the promises, and we want to see everyone work together. Mr. McCarthy said we are building a better school system. We have hired ten (10) new Elementary School teachers. Class sizes for some students will be below 20 students. That was goal #1, to direct the resources to the greatest educational need. The process going forward will be based on recommendations from the Educational Model Subcommittee. The School Committee will then make a decision, and we will build a budget around the best educational model. Ultimately it will be up to the Towns to support the education to the degree that it is needed. We are two (2) communities that are barely spending above Net School Spending (NSS), and we need to be doing better than that. We are in the lower tenth of the school systems in Massachusetts, and we need to be better than that. Moving to NSS is not adequate. Speaking to Ms. Martin's point, it will be a five (5) school model since Elementary Schools should be smaller and not larger.

Amy Dow asked if the Town found the \$200,000 needed, would the 4th grade be moved to GRAIS. Mr. McCarthy said the School Committee would have to make that decision. Ms. Dow said this is the first time she is seeing a meeting of the minds. There is a solution on the table and you are not grasping that. Her point is that a lot of parents want the students to go to GRAIS. If this is viable, then do it. Selectman Maksy said this is not a financial problem that we are having. We never were told that if we came up with the money, then we will move the 4th grade. Ms. Dow said if they are saying this now, then you need to have the conversation now before another school year goes by. Mr. McQueeney said if Lakeville came up with the money, then Freetown would also have to come up with their share. Mr. Burke said that would have to be appropriated at Town Meeting. Ms. Dow said she is aware of that and is willing to do whatever it takes. The Superintendent went through the process of moving the 4th grade over. Why go through the process if you did not intend to move the students over?

Darlene Donnelly said it is always about the money. The Superintendent said that they need an adjustment counselor and we need this and we need that. They are not moving the students, and the building is still overcrowded. This is on tape and so if something happens, it is recorded. 18-22 students in a classroom does not solve the problem. The School Committee does not want to make a change; they have made their decision. Mr. Oliviera said he thought there is a hidden agenda. Are you committed to keeping GRAIS and all five schools open within the Region next year? Mr. Olivieri said yes. Mr. Ashley said he will not poll the members, but it is going to take money. If the parents and the Town want to step up, then we will take the money and do it. There is no secret agenda to close Assawompset. It has been a very tough year with the budget. It is unfortunate that both Towns do not have the capacity to spend more money on education. It will take the parents to say we want a better education for our students. If you expect this Board to come up with an override, they are not going to do it. You give us the money; you will have it next year. Mr. Oliviera said there is no plan and no guarantee for next year. He was present at the meeting when it was only \$30,000 to open GRAIS, but the decision was made not to do it.

Mr. Ashley said we all want to use GRAIS to a higher degree. We have not had a long term plan for our students for a number of years, but now we will have a plan with the subcommittee in place. It is what the Towns can afford when that comes knocking, since that is where we were this year. We are at the funding that each Town has given us.

Lorraine Carboni said when we opened GRAIS, funding was short. We settled on a smaller number and certainly the year after it was even more difficult. It does come down to money, and there is always the emotional aspect. How can she put the 4th grade there knowing the financial situation and the unknown situation for next year? We need a plan and that is where the Educational Model Subcommittee came into play. She does not want to react anymore; she wants a plan and to move forward. We are fully regionalized now. Let us work together and make this work. She would like to use GRAIS and have five (5) schools. Mr. Noreiga said he wants to support a budget that will give us five (5) schools, since he feels we need it. He feels that the student population will increase. He wants to see more technology in the classrooms for both Towns. There are computers not being fully utilized and projectors that not been used yet. Those are types of educational advantages that the kids in the big cities are getting, and he would like to see our kids have that opportunity.

Mr. Davenport said in January, the first deficit number was approaching \$4 million, and he did speak about closing Assawompset. Over time, he has come to the conclusion that it was not something that many people want to see happen. We are wasting a building, and the building's useful life is going away. There is a principal at Assawompset back to a full student load without an assistant. He would like to find out from this audience who wants the kids where. Dave Piasecki said he is very much in favor of five (5) schools. When is the Educational Model Subcommittee starting their work, and when will they come through with their decisions? There is one (1) school underutilized and another busting at its seams. It seems obvious what to do. Move the students to where you have the space available, and people will be willing to come up with the money. This is a drop in the bucket, so find the money and take a vote of the people.

Mr. Nelson asked if Lakeville will sign a lease for the school. How can you do that with an overcrowded situation? Why wasn't that brought up before since they may not sign a lease for the overcrowded population of that school? Brenda Levin said it is a strange experience in GRAIS with all the empty classrooms. What would it hurt to let the students go there? There is plenty of room, and it all sounds crazy when you try to explain it. If it is not the money, then what is it? Chairman Olivier said he has the same question. Mr. Ashley said it comes down to dollars and cents for a start. Then we have the Educational Model Subcommittee in place. We are trying to get away from the Intermediate School model. Sherry Barron said Mr. Nelson's question is an excellent question, and it should be answered. The lease is a liability to every taxpayer in Lakeville. You need to get a feel for what the parents want since you are elected by the residents. Frankly, the Local School Committee has been a disaster. Teachers are placed in closets and sharing rooms. This all comes down to money and it is .35 cents on \$100. If we are that close to the edge with the budget, then we are in very big trouble. She has heard so many numbers, now it is \$120,000 with a \$34 million budget. It is the School Committee's budget. We all deserve an answer and the taxpayers are worried that we have a liability over there.

Ms. Remis-Goyette said moving forward, how do the Selectmen pressure folks for more money. Mr. McCarthy said there are two (2) towns involved. Whatever happens in one (1)

town happens to the other. The Towns would have to vote and appropriate the money. Ms. Remis-Goyette asked how is it we are in the bottom 10% for Net School Spending. Mr. Oliviera said State Aid is dwindling and the Town does not have the tax base to support that. We are not alone; there are many communities like us. When the Selectmen say that they did everything they did to make education work, he believed them. The townspeople of both towns need to support education to a greater degree than we are right now. An override needs to take place. Mr. Anderson said the override word had not come up yet, but it usually does. So, how do you motivate people to support an increase in taxes when they do not have children in the schools? Jeff Bernier said the Superintendent mentioned NSS, but the teachers got a 4% raise. You also hired ten (10) elementary teachers, so aren't we spending above NSS? Mr. McCarthy said there was a 1% raise and the teachers get step increases. All this is in the contract and was done a few years ago. The school budget was cut by a little under \$500,000. We are about \$½ million less in our operating budget next year, despite the fact that we had some increases. Regionalization allowed us to direct our resources to our greatest need and that is why we were able to shift teachers into the elementary schools where we needed them. Mr. Bernier said he does not understand why the 4th grade cannot go to GRAIS. Mr. Olivieri said it takes additional money to do that.

Upon a motion made by Mr. Anderson, seconded by Mr. Noreiga, it was:

VOTED: To adjourn the Regional Transitional School Committee at 9:00 PM.
Unanimous vote.

A brief recess was taken, and then the meeting was called back into session at 9:10 PM.

Ms. Dow asked if there is still a legal battle going on as far as the Selectmen are concerned on who has the authority to make the decisions. Chairman Olivier replied we do not know. We do not like being told one thing, and then someone goes back on their word, especially with the quality of education at stake. Ms. Donnelly said her concern is the lease for Assawompset. Can't that be part of the agreement? Isn't there a number for the building capacity? Selectman Belliveau said his concern is that if we set a number in the lease agreement, that could facilitate the closing of Assawompset. Ms. Donnelly said there is a cap on the GRAIS building. Selectman Belliveau said that is 750 students, but only 550 of Lakeville students. Mr. Oliveira said it would be 750 students, in addition to the teachers. The white elephant is the agreement in 2001 of 550 students. Selectman Maksy said we have a right to house 550 students at GRAIS, and we are utilizing 125 seats, so can we do a charter school with the remainder of the seats, like READS Collaborative. Attorney Lampke said that is another obstacle we need to overcome. The question would be jurisdiction over the building. Mr. Nelson said this is the first year in a Regional environment. The Selectmen have the ability to sign a lease or not. The alternative is that they might pull all the kids out of Assawompset. Is the Board comfortable signing a lease under the conditions as they stand today, and when do you have to sign the lease? Chairman Olivier said he does not know what the building occupancy is. Ms. Donnelly said she heard 535 is the capacity. Selectman Maksy said it is up to the Building Commissioner to determine the capacity. Mr. Oliveira said when the building was built, the State determined the occupancy for 535. Mr. Nelson asked about documentation on the occupancy. Selectman Belliveau said there is documentation, and we are researching it to see where the numbers came from, and what they

are today. Mr. Nelson asked Selectman Maksy if he would sign a lease if the occupancy will not allow it. Attorney Lampke said he would caution the Board to do more listening since not all ramifications have been analyzed for the position of the Board. Anything that is said may come back and it would be premature for the Board to specifically answer these questions.

A resident said he keeps hearing about money. The 4th grade has always existed in Assawompset and there are actual resources needed for the students. What is the difference between the funding for Assawompset and GRAIS for 4th grade? Ms. Donnelly said they need specialists. Ms. Barron said the specialists are there. Ms. Dow said on May 18, 2011, there was one (1) SPED teacher, one (1) SPED Paraprofessional and a .5 specialist. The amount that we were told at the time was \$129,014. A resident said that she felt the Region is a fiasco. Is there a legal leg to stand on, and how can we get out of Regionalization since they are not upholding any promises? The Superintendent promised they would improve everything. Everything that could go wrong has gone wrong, can we abolish it? Attorney Lampke said he does not want to give legal strategy and options right now. There is a provision to opt out of in the agreement. He felt it would take approximately two (2) years to opt out of the agreement. There has been a lot of effort and time in trying to get to this point. People need to look long and hard to see if they can address these problems, which were not addressed before, without throwing away all the time and effort that has taken place. Mr. Burke said regarding the comment that the full regionalization is a fiasco, he does not agree. As a Local School Committee member, he underestimated the residents desire to see the 4th grade at GRAIS. No issue has brought out that many people to a meeting. He thinks the lowering of the class sizes is a great thing. Please do not think that anyone on the Local School Committee did not think long and hard on this decision on what is in the best interest of the children. Mr. Burke said instead of using political energy to deregionalize, use it to make it fully implemented.

Mr. Oliviera said going back to 2009, when the 4th grade moved back to Assawompset, the Superintendent never went and asked the Town for the money. The Local School Committee did not even vote a budget that included the move. It just seems that the School Committee does not want to put the 4th grade there. There is a reason, and it will come out in time. The residents were never asked for the money. Ms. Donnelly said when the Superintendent said they hired ten (10) teachers; they were not all at Assawompset. Chairman Olivier said those positions were split between schools.

Mr. Davenport said regarding safety, he would like to note that it is not just getting the students out in time for a fire drill. He had a student in the 4th grade last year, and two (2) times, his child was unaccounted for. It drove him and his wife crazy. We worked quietly to resolve that and the school made some changes, but there are other safety experiences to be concerned about. Mr. Davenport said the issue resurfaced on April 13th and we voted to do this in December. Four (4) months went by and then there was potential discussion about closing GRAIS, but now it is being used as leverage. The 4th grade was going to GRAIS until April 13th. It took from April through June to get this issue brought back up. Then we had to wait until July 1st and let the clock tick down and see what would happen. Now it is the summer, and we have only a month left. He still does not think that just changing some bus routes is too much. Yes it will be some extra work, but we can move people and change the bus routes.

Mr. Burke asked who would decide to move the 4th grade. Chairman Olivier said the Lakeville School Committee. Attorney Lampke said it is his purview that the Lakeville School Committee still exists. The agreement says that Lakeville has the ability to move the students over to GRAIS. Prior to the change to full Regionalization, when it was clearly an act of the Lakeville School Committee, no one questioned if it was the Lakeville Town Meeting, the School Committee, or the Board of Selectmen. There was no issue. Ms. Barron asked how we find out. Attorney Lampke said in his opinion, it does. The DESE said that they cease to exist, though the individuals do exist, and they are on the Regional School Committee. Mr. Burke said just because something is popular, does not mean that it is right. He truly believes that what he did was in the best interest of the district. Attorney Long says that the Lakeville School Committee does not exist. Selectman Belliveau said Attorney Long's interpretation is wrong. Mr. Olivieri said he thinks Mr. Burke's point is if the Lakeville School Committee is still in existence, he does not think it will change anything at this point since their vote was 3 to 2 against moving the 4th grade to GRAIS. The bigger issue is this amendment to the 2001 agreement. What is the likelihood of hypothetically you and Attorney Long getting together to get this squared away and done. Attorney Lampke said if the parties were sincerely interested in sitting down, it could be done. Whether it results in the transfer of the students, he did not know. This meeting was to start the dialogue and move forward, but the Regional Transitional School Committee set a time limit of 9:00 PM, and they adjourned. There is some inequity here of Lakeville paying for the capacity under the 2001 agreement, and how will that be corrected. If the Lakeville School Committee does not exist, do the Selectmen act as the Town under the 2001 agreement. If not the Selectmen, then who is it? Everyone wants to avoid going to court, but that is where it may likely end up. In his opinion, the Lakeville School Committee still exists. In the 2001 agreement, they are the most likely party to make the decision to move the 4th grade, but if not them, then who? If they exist, they need to make a decision. Ms. Lynch from the DESE hoped that the parties would get together and iron this out. It is her opinion that the Lakeville School Committee does not exist, so then how does the 2001 agreement get implemented? You need someone to mediate and arrive at a solution.

Other Items

1. Letter from Thomas Murphy regarding Middleboro Cable Broadcasts
2. Board of Health Notice of Appointment
3. Memo from Kopelman and Paige regarding Enforcement of Marijuana Fines
4. Meeting notice-JTPG-July 20, 2011
5. MassWildlife News Advisory
6. Notice from Department of Telecommunications and Cable
7. Letter from Senator Kerry
8. SRPEDD Commission meeting notice-July 27, 2011

At 10:08 PM, upon a motion made by Selectman Maksy, seconded by Selectman Belliveau, the Board unanimously:

VOTED: To enter into Executive Session to discuss strategy with respect to litigation regarding the GRAIS Agreement because an open meeting may have a detrimental effect on the litigating position of the Board and not to return to Open Session.

Polled vote of Selectman Maksy – aye, Selectman Belliveau – aye, and Selectman Olivier – aye.