NOTICE OF MEETING
Inhabitants of the City of Greenfield:
You are hereby notified that there will be a meeting of:

Public Body: Greenfield Public Schools
Special Meeting of the
School Committee Meeting

Date: Wednesday, May 29, 2019
Time: 11:00 a.m. – 1:00 p.m.
Location: Central Office
195 Federal Street, Suite 100

Topics anticipated to be discussed:

1. Public Comment
2. Audit Request to Commissioner
3. Action on FY20 Council's Budget
4. Legal Memo re 2/3 vote
5. Follow-up on OML training
6. Executive Session, MGL c 30A, §21, (3): To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Administrative Assistants)
7. Adjournment

*Please note that the list of topics was comprehensive at the time of posting, however, the public body may consider and take action on unforeseen matters not specifically named in this notice.

Posted 05.24.19 10:45 AM
GREENFIELD PUBLIC SCHOOLS

SPECIAL MEETING OF THE

SCHOOL COMMITTEE MEETING

Wednesday, May 29, 2019
11:00 a.m.

Central Office, 195 Federal Street, Suite 100

AGENDA

I. Roll Call/Call to Order

II. Business:

1. Public Comment
2. Audit Request to Commissioner
3. Action on FY20 Council’s Budget
4. Legal Memo re 2/3 vote
5. Follow-up on OML training

III. Executive Session, MGL c 30A, §21, (3): To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Administrative Assistants)

IV. Adjournment
May 22, 2019

VIA E-MAIL: mayor@greenfield-ma.gov;
             WilliamM@greenfield-ma.gov
The Honorable William F. Martin,
   Mayor
   Town of Greenfield
   Town Hall
   14 Court Square, 2nd Floor
   Greenfield, MA 01301

VIA E-MAIL: mark.smith@greenfield-ma.gov
Mark S. Smith, J.D.,
   Director of General Administration
   Office of the Mayor
   Town of Greenfield
   14 Court Square
   Greenfield, MA 01301

Re: Legal Opinion – MGL Ch. 44, Section 7 and “two thirds vote”

Your Honor and Mr. Smith:

You requested a legal opinion concerning the number of votes necessary for City Council to approve an order for debt authorization or stabilization. Such approval is governed by MGL Ch. 44, Section 7, which provides, in pertinent part, that “Cities and towns may incur debt, by a two-thirds vote.” MGL Ch.44, Section 1 defines what “two thirds vote” means in this Chapter of Massachusetts General Laws and provides as follows:

“Majority vote” and “two thirds vote”, as applied to towns or districts, the vote of a majority or two thirds, respectively, of the voters present and voting at a meeting duly called, and, as applied to cities, the vote taken by yeas and nays of a majority or of two thirds, as the case may require, of all the members of each branch of the city government where there are two branches, or of all the members where there is a single branch of the city government [emphasis added], or of a majority or two thirds of the commissioners where the city government consists of a commission; and in every case subject to the approval of the mayor, where such approval is required by the charter of the city.
MGL. Ch. 44, Section 1

There is no specific case law analyzing the application of the meaning of the language requiring a vote of of two thirds “of all the members.”

You forwarded a case reference concerning this issue from Donald Gorton, Counsel for the Bureau of Municipal Finance Law in the Massachusetts Department of Revenue. The referred to case is Kubik v. Chicopee, 353 Mass. 514 (1968). This case analyzed language similar to MGL. Ch. 44, Section 1 about a majority vote of “all the members of the city council.” Mr. Gorton implies that this case applies to the posed question and that 2/3 of the number of city council positions (13), rather than the amount of members currently on city council (12) is necessary to approve the subject debt order.

It is also worth mentioning that you previously asked the same question to Attorney Gordon Quinn on or around December 2017 in the context of the number of council votes needed to override a Mayor Veto. Section 3-7 of the Charter addresses this issue and provides that “If the Town Council, notwithstanding such disapproval by the Mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full Council [emphasis added], it shall then be deemed in force.” Attorney Quinn opined as follows:

Having reviewed Roberts Rules of Order, it seems that the logical interpretation of "2/3 vote of the full Council" in Section 3-7 of the Charter is 2/3 of the "entire" membership of the Council. The current, entire membership of the Council is 12 members (you don't count the 1 vacancy). Therefore, it would take 8, not 9, Councilors to vote to override the veto in order for the vote to be successful.

You would need 9 Councilor votes if the language in Section 3-7 had read "2/3s vote of the fixed membership of the Council." Under Roberts Rules, the "fixed membership" of the Council is 13 (12 sitting plus 1 vacancy). But Section 3-7 doesn't read that way.

Similar to our previous advice as to the mayoral veto issue, my opinion is that 2/3 of the City Council means 2/3 of the City Council’s actual membership at the time of the vote.

Further, Kubik v. Chicopee is not applicable to the instant situation. To start, Kubik deals with MGL Ch. 40A, Section 7 which pertains to the adoption of a change in zoning ordinance or bylaw. Secondly, even if Kubik analyzed MGL. Ch. 44, Section 7, the fact pattern is distinguishable. In Kubik, the City Council had thirteen members but the President of the City Council was Acting Mayor and precluded from voting. The Court found that the “all of the members” calculus still had to include the City Council President and that a majority vote needed to be based on thirteen rather than twelve. The basis for this conclusion was the fact that
President of City Council was still a member regardless of whether he himself could vote on the contested issue. Here, there are only twelve members on city council. No current member is precluded from voting. A “vacant position” cannot logically be construed as a “member of city council.”

In conclusion, my opinion is that the charter language in Section 3-7 which mandates a “two-thirds vote of the full Council” is directly akin to the language in MGL Ch. 44, Section 1 which requires a two-thirds vote of “all of the members.” Kubik, which analyzes the same “all of the members” language in a different statute, is clearly distinguishable and can be read harmoniously with our previous legal opinion on the similar charter language in Section 3-7. Where there are thirteen current members, a 2/3 vote means at least 9 votes. Where there are twelve current members, a 2/3 vote means at least 8 votes. As previously noted by Attorney Quinn, Roberts Rules of Order dictate that a vacant council position is only included in voting calculus if there is specific provision requiring a vote by a portion of the “fixed membership”. There is no such language in MGL Ch. 44.

I am happy to answer any questions concerning this legal opinion. Please note that this opinion letter is drafted in response to a question posed earlier today and that additional research may be necessary in order to answer specific questions related to the issues contained herein.

Very truly yours,

SULLIVAN, HAYES & QUINN, LLC

/s/ Brendan L. Hughes

Brendan L. Hughes, Esq.

BLH:ljb

cc: Kathryn J. Scott, Town Clerk
    Gordon D. Quinn, Esq.
May 22, 2019

Jeffrey C. Riley
Commissioner of Education
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Commissioner Riley:

I am writing in accordance with Massachusetts CMR 10.04 which requires that the City and Schools agree on the charges, allocation and documentation of municipal expenses for school services, and that if there is an impasse, the Commissioner shall arbitrate the matter.

The FY20 Budget Cycle highlighted the need for a clear and accurate agreement between the City and Schools. An influx of $1.3 million in Chapter 70 State Aid for Education to Greenfield raised the issue of how both educational costs, and revenue, should be applied. A cut of $1.3 million to the School Committee budget was made in the Mayor's budget, with expenses attributed to city-side indirect costs.

The most recent agreement between the City and Schools was signed in 2002, and is badly outdated. The School Committee has taken a renewed interest in an equitable agreement and fully understanding both City (indirect) and School (direct / operational) costs for education. The City is responsible for providing adequate levels of education funding to meet Net School Spending requirements, and the School Committee is responsible for setting the annual budget. However, the School Committee's FY20 vote was taken without access to itemized and agreed-upon city-side expenses, including projected increases for Health Insurance, Life Insurance, Retirement contributions, electricity, etc. On February 25, 2019, the School Committee voted that the City would produce detailed break-down of City Costs. A subsequent meeting of the Budget & Finance Committee was called on March 7, 2019 with "Indirect Costs (City expenses included in Education)," however they were not provided at that time.

Therefore, please accept this correspondence as notification that the City and Schools of Greenfield are seeking a formal review of the allowable Net School Spending charges and documentation, including:

- The amount and specific employees charged for active health insurance
- The amount and specific employees charged for retiree health insurance
- The amount and specific employees charged for retirement assessment

The Greenfield Public Schools does not discriminate on the basis of age, race, color, creed, national origin, sexual orientation, gender identity, ancestry, genetic information or military service. The Greenfield Public Schools maintain a commitment to ensuring that the school community is free from discrimination in education and employment.

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The amount and specific employees charged for life insurance
The amount and documentation for energy costs and savings,
The amount and reporting of any revenue or cost-savings generated by the City in association with School Committee property (e.g., solar equipment on school buildings, for-profit municipal broadband equipment housed on school property, etc.)
And other indirect city costs

Thank you for your attention to this matter.

Sincerely,

Greenfield School Committee

Enclosures:
- Recorder - Greenfield Schools to Advocate to keep $20 Million Budget
- Recorder - Ways & Means Committee pitches more Money for Greenfield
- February 25, 2019 Minutes of the School Committee
- March 7, 2019 Budget & Finance Sub-Committee Meeting Agenda, Itemizing “City Side Costs for Education”
GREENFIELD PUBLIC SCHOOLS
SPECIAL MEETING of the SCHOOL COMMITTEE
MINUTES: Monday, February 25, 2019
John Zon Community Center, 35 Pleasant Street, Greenfield MA
Approved 03.13.19

Present: Don Alexander (DA); Katie Caron (KC); Susan Eckstrom (SE); Jordana Harper, Superintendent (JH); Susan Hollins (SH) attending remotely; William Martin (WM); Adrienne Nunez (AN)

Absent: Cameron Ward (CW)

Also present: Kia Burton-King, parent; Bob Cooley, resident; Melodie Goodwin, Principal, Newton School; Stephen Nembirkow, GPS Business Manager; Nancy Putnam, Principal, Federal Street; Jake Toomey, Principal, Four Corners; Mary Traver, SEPAC; Ed Voudren, GPS Transportation Coordinator; Mckenzie Webb, parent; Crystal Zimmer, SEPAC; other school staff and citizens.

I. Call to Order
With a quorum present (DA, KC, SE, SH, WM, AN), Chair Nunez opened the meeting at 6:33 p.m.

II. Public Comment
Bob Cooley, resident, spoke in favor of student services, especially for those who’ve experienced adverse childhood experiences; encouraged Subcommittees to work well together.

Mary Traver, Special Education Parent Advisory Council Co-Chair, urged funding for cameras on GPS buses.

Crystal Zimmer, Special Education Parent Advisory Council Secretary, spoke in support of increased professional behavioral staff (BCBAs); adequate number of and training for paras; using increased state funds directly for schools.

Kia Burton-King, parent, spoke against elimination of two bus routes, and asked about plans for Green River School next year, including re-opening as elementary school to ease space concerns at other elementary schools.

Mckenzie Webb, parent, shared concerns about children’s safety walking to school if bus routes are eliminated, and overcrowding at elementary schools.

III. Business

A. Referral to Health & Safety Subcommittee: Emergency Shelter at School Buildings
KC moved to refer emergency shelter at school buildings to the Health & Safety Subcommittee. DA 2nd. Motion passed unanimously.

B. Storm update
Supt. provided an update on electricity outages at Newton, GMS due to strong winds. Newton students briefly evacuated at recommendation of fire dept.; furnace being worked on. GMS power restored. Single-school closures are possible if outages continue.

C. Public Hearing on FY20 Budget and Budget Presentation
Superintendent presented budget, with goal of preserving FY19 level of services for FY20. Requires funding increase as costs increase: staff salaries/benefits, transportation, out of district placements. Difficult decisions – e.g., 20+ new positions requests, only a few included in budget.

- Enrollment – GPS is growing. Expect 50 more students in Fall 2019: 1,795 students
- Per Pupil Spending – comparison with nearby districts. FY17 is most recent certified data available.
- Choice-In – 103 choice-in students this year, bringing $ with them. Choice-in seats offered only if room. School Committee approves and caps number of choice-in seats each year. Typically, all choice seats are filled with a waiting list.
- Chapter 70 increase of $1.1 million. Significant increase, not seen in previous years.
- Budget process (timetable) - Development of budget has been going on for a long time. Open opportunity for comments.
- FY20 Operating Cost Increases – 3 main areas: Salaries (80%); transportation; special education
- FY20 Staff Needs – 6 new positions – 3 in special education, required; 3 to open Green River program. Another site possible (GHS) if Green River building not ready.
- FY20 Increases – $351K for substitute teachers; contract salary adjustments; transportation; out of district tuition. Other needs not presented: many requests by building principals not included in budget.
- Reductions to Budget – Eliminate 4 instructional aides (IAs); eliminate before-school care; eliminate 2 bus routes; in-house busing
- Teacher Salaries and Class Size
- Economically Disadvantaged and High Need Students
- What is not in this budget
  - Four Corners 4th grade teacher provided by eliminating one K class.
  - Step increases; application to City to cover

Draft budget (35 pages) available on website, publicly available.

Steve Nembirkow, GPS Business Office reviewed FY20 Budget Points
- Per pupil spending is low, compared to region
- Average teacher salary is low; average class size is high
- High % of students with disabilities and high needs
- Funding above minimum
- Greenfield identified for Focused/Targeted Support
- Revolving funds
- Increases and decreases in FY20 budget
- Choice-In, Choice-Out

Discussion:
- GREAT School (Green River) would share nurse coverage
- Small, gradual annual increase of % students with disabilities. Increase of English Language Learners has been large, rapid.

- Busing
  - 2 bus routes to be cut, 1.5 miles and under: Oak Courts, Greenfield Gardens
    - Voudren does not support; safety, liability concerns, requires additional $ for crossing guards
    - Effect on students’ attendance, late arrivals
  - Intra-district school choice: parents responsible for transportation
- $70K for transportation includes purchasing van/bus for short routes. Assessment underway.
  - Public bus transport (FRTA) for GHS?
  - Bus cameras
    - need for non-verbal students, in case of injury, accident
    - funds not in FY20 budget. Use special ed revolving fund? Supt. seeking alternative $20K.

- Lower average teacher’s salary reflects higher % of newer teachers

- Before-School Care
  - Currently provided at all 3 elementary schools; to be eliminated FY20
  - Costs = paying IAs for before-school hours beyond their regular workday
  - 50-60 students
  - School alternatives possible, e.g., partnering with Rec Dept.
  - Y and other early-bird programs available in town
  - Convenience for some families; necessity (safety, supervision) for others

- Class size numbers are from DESE; normative comparison across districts, not actual class size
- Effect of choice-in, choice-out: to be discussed when School Cte votes choice-in numbers
- Circuit breaker: $960K estimated revenue for FY19, $903K to be spent this year
- WM, Nembirkow to meet to reconcile beginning balances
- Chapter 70 $1.1million increase – WM: City will claim some for City-paid benefits
- 4 instructional aid positions cut; currently vacant
- Green River School: ADA compliant, flooring asbestos-free. Discrepancy in timing when GPS needs City to install heat (June) vs when Mayor expects (August or later)
- Account for $ savings through energy efficiency

AN moved to request that town hall, in coordination with our business department, provide us with estimates for increases to these estimated costs, insurance expenses and any other relevant expenses that the city will be paying for that we do not have numbers on, specifically increases from this year to next year. KC 2nd.

Medicare, health insurance, retirement pension; central maintenance, DPW, energy

Health insurance % amount of increase not available until late May

Supt. receives annual aggregate report; itemized breakdown would be more useful

Roll call vote: Yes: WM, DA, KC, AN, SE. Abstain: SH. Motion passed 5-0-1.

Budget discussion continued:
- Support for increasing substitute teacher pay; lack of subs “major problem”
- Concern that technology (hardware, software) not in budget
- Level services budget = $19,161,000 = $600K increase over FY19 (contractual obligations, balancing offsets). What is impact to average taxpayer?
- All-funds cost – Nembirkow to prepare for next discussion

AN moved that at March 7 meeting we have a side by side comparison [FY19/FY20] overview of the all-funds budget for this year as well as what is being drafted for next year including an estimate as to what increases would incur to local taxpayers to fund next year’s budget. SE 2nd. Roll call: YES – WM, DA, KC, AN, SE, SH. Motion passed unanimously.

Budget discussion continued:
- “Find efficiencies” – JH: no ways left to reduce budget without affecting students
- Request to resolve $100K state pothole award from 2013
- Balances in revolving accounts required by policy
- Strong AP program; who pays AP exam costs?
Public comment
Mary Traver: “more than happy to see a reasonable increase [in taxes] to fund the school budget”

Crystal Zimmer: Concern that city will over-use Chapter 70 $, prefers it go to classrooms; concern that cuts affect the most needy students.

Public hearing closed.

IV. Executive Session
AN announced intent to move into Executive Session in accordance with MGL c 30A, §21, (3) & (10): To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Unit A); and to discuss trade secrets of confidential, competitively sensitive or other proprietary information prepared.

KC moved to enter Executive Session. SE 2nd. Roll call vote: Yes – WM, DA, KC, AN, SE, SH. Moved into executive session at 9:21 p.m.

KC moved to leave Executive Session. DA 2nd. Roll call vote: Yes – WM, DA, KC, SH, AN. Returned to public session at 9:57 p.m.

V. Transportation contract
DA moved to support the Kuzmeskus bid, pending contract approval, for a 5-year term. WM 2nd. Roll call: YES, WM, DA, AN, SH. Motion passed unanimously.

IX. Adjournment
AN moved to adjourn. KC 2nd. Motion passed unanimously. Meeting adjourned at 10:00 p.m.

Respectfully submitted,
Susan Farber
Recording Secretary

Meeting Documents
1. FY20 Budget Point from the GPS Business Office
2. Superintendent’s FY20 Budget
NOTICE OF MEETING

Public Body: Greenfield Public Schools
Budget & Finance
Subcommittee Meeting

Date: Thursday, March 7, 2019
Time: 12:30 PM – 1:30 PM
Location: Conference Room
195 Federal Street, Suite 100

*Topics anticipated to be discussed:

1. Public Comment
2. OML Complaint
3. Discussions and vote Re: Superintendent's FY20 Budget
4. Indirect costs (City expenses) included in education budget
5. Approval of January 22nd budget meeting
6. Adjourn

* The public body may consider and take action on unforeseen matters not specifically named in this notice.

Posted 03.05.19 10:25 AM
Hi all, FYI.

I'll follow up with other options at a later date, but wanted you to be aware of this and these opportunities for learning.

Ty

Good Morning Adrienne,

Thank you for requesting a training. Unfortunately, we are a very small division and do not have enough staff to provide training to only one single public body. We are hosting a training tomorrow in Amherst at the Jones Library from 5:30 to 7:30 p.m. We will also be conducting a webinar on May 23 from 12:30 to 2 p.m. In addition to these two trainings, there are training videos that are posted to our website which you can listen to in six parts and which provide the same information that is given during an in person or webinar training. We will be scheduling additional webinars in the months to come so please check our website for more information. Here is a link to the videos: https://www.mass.gov/service-details/open-meeting-law-training-videos.

Sincerely,

Kerry Kilcoyne
Assistant Attorney General
Division of Open Government
Office of the Massachusetts Attorney General
One Ashburn Place, 20th Floor
Boston, MA 02108

Ph: (617) 963-2540
openmeeting@state.ma.us