

*Approval of Minutes  
August 12, 2019*

*Natick Public Schools  
SCHOOL COMMITTEE  
EXECUTIVE SESSION MEETING MINUTES  
June 3, 2019*

The School Committee held a meeting on Monday, June 3, 2019 at 6:15 p.m. in the School Committee Room, third floor, Town Hall. Chair McDonough called the meeting to order and took roll call at 6:15 p.m.

Members Present: Matt Brand, Julie McDonough, Donna McKenzie, Donna McKenzie, Haugland, Cathi Collins, Hayley Sonneborn,

Members Absent: Lisa Tabenkin arrived at 6:23 p.m. and Tim Luff joined them in the training room

Others Present:	Anna Nolin	Superintendent
	Kirk Downing	Assistant Superintendent
	Peter Gray	Director of Finance
	Rose McDermott	Recording Secretary

Chair McDonough moved for approval for the School Committee to enter into Executive Session:

1. To comply with or act under the authority of any general or special law, specifically Chapter 30A, Section 21(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure.
2. To discuss complaints or charges brought against, a public officer, employee, staff member or individual open meeting law complaint #605 and #NSC\_2019\_3, #NSC\_2019\_4, #NSC\_2019\_5 filed by Mr. Ron Alexander.
3. To discuss strategy with respect to collective bargaining with the Education Association of Natick - Unit S (Paraprofessionals), the Association of Administrative and Office Assistants and Cafeteria Employees - Local #1116, if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares;
4. To discuss strategy with respect to collective bargaining (EAN, Units A & B) and in preparation for negotiations with non-union personnel, if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares;
5. To discuss strategy with respect to litigation specifically, C.D. vs. Natick Public Schools, First Circuit Court of Appeals Ruling, if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares;

Mr. Brand seconded. Chair McDonough called for a roll call vote. All in favor of entering into Executive Session for this purpose:

Mr. Haugland – Yes

Ms. Collins – Yes

Dr. McKenzie - Yes

Ms. Sonneborn – Yes

Mr. Brand – Yes

Chair McDonough – Yes

It was unanimously approved by a vote of those present 6-0-0. The School Committee proceeded to the Training Room to conduct this session.

Melissa Malone, Town Administrator for the Town of Natick and Ms. Marianne Davis, Director of Human Resources for Natick Public Schools joined the meeting.

Ms. Davis reviewed the contracts for Units A & B and that the vote for the new contract was overwhelmingly approved by the Union. Ms. Collins asked that we have something in writing with the dollar increase for each year. Ms. Collins moved to approve EAN Unit A & B contracts as negotiated and discussed. Ms. Tabenkin seconded. Chair McDonough called for a roll vote. All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough – Yes

Ms. Malone – No

The motion was approved by a vote of 7-1-0 by those present.

Dr. Nolin discussed the two Assistant Superintendent salaries and the inequity of \$2600 between them. She and Ms. Davis reviewed the amounts and Mr. Luff is lower. This is the only change to the previously discussed non-represented schedule. Their titles will be changed from Assistant Superintendent of Student Services to Assistant Superintendent and from Assistant Superintendent of Teaching Learning & Innovation to Assistant Superintendent. Now they will be on the same pay scale and same title for internal equity. Ms. Davis confirmed that this was the only change in the non-represented schedule and that all of these schedules for salaries or stipends are all set ahead of time. There should be no question as to regards of amounts. Ms. Collin moved to approve the Non-Rep salary schedule as provided. Ms. Sonneborn seconded. Chair McDonough called for a roll vote: All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough – Yes

Ms. Malone – No

The motion was approved by a vote of 7-1-0 by those present.

Ms. Malone asked to read a statement aloud she had written and that she would provide a copy to Ms. McDermott. Ms. McDermott received the copy on June 5, 2019 @ 8:51 p.m:

As I understand it, historically the Town Administrator has not participated in the evaluation and deliberation of the negotiated and proposed collective bargaining agreements. So as an initial matter, I would like to underscore the reason that I am voting today. Massachusetts General Law provides that the chief administrative officer may vote just as a school committee member on school collective bargaining agreements. Some may question why this is provided and if it is necessary. Given that the school budget is more than half of the Town's budget, I would go further to say that it is a fiduciary obligation to participate and to provide support and analysis for consideration.

Budgeting is only a perennial problem if we make it that and sharing of information and honest forecasting is needed to mend and help all departments build. As a Town, we must plan based upon reasonable forecasts and must take into account what has been asked of our taxpayers and what is now being expected. We owe it to our residents to be forthcoming and honest about tax rates and capital expenses.

At this time, I can state our anticipated forecast is consistent with the values that we as a community have held strong, including education. And it does not appear that we are nearing the need for an operational override (the NPS budget was approximately 54M in FY 16 and is forecasted at 69.8M for FY 21). And yet this CBA and the proposed administrative compensation increases go well beyond forecasts for FY 21 and 22, and not by a few thousand dollars and or rounding error.

	NPS budget	Percent increase from the prior year
FY16	\$ 53,807,355	4.50%
FY17	\$ 57,778,570	7.40%
FY18	\$ 61,250,150	6.00%
FY19	\$ 64,952,439	6.00%
FY20	\$ 67,810,346	4.40%
FY 21	\$ 69,810,805	3-4% (estimated range)

The estimates for future years were shared at the Financial Planning meeting and followed up by information presented to the Finance Committee during FY 2020 budget deliberations.

I would like to be able to vote in support of these CBAs, but they exceed the forecasted amount for NPS' overall budgets for FYs 21 and 22 and ignores the confines that the Town of Natick and School Department have been advised of regarding Massachusetts Equal Pay Act (MEPA). In fact, for FYs 21 and 22 the projected NPS budget is respectively 1.7M and 2M over the budget forecasts. Please see exhibit A, provided to Town Administration from Dr. Grey on May 17<sup>th</sup>. So the question becomes where does the money come from?

I have joked that there is no money tree in my office, just an orchid that depending upon the season blooms or is in a withering state. I thought perhaps the issue that we are faced with was previously discussed, before June 2019, so I went back to the Special Spring Town Meeting (2018), looking for a way to get to "maybe." It has been underscored by the committee that nothing can be done but to hire additional FTEs for the new Kennedy, and promises were made to the MSBA. However, the

request for new FTEs appears to be first noted in the FY 20 budget preparation. In the Finance Committee book there is mention of many aspects of the building design and cost comparisons between rehabilitation of the old building and the need for the new building. There are notes regarding the longevity of the turf field as compared to conventional fields. However, the question of KMS override is silent regarding the more than 20 FTEs that this committee is going to be asking itself and the community to support. As the chief fiscal officer for the Town, I have to ask the questions - what is happening, and what does this contract obligate the Town to do?

This CBA obligates the Town to compensate all the employees covered by the contracts. Should there not be enough money for compensation, this committee is tasked with reducing a budget that it has represented cannot be reduced any further. So, implicitly this committee seems to be asking me to either to cut from other municipal departments or to propose an override.

Financial prudence is needed here just as much as it is needed before the BOS. In both instances, we are the leaders, charged with thinking about not just the year in front of us but the years ahead, and those on the horizon.

To that end, MEPA is a reality. One can object to its existence but to provide further increases to administrative positions that already present a liability to the Town is a problem. We have received legal counsel that the Town of Natick is consider one entity, this means everything from vacation to hours worked is considered compensation. Ignoring this liability is akin to putting blinders on and trying to drive a car, and expecting not to get hit.

Thank you for allowing me to participate and deliberate with you as a group.

Read during executive  
session 6.3.19  
and produced on 6.5.19  
Melissa Malve

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**Natick Public Schools**  
**BUDGET PROJECTIONS - FY21/FY22**  
**05/01/19**

	FY20 Budget	FY21	FY22
<u>Compensation</u>			
Salary Base	\$ 50,548,056	\$ 53,179,721	\$ 56,561,951
Steps, COLA, & Merit Adjustments	\$ 2,690,164	\$ 2,870,136	\$ 3,052,677
Lanes	\$ 385,000	\$ 385,000	\$ 385,000
Staff Additions (including Kennedy)	\$925,260	\$750,000	\$0
Retirements and Turnover	\$ (320,000)	\$ (320,000)	\$ (320,000)
<b>Compensation</b>	<b>\$ 54,228,480</b>	<b>\$ 56,864,857</b>	<b>\$ 59,679,628</b>
<u>Expenses</u>			
Admin	\$ 438,205	\$ 446,969	\$ 455,908
Technology	\$ 1,588,848	\$ 1,620,625	\$ 1,653,037
Curriculum	\$ 805,387	\$ 821,495	\$ 837,925
Online Learning	\$ 214,645	\$ 218,938	\$ 223,317
Pupil Services	\$ 5,070,552	\$ 5,171,963	\$ 5,275,402
Transportation	\$ 2,940,056	\$ 2,998,857	\$ 3,058,834
Building Op & Maint	\$ 2,004,267	\$ 2,044,352	\$ 2,085,239
NPS Schools	\$ 1,270,218	\$ 1,295,622	\$ 1,321,535
Athletics & Activities	\$ 79,685	\$ 81,279	\$ 82,904
<b>Total Exp</b>	<b>\$ 14,411,863</b>	<b>\$ 14,700,100</b>	<b>\$ 14,994,102</b>

<b>TOTAL BUDGET REQUEST</b>	<b>\$ 68,640,343</b>	<b>\$ 71,564,957</b>	<b>\$ 74,673,730</b>
<b>Proposed Town Funding</b>		<b>\$ 69,810,805</b>	<b>\$ 72,603,238</b>
<b>Variance</b>		<b>\$ (1,754,152)</b>	<b>\$ (2,070,492)</b>

Ms. Tabenkin addressed Ms. Malone and said she found Ms. Malone's remarks inflammatory. Ms. Tabenkin went on further to accuse Ms. Malone of pitting the town vs. the schools. She believes Ms. Malone

wants people to go against the schools Ms. Tabenkin explained that we have a responsibility to the community, parents and students. Mr. Haugland agreed with all of Ms. Tabenkin's comments and said excellence is hard. This school system has been going through growth of 100 kids per year.

Ms. Sonneborn is not sure you can quantify when you do not keep up with the demands of education, the cost that ensues after that. There will be a tipping point. We are way below state average for pay, yet we provide a product much higher than the average. When we talk about not keeping up with level services, there is a lot of cost in not keeping up. In five years, we will have to put Band-Aids on the problems we have created. These are kids we are sacrificing.

Ms. Collins believes this contract is a little bit behind town contracts that have been negotiated so far. If it costs more, it is because there are more bodies not because we are being more generous. Ms. Collins disagreed that Ms. Malone's statement was not clearly articulated. These costs were discussed when town meeting was asked to vote on. The facts were that there was going to be additional staff, custodians, resources and energy; at new Kennedy Middle School

Dr. Nolin appreciates the difficult position Ms. Malone is in. We have been presenting on the Kennedy Middle School staff since 2017. We have been phasing staff in since then. There is also a larger number of middle school students than at the inception of the project. Public dialogue is necessary (to create the budget for next year). Dr. Nolin addressed Ms. Malone and conveyed that she deeply wants to join in leadership with Ms. Malone to find a yes. Dr. Nolin understands her position because Ms. Malone cannot see a yes, but Dr. Nolin has to bring forward the school's agenda.

Ms. McDonough hopes we can have a dialogue with the public to find out what they want from their town and the schools. Ms. Sonneborn reinforced that the KMS project vote was 85%. The community is overwhelmingly supporting education and we should not be sitting around a table, we should be finding out from the community. The taxpayers are our constituents. We need to open up the discussion with them.

Ms. Collins informed the School Committee that Unit S (Paraprofessionals) would like to fold the ABA technician position into their union. Ms. Davis reported that we have deemed that a bachelor's degree is no longer necessary for that position. Dr. Nolin confirmed that they would then be paid like Paraprofessionals.

Ms. Malone left the meeting at 7:07p.m.

The School Committee discussed and reviewed the open meeting law complaints filed by Mr. Ron Alexander (Complaints #605, #NSC\_2019\_3, #NSC\_2019\_4, #NSC\_2019\_5).

Ms. Collins moved approval for the administration and/or school attorney to act on the School Committee's behalf on Mr. Alexander's open meeting law complaint #605. Ms. Tabenkin seconded. Chair McDonough called for a roll call vote. All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough - Yes

The motion passed unanimously by a vote of 7-0-0.

Ms. Collins moved approval for the administration and/or school attorney to act on the School Committee's behalf on Mr. Alexander's open meeting law complaint #NSC\_2019\_3. Ms. Tabenkin seconded. Chair McDonough called for a roll call vote. All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough - Yes

The motion passed unanimously by a vote of 7-0-0.

Ms. Collins moved approval for the administration and/or school attorney to act on the School Committee's behalf on Mr. Alexander's open meeting law complaint #NSC\_2019\_4. Ms. Tabenkin seconded. Chair McDonough called for a roll call vote. All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough - Yes

The motion passed unanimously by a vote of 7-0-0.

Ms. Collins moved approval for the administration and/or school attorney to act on the School Committee's behalf on Mr. Alexander's open meeting law complaint #NSC\_2019\_5. Ms. Tabenkin seconded. Chair McDonough called for a roll call vote. All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough - Yes

The motion passed unanimously by a vote of 7-0-0.

At 7:13 p.m. Dr. McKenzie moved to adjourn. Ms. Collins seconded. Chair McDonough called for a roll call vote to adjourn. All in favor:

Mr. Haugland – Yes

Ms. Tabenkin – Yes

Mr. Brand – Yes

Ms. Collins – Yes

Ms. Sonneborn – Yes

Dr. McKenzie – Yes

Chair McDonough - Yes

The motion passed unanimously by a vote of 7-0-0

The School Committee proceeded to the Board of Selectman meeting for a joint meeting.

Respectfully submitted,

Rose McDermott  
Recording Secretary