

**Newburyport School Committee  
Executive Session Minutes Form**

Date: 8/25/14 Time 9:01 Executive Session \_\_\_1\_\_\_ of \_\_\_1\_\_\_ on this date. Meeting Place: NHS Office

School Committee Chair/ Vice Chair , Cheryl Sweeney, stated at 9:01 p.m. that there was a need to go into Executive Session for the purpose of discussing Possible litigation and, that the School Committee would not reconvene in public session after the Executive Session.

Mayor Holaday \_moved that the School Committee enter into Executive Session for the purpose of possible contract negotiations. The motion was seconded by \_ Michael Luekens \_. A roll call vote was taken:

	<b>YES</b>	<b>NO</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Holaday, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cheryl Sweeney, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steven Cole, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audrey McCarthy, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Luekens, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Menin, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nick deKanter, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Votes:**

Superintendent Viccaro informed the Committee on two Special Education possible litigation hearings.

No Vote Taken within this Executive Session.

Bruce Menin moved and \_Audrey McCarthy\_ seconded, to go out of Executive Session. A roll call vote was taken at 9:25 p.m.:

	<b>YES</b>	<b>NO</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Holaday, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cheryl Sweeney, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steven Cole, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audrey McCarthy, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Luekens, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Menin, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nick deKanter, Member	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

over

## **Executive Session Guidelines (MA Attorney General, August 1, 2013)**

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. Before going into an executive session, the chair of the public body must first: a.) Convene in open session; b.) State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called; c.) State whether the public body will reconvene in open session at the end of the executive session; and, d.) Take a roll call vote of the body to enter executive session.

**The Ten Purposes for Executive Session:** The law states ten specific Purposes for which an executive session may be held, and emphasizes that these are the only reasons for which a public body may enter executive session.

- 1.** To discuss the reputation, character, physical condition or mental health, rather than 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. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.
- 2.** To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
- 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.
- 4.** To discuss the deployment of security personnel or devices, or strategies with respect thereto.
- 5.** To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
- 6.** To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
- 7.** To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
- 8.** To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.
- 9.** To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.
- 10.** To discuss trade secrets or confidential, competitively-sensitive or other proprietary Information.

**\* While in executive session, the public body must keep accurate records and must take a roll call vote of all votes taken and may only discuss matters for which the executive session was called.**

The above is a guideline, for detailed information please refer to  
<http://www.mass.gov/ago/docs/government/oml/oml-guide.pdf>