

**January 11, 2016**

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, JANUARY 11, 2016**

**6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Approval of the following: Monday, December 21, 2015 Regular Session

**APPOINTMENTS & HEARINGS**

- 6:30 – Public Comment
- 6:40 – Approval of DPW Director Recommendation of Annual Contracts:
  - Trash/Recycling Services
  - Rental of Portable Toilets

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Review and execution of Tribal MOU

**NEW BUSINESS**

**ADDITIONAL TOPICS**

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

- Discussion relative to Superintendent – Investigative Report

**LIAISON REPORTS**

**EXECUTIVE SESSION**

- Fire Department Contract Negotiations, IAFF Local 2519
- Personal Service Contract Negotiations, Police Captain

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Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,  
Selectman O'Hara, Selectman Cotton  
Rodney C. Collins, Town Manager  
Thomas Mayo, Assistant Town Manager

Meeting Called to Order by Chairman Cahalane at 6:30 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

#### MINUTES

Monday, December 21, 2015 Regular Session:

**Motion made by Selectman Sherman to approve the minutes of Monday, December 21, 2015 as presented.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

#### Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

#### APPOINTMENTS & HEARINGS

##### Public Comment:

Scott McGee, Chair of the Mashpee School Committee advised the Board of Selectmen that he is in receipt of the investigative report prepared by Data Quest, Ltd regarding the incident of September 29, 2015. Mr. McGee indicated he has received the report, but it has not been distributed to the School Committee. After consulting the School Department's attorney, Mr. McGee stated that he would not publically release the report until the case against the School Superintendent has been resolved. Mr. McGee stated there are certain legal and privacy rights of the School Superintendent to protect until there is restitution.

Chairman Cahalane indicated he would accept a motion from the Board of Selectmen to place the Public Comment topic on the agenda, as the matter was not reasonably anticipated to be discussed. Selectman Cahalane stated that no votes shall be taken at this time.

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ADDITIONAL TOPICS:

Discussion relative to the Superintendent – Investigative Report:

**Motion made by Selectman Gottlieb to incorporate the discussion of comments relative to the Superintendent – Investigative Report on the Selectmen’s agenda as referenced.**

**Motion seconded by Selectman O’Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Cahalane, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Gottlieb, yes</b>	<b>Selectman O’Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Opposed, none</b>

Selectman Gottlieb indicated he is taken aback with respect to the decision to not release the investigative report. Selectman Gottlieb indicated he doesn’t understand the nature of the conclusion to not publically release the document and he has concerns regarding the time, pace and nature of this investigation. In Selectman Gottlieb’s estimation, there is indirect concern for the Board of Selectmen regarding the conduct of employees, and it is the responsibility of the School Committee to ensure the appropriate behavior of their staff with respect to matters of the general public, and ultimately the residents and taxpayers of the town.

Selectman Gottlieb further stated the results of the investigation should transpire and the School Committee should develop conclusions separate from the criminal investigation.

With regards to the long and overdue report, Selectman Gottlieb indicated he does not see the basis that this is not a document to be made publically available. Selectman Gottlieb asked of the nature of the reversal position when at their January 6<sup>th</sup> meeting, the School Committee gave the impression the report was to be released. Selectman Cotton was in agreement and noted he attended the School Committee meeting on January 6<sup>th</sup>, and it was stated the report was to be released as soon as possible. Mr. McGee denied stating that he intended to release the report as soon as possible.

Mr. McGee indicated the trial date has been rescheduled to February 16<sup>th</sup>, and there is no urgency to inform the public. Mr. McGee informed the Board that he is the only person who has read the report. The School Committee members have not seen the document. Mr. McGee Scott stated he would hold an executive session if he is able to have a quorum to allow the School Committee members to review the document, hand delivered and not via email. Mr. McGee stated he would retrieve the copies of the report when the meeting was over.

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**ADDITIONAL TOPICS:**

Discussion relative to the Superintendent – Investigative Report: (continued)

Selectman Gottlieb asked as to when counsel advised the report could not be released. In response Mr. McGee stated he has been in close contact with legal counsel since October 1, 2015. Mr. McGee added the School attorney has 35 plus years of legal experience and the attorney has conveyed at all times the report cannot be released to the public until the criminal action is settled. It was noted the non-release of the report will protect the employee with regards to his ability to win the case, and it would protect the Town and School Department from potential litigation.

Selectman Gottlieb disclosed the incident regarding the appropriateness of the school employee occurred in September. Since this time, the School Committee has not seen the document, a report relevant to the conduct of their employee. Mr. McGee responded by stating he was in receipt of the report last Tuesday, but did not have

ample time to make copies of the document. Mr. McGee indicated the School Committee is scheduled to meet in eight days and there is also another layer of concern with respect to student privacy. There are some items contained in the report which are required to be redacted.

Rodney Collins, Town Manager indicated that it is critical for the Town and School to maintain public trust and that is through transparency. The delays in the process have been attributed to various issues and setbacks. Mr. Collins indicated he understands the frustration from the public, and he is trying to put into perspective some of the causes for the delays, but they do not appear to make sense and may be perceived as an excuse express.

Since the School Committee has voted and paid for the independent investigation Chairman Cahalane recommended Mr. McGee consult legal counsel regarding the distribution of the report to the School Committee prior to their attendance at a meeting.

In closing, Selectman Gottlieb strongly recommended the School Committee hold an emergency meeting to place the report in the hands of the School Committee to allow the committee to review any concerns and to make an informed group decision, not waiting eight more days. Selectman Gottlieb indicated the Superintendent of Schools is currently on paid administrative leave, and this represents a form of crisis for the School Department. A report of this nature cannot be handed out without the opportunity for the School Committee to read it and to digest it prior to a meeting.

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APPOINTMENTS & HEARINGS:

Approval of DPW Director Recommendation of Annual Contracts:

Trash/Recycling Services:

Rental of Portable Toilets:

Correspondence was received from the Director of Public Works dated December 28, 2015 recommending the award of annual contracts related to the Schools for Trash/Recycling Services and the Rental of Portable Toilets for 2016. The bid for Trash/Recycling Services from Republic Services has increased by 3% from calendar year 2015. The bid quotation from United Site Services (formerly Bouse House Enterprises, Inc.) for the Rental of Portable Services remains unchanged from CY15.

**Motion made by Selectman Gottlieb to extend the annual contracts to Republic Services and United Site Services as recommended by the Director of Public Works.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Cahalane, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Gottlieb, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Opposed, none</b>

COMMUNICATIONS & CORRESPONDENCE

Mashpee Housing Authority – Housing Assistance Program:

At the last meeting, the Board of Selectmen recognized a letter received from Leila Botsford, Executive Director of the Mashpee Housing Authority inviting Selectmen members to the next Housing Authority meeting to review matters associated to the proposed Housing Assistance Program. The project is recommended by the Community Preservation Committee for funding at the May 2016 Special Town Meeting. Selectman Sherman and Selectman Gottlieb will be attending the discussion on Thursday.

Fundraiser for Cape Cod Children's Museum & Boys & Girls Club:

A fundraiser is planned to be held on Saturday, January 16, 2016 at the Popponesset Inn in New Seabury from 11:00 a.m. to 4:00 p.m. The Awesome Chili Challenge, a fun filled event will benefit both the Children's Museum and Boys & Girls Club. The public is invited.

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OLD BUSINESS

Review and Execution of Tribal MOU:

The Board of Selectmen reviewed the final draft of the Memorandum of Understanding (MOU) between the Mashpee Wampanoag Tribe and the Town of Mashpee for the provision of fire protection and emergency medical services, and law enforcement and mutual aid assistance.

Correct language has been incorporated into the document and it was reported that previous issues have been resolved to mutual satisfaction. The document has had legal review by Town Counsel, Tribal Counsel and from Washington attorneys involved in the process.

**Motion made by Selectman Gottlieb to execute the Memorandum of Understanding between the Tribe and Town of Mashpee as referenced.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

LIAISON REPORTS

Human Services: A meeting will be held this week to announce the annual Thanks for Giving awards.

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Adjournment:

**Motion made by Selectman Gottlieb to adjourn at 7:02 p.m.  
The Board will enter into Executive Session at this time for the purpose of discussing contract negotiations relative to; Fire Department Contract Negotiations, IAFF Local 2519 and Personal Service Contract Negotiations, Police Captain.  
The Board will not reconvene in Open Session.  
Motion seconded by Selectman Sherman.  
VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen