

Board of Selectmen - MINUTES OF EXECUTIVE SESSION

Tuesday, June 5, 2012 – 9:15pm - Rowe Town Hall

Call to Order: The Executive Session was called to order by Chairman Abbott at 9:15pm under c.30A, §21(3) "...with respect to...litigation...if an open meeting may have a detrimental effect on the...litigating position of the governmental body..."

Present: Chairman Noel Abbott and Selectman Paul McLatchy III and Marilyn Wilson.

Also Present: Ellen Miller

School Legal Matter: This Executive Session was called to updated new Selectman Marilyn Wilson on the status of the potential litigation matter concerning the Mohawk Trail Regional School System Three District Shared Expense Agreement (3RDA) between the Mohawk Trail Regional School District (MTRSD), the Hawlemont Regional School District (HRSD) and the Rowe School District (RSD). Unilaterally the MRSD and the HRSD have signed a new 3RDA without input from the RSD, and have signed a new 2RDA between themselves. Mr. Abbott stated that these agreements are not binding. He also reported that a recent MRSD school committee meeting agenda included an item for funding for litigation against Rowe; that Rowe officials have tried to meet with them for three months, but have been unsuccessful; that Rowe is being presented as the aggressor in the newspaper, which is not the case; and that there is now a strong likelihood of litigation. [Matters of litigation fall under the purview of the Selectboard.]

At an April 11, 2012, Executive Session the board voted unanimously (3/0/0) to have our legal counsel in the school matter [Brody, Hardoon, Perkins and Kesten LLP] pursue a legal process to ensure that the Three District Agreement entered into in 2008 is declared valid and enforceable, and to take any legal action in regard to this issue. At a May 9, 2012 Executive Session the board voted unanimously (3/0/0) to authorize Chairman Noel Abbott to represent the Rowe Board of Selectmen in this matter.

Update to this matter: Chairman Abbott reported that our attorneys filed with the Greenfield Superior Court last Thursday (May 31st). There should be a hearing before the judge in the next two weeks. Anyone can attend. All three Selectmen stated they will attend the hearing.

Minutes of April 11 E.S.: Minutes of the April 11, 2012 Executive Session were approved by the following roll call vote: Mr. Abbott – aye; Mr. McLatchy – aye; Ms. Wilson – abstain (elected May 19th).

Minutes of May 9 E.S.: Minutes of the May 9, 2012 Executive Session were approved by the following roll call vote: Mr. Abbott – aye; Mr. McLatchy – aye; Ms. Wilson – abstain (elected May 19th).

Minutes of Oct 18 E.S.: Minutes of the October 18, 2011 Executive Session, which had been approved at an Executive Session held on October 26, 2011, were approved for release to the public by the following roll call vote: Mr. Abbott – aye; Mr. McLatchy – aye; Ms. Wilson – abstain (elected May 19th).

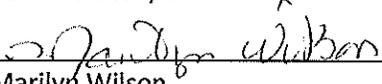
Adjourn Executive Session: At 9:40pm the Selectmen voted unanimously by the following roll call vote to adjourn the Executive Session and to reconvene in open session: Mr. Abbott – aye; Mr. McLatchy – aye; Ms. Wilson – aye.

Respectfully submitted,
Ellen B. Miller, Town Coordinator

Approved:



Noel R. Abbott, Chairman


Paul McLatchy III


Marilyn Wilson

6/19/12

Date Approved

Attachment: Three District Shared Expense Agreement dated 2008