

MRS. KATHLEEN DERE

F-15.21

TOWN CLERK

TOWN HALL
WEXMOUTH, MA

VIA FAX 781/335 3283

AND

MS. LISA BELMARESE

CHAIR WEXMOUTH
SCHOOL COMMITTEE

111 MIDDLE ST WEXMOUTH

VIA FAX 781 335 8777

DEAR LADIES,

ATTACHED IS MY COMPLAINT
TO THE A.G. ALLEGING
VIOLATIONS OF THE OML.

Gerard F. Mackin Jr

GERARD F. MACKIN JR

44 ALTRUIT RD

WEXMOUTH MA 02191



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: gerard f Last Name: mackin jr

Address: 44 altrura rd

City: weymouth State: ma Zip Code: 02191

Phone Number: 781/3310152 Ext. 2

Email: rardi@comcast.net

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): weymouth school committee

Specific person(s), if any, you allege committed the violation: atty lisa belmarsh chair

Date of alleged violation: 8-23-21

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The WSC did not release minutes of an executive session held on 1-30-20 until 8-23-21 even though the subject of the session was an arbitration filed by an employee of the S.C. for reinstatement. That suit was resolved well over a year ago so the records should have been released. A member of the committee is sister of the employee. The minutes which were released are so redacted as to be unintelligible. The S.C. refused to provide the attachments to the meeting.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

(1) Instruct the SC to follow the OML (2) Order release of unredacted minutes and (3) provide the attachments to the executive session minutes.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 8-25-21



WEYMOUTH PUBLIC SCHOOLS

111 Middle Street Weymouth, MA 02189

P: 781-335-1460

F: 781-335-8777

Robert Wargo, Superintendent
Melanie Curtin, Assistant Superintendent
Brian Smith, Assistant Superintendent

robert.wargo@weymouthschools.org
melanie.curtin@weymouthschools.org
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August 23, 2021

Via email: rardi@comcast.net and pre@sec.state.ma.us

Mr. Gerard F. Mackin, Jr.
44 Altrura Road
Weymouth, MA 02191

Re: July 23, 2021 Public Records Request

Dear Mr. Mackin:

This letter is in response to your emailed public records requests where you requested the following:

Request of July 23, 2021 @ 8:28 am:

I respectfully request that you as the Town's Records Access Officer provide to me pursuant to the Public Documents Law the minutes of any School Committee meetings in which any claims by former school Dept. employee Mr. Thomas Tanner were discussed. Thank you. Gerard F Mackin Jr 44 Altrura Rd Weymouth Ma 02191

Response:

As I indicated to you in the Town's initial response to this request on August 2, 2021, this topic was discussed once by the School Committee meeting on January 30, 2020 and said meeting was in executive session. On August 19, 2021, the School Committee conducted a review of these minutes to determine whether continued nondisclosure is warranted. The determination was made that the portion of the minutes relevant to your request could be disclosed, with redactions to protect the privacy of the individuals discussed at the January 30, 2020 meeting, in accordance with G.L. c. 4, §7, cl. 26 (c), since the disclosure of this information may constitute an unwarranted invasion of personal privacy.



Weymouth

PUBLIC SCHOOLS

Weymouth School Committee

111 Middle St

January 30, 2020

EXECUTIVE SESSION Meeting Minutes

**approved 2.6.20*

Members In Attendance: Chair Belmarsh, Dr. Sullivan, Rebecca Sherlock-Shangraw, Kathy Curran, Tracey Nardone, Carrie Palazzo

Members Absent: Mayor Hedlund

Also Present: Superintendent Curtis-Whipple, Assistant Superintendent Smith, HR Director Foley, Mary Ann Bryan, Attorney Emerson, Attorney Callanan, Attorney Brunt

The Meeting Came to Order At 6:00pm.

The Chair went over agenda items to be discussed in executive session.

The chair made a motion to move into executive session pursuant to G.L. c. 30A s. 21(a)(3) - to discuss strategy regarding potential litigation with regard to (1) Unit A Member and (2) Unit B member. In the opinion of the chair an open meeting would defeat the lawful purpose of entering executive session - to protect the privacy of current and recent school staff. Seconded by Kathy Curran. Roll Call Vote - all yes

Tracey Nardone recused herself and left the room at 6:03pm.

Chair Belmarsh reminded all assembled that the names of the Unit A member and the Unit B member were not shared on the agenda in order to protect their privacy as required by law.

Chair Belmarsh turned the floor over to Attorney Callanan who gave a summarization of the allegations against Unit A member [REDACTED] who was dismissed in [REDACTED] after an investigation in [REDACTED] lead by Dr. Kustka and Associate Principal Karen Monahan. Six different allegations were made that the Unit A member [REDACTED]

[REDACTED] He was dismissed due to, "conduct unbecoming a teacher."

Attorney Callanan also gave an overview of the arbitrators response and what the process would be like if the Committee chose to appeal.

Attorney Brunt stated that she struggled with the arbitrator's findings and referenced Lexington and Zagieski case, in which an arbitrator was found to have overstepped her authority in reinstating a teacher fired by a superintendent for "conduct unbecoming a teacher." She made comparisons to the [REDACTED] case.

Mary Ann Bryan left at 6:22pm and returned at 6:25pm
Chair Belmarsh left at 6:27pm and returned at 6:28pm

The committee was informed that [REDACTED] attorney presented a settlement offer of [REDACTED] which includes back pay, retirement differences due to differences in pay and other costs. .

Cost of litigation, settlement options, and the possibility of the teacher's reinstatement were discussed at length.

Dr. Sullivan made a motion to authorize Colby Brunt and her legal team to approach the Unit A Member, [REDACTED] attorneys to negotiate a settlement up to and including [REDACTED] Seconded by Mrs. Curran. Roll Call Vote - all yes.

Colby Brunt left at 6:46pm.
Tracey Nardone returned at 6:48pm

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Chair Belmarsh made a motion to assign Regina Ryan to represent in the dismissal arbitration. Seconded by Kathy Curran. Roll Call Vote - all yes.

Attorney Emerson left at 7:27pm

Tracey Nardone left the table at 7:27pm and returned at 7:30pm

Attorney Callanan left the table at 7:31pm and returned at 7:33pm

Superintendent Curtis-Whipple left the table at 7:31pm and returned at 7:35pm

Review of minutes of Executive Session of 10/18/18, 12/6/18, and 1/17/19

Attorney Callanan reviewed OML Complaints 2019-160, 2019-161, and 2019-162 and the Attorney General letters dated December 18, 2019 with the committee.

The minutes of October 18, 2018 were reviewed. The original reason for retaining minutes was for the active HR investigation. Attorney Callanan advised that minutes could be released citing exemptions c and e for privacy of a particular employee.

Chair Belmarsh made a motion to release the minutes of October 18, 2018, but redacting the names of the two current school district employees who were not the subject of the meeting, but were named in the minutes. Motion was seconded by Dr. Sherlock-Shangraw. Roll Call Vote - all yes. Mrs. Palazzo abstained.

The minutes of December 6, 2018 were reviewed.

Chair Belmarsh made a motion to retain minutes of 1/17/19 as they contained information about strategy regarding still pending litigation. Dr. Sullivan seconded. ROLL CALL VOTE - unanimous with Mrs. Palazzo abstaining.

The minutes of January 17, 2019 were reviewed.

The chair stated again that names were not identified so as to protect privacy.

Chair Belmarsh told members of the administration they did not need to stay, since the committee would be only considering minutes from that point on. Superintendent Curtis-Whipple, Mary Ann Bryan, HR Director Foley, and Assistant Superintendent Smith left at 7:53pm.

Chair Belmarsh made a motion to retain minutes of 1/17/19 as they contain information about strategy regarding still pending litigation.

Dr. Sullivan made a subsequent motion to retain minutes except for the section on page 5 regarding the decisions to release or retain previous minutes. Options were discussed and the original motion was seconded by Kathy Curran. Roll Call Vote Belmarsh - YES; Nardone - YES; Sullivan - NO; Curran - YES; Sherlock-Shangraw - YES; Mrs. Palazzo abstained.

The Meeting Returned to Regular Session at 8:03pm on the motion of Chair Belmarsh to exit executive session to return to open session, seconded by Mrs. Curran. Roll call vote - passed unanimously.

Documents Attached to These Minutes:

- Redacted arbitrator's report re: [REDACTED]
- OML Complaint 2019-160
- OML Complaint 2019-161
- OML Complaint 2019-162
- Executive Session Minutes of 10/18/18
- Executive Session Minutes of 12/6/18
- Executive Session Minutes of 1/17/19
- Minutes of 12/20/2018
- Open Meeting Law Complaint submitted 1/22/2020

Respectfully Submitted,



John Sullivan
Secretary