

Dennis Finance Committee
Joint Meeting with the Board of Selectmen
Monday, July 29, 2019 @ 6pm
Rm 274, Nathaniel H. Wixon Innovation School
901 Route 134, South Dennis, MA 02660

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RECEIVED
2019 SEP 18 PM 12:01
DENNIS TOWN CLERK

PRESENT: Chairman Plath, Members Prall, Crowell, Stone, Murphy, Baroni & McDowell

SELECTMEN: Chairman Flanagan, Selectmen Terrio, Mezzadri, McMahan, & Lambton

STAFF: Town Administrator Sullivan, Finance Director Gibbs, Town Council Giorgio

GUEST: Yarmouth Town Administrator Knapik, School Committee Chair Landers, DY School Superintendent Woodbury

Board of Selectmen Chairman Chris Flanagan called the meeting to order at 6:10pm.

- I. Consider Memorandum of Understanding from Town of Yarmouth Discussed at July 25, 2019 D-Y Regional School Agreement Subcommittee Meeting and consideration of a settlement agreement in Yarmouth v. Town of Dennis and the D-Y Regional School District which was not reasonably anticipated when the agenda was originally posted, and the chair has so declared***

Chairman Flanagan summarized that a possible settlement had been negotiated between Dennis, Yarmouth and the School Committee. The basics of the agreement were that the new school capital cost would be split 35% (Dennis) - 65% (Yarmouth) and the operating cost would be based on a 5-year rolling average of foundation enrollment.

Mr. Murphy noted that the settlement stated that this was for 2 district schools and he wanted to clarify that it was only for 1 new school. Ms. Landers confirmed that this had been changed at their meeting. Atty. Giorgio noted he would make the changes on the final copy.

Atty. Giorgio explained that the Town of Yarmouth is meeting to discuss the settlement tomorrow. If all three Boards approve and sign the settlement then the District will send a report to the MSBA that the litigation has been settled. Within 7 days a dismissal of the litigation will be filed with the court. He clarified that the settlement becomes a legally enforceable document as soon as all three Boards approve and sign it. If one of the parties changes their minds, the other parties could take them to court.

Atty. Giorgio went on to explain that under the settlement by September 1, 2019, the two Boards of Selectmen will need to negotiate a new school agreement with the settlement information included in it. There has been a discussion with Yarmouth as to defining foundation enrollment. Atty. Giorgio shared there had not been time to call DESI but the agreement will include DESI's definition. Chairman Plath asked how Special Education would be split. Atty. Giorgio explained it would be included in the foundation enrollment.

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Atty. Giorgio noted that another key point of the agreement was that both Towns agreed to call a Special Town Meeting on the same day in October. Mr. McDowell asked what happened if this did not pass at Town Meeting. Mr. Mezzadri stated that by signing this settlement they agree to act in good faith and support and recommend the approval. Atty. Giorgio continued to explain the rolling average of 5 years to avoid large fluctuations. Chairman Plath shared that he had preferred a three-year rolling average but understood that five years provided more stability. Mr. Mezzadri shared that he had also been in favor of a three-year average instead of five years but it was a 1% difference so he felt this was a good compromise.

Atty. Giorgio shared that by signing this agreement the Selectmen are agreeing to act in good faith and to advocate for this agreement. There can be a Selectman that says no but the majority must advocate affirmatively. The Selectmen must also advocate for the Finance Committee's approval and support. There is no requirement for the Finance Committee to support the agreement, only for the Selectmen to advocate.

Atty. Giorgio also explained that this agreement is contingent upon the MSBA's continued support of the project. There is a conference call set up for Wednesday morning between the District and MSBA. He believes that the MSBA would be satisfied and the project would be allowed to be filed. If that is so then this would fulfill the obligation of this paragraph, otherwise the project dies.

Atty. Giorgio explained that the rest of the document was basic boiler plate language.

Selectmen Motion:

Mr. Mezzadri made a motion to sign the settlement agreement. Mr. Lambton seconded the motion. The Selectmen voted 5-0-0.

Atty. Giorgio shared that tonight's Special Town Meeting was not need since what has been appropriate is sufficient. Ms. Landers shared that she would be making a motion to indefinitely postpone the article and would explain why to the citizens.

Selectmen Motion:

Ms. McMahon made a motion to adjourn at 6:35pm. Mr. Mezzadri seconded the motion. The Selectmen voted 5-0-0.

Chairman Plath asked the Finance Committee for a motion to support or not to support the request for indefinitely postponing the Special Town Meeting Article.

Motion:

Mr. Murphy made a motion to support indefinitely postponing the article. Mr. Mr. Prall seconded the motion. The Committee voted 5-0-0.

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Adjourn:

Mr. Prall made a motion to adjourn at 6:37pm. Ms. Baroni seconded the motion. The Committee voted 5-0-0.