

**Farmington River Regional School District
Otis/Sandisfield
555 Main Road, Otis MA 01253
School Committee Special Meeting #421
Tuesday August 30, 2022, 7:00PM
Open Session
Farmington River Library**

Members Present: Carol Lombardo, Carl Nett, Deb Fogel, Arlene Tolopko, Roger Kohler, Amanda Leavenworth, Jess Drenga. Also present Tom Nadolny and Jeff Grandchamp

The meeting was called to order at 7:00 PM by Carol Lombardo.

1) Carol Lombardo read purposes for entering **Executive Session:**

- Pursuant to M.G.L. c. 30A, §21(a)(1) To discuss the reputation, character, physical condition or mental health, rather than professional competency, 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; and,
- Pursuant to M.G.L. c. 30A, §21(a)(2) To conduct strategy sessions in preparation for negotiations with Superintendent/Principal Nadolny and to conduct negotiations with the Superintendent/Principal Nadolny.

A roll call vote was conducted to enter into the executive session. Jess Drenga, Carl Nett, Roger Kohler, Deb Fogel, Arlene Tolopko, and Carol Lombardo voted in the affirmative. Amanda Leavenworth against.

Jess Drenga made a motion to return to open session which was seconded by Arlene Tolopko. Jess Drenga, Carl Nett, Roger Kohler, Deb Fogel, Arlene Tolopko, Amanda Leavenworth, and Carol Lombardo voted in the affirmative. There were no votes in the negative.

Carl Nett made a motion to recess temporarily to allow district counsel time to draft a separation agreement. The motion was seconded by Jessica Drenga. Jessica Drenga, Carl Nett, Amanda Leavenworth, Roger Kohler, Arlene Tolopko, Deb Fogel, and Carol Lombardo voted in the affirmative. There were no votes in the negative.

Carl Nett made a motion to end recess which was seconded by Amanda Leavenworth. Jessica Drenga, Carl Nett, Amanda Leavenworth, Roger Kohler, Arlene Tolopko, Deb Fogel, and Carol Lombardo voted in the affirmative. There were no votes in the negative.

Grandchamp distributed a separation agreement to the committee and to Nadolny. The agreement specified September 1, 2022 as the effective date. It further specified that Tom Nadolny would retire as of September 1, 2022. Amanda Leavenworth made a motion to accept the agreement which was seconded by Arlene Tolopko. A roll call vote was conducted. Jessica Drenga, Carl Nett, Amanda Leavenworth, Roger Kohler, Arlene Tolopko, Deb Fogel, and Carol Lombardo voted in the affirmative. There were no votes in the negative. Tom Nadolny and Carol Lombardo signed the agreement.

Carl Nett made a motion to adjourn which was seconded by Amanda Leavenworth. Jessica Drenga, Carl Nett, Amanda Leavenworth, Roger Kohler, Arlene Tolopko, Deb Fogel, and Carol Lombardo voted in the affirmative. There were no votes in the negative.

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At its meeting on October 3, 2022 the School committee voted to disclose the executive session minutes for the executive session meeting on August 30, 2022 on the grounds disclosure would no longer defeat the purposes of the executive sessions; however, redacted from the minutes are communications (including a draft separation agreement prepared by District Counsel) between District Counsel and the District and are exempt from disclosure under the Attorney Client Privilege Exemption. The redacted portions are reflected in the minutes.

More specifically, the communications between the District and District counsel were made for the purposes of discussing and receiving legal advice with respect to 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 employee; and negotiations with nonunion personnel and the delivery of legal advice in regards thereof.

The communications were received from or delivered to the client by District counsel with the intention of obtaining or providing legal advice with respect to 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 employee and the negotiations with nonunion personnel.

All the redacted communications were made in confidence, to the exclusion of the public. The Committee is not waive the attorney client privilege.

Members Present: Carol Lombardo, Carl Nett, Deb Fogel, Arlene Tolopko, Roger Kohler, Amanda Leavenworth, Jess Drenga. Also present Tom Nadolny and Jeff Grandchamp

The meeting was called to order at 7:00 PM by Carol Lombardo.

1) Carol Lombardo read purposes for entering **Executive Session**:

- Pursuant to M.G.L. c. 30A, §21(a)(1) To discuss the reputation, character, physical condition or mental health, rather than professional competency, 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; and,
- Pursuant to M.G.L. c. 30A, §21(a)(2) To conduct strategy sessions in preparation for negotiations with Superintendent/Principal Nadolny and to conduct negotiations with the Superintendent/Principal Nadolny.

A roll call vote was conducted to enter into the executive session. Jess Drenga, Carl Nett, Roger Kohler, Deb Fogel, Arlene Tolopko, and Carol Lombardo voted in the affirmative. Amanda Leavenworth against.

Jeff Grandchamp introduced himself as legal counsel to the school district. He then distributed a letter to the school committee from Tom Nadolny's attorney who could not be present at the meeting.

[REDACTED]

[REDACTED]

[REDACTED]

An edited copy of the original agreement was then shared with the committee.

Discussion of the edited agreement commenced. Nett questioned if Nadolny's lawyer had agreed to the edits made by Grandchamp, she had not. Kohler questioned suspending Nadolny until agreement reached, [REDACTED] Nett stated if an agreement cannot be reached tonight he would motion Nadolny be suspended with pay indefinitely until an investigation be completed to ease the minds of parents.

Nadolny requested the balance of sick, vacation, and salary for the remainder of the school year along with agreement on the reason for departure.

Grandchamp distributed a draft of the revised agreement, asking for everyone to read the proposed press release in agreement. The committee discussed specifics of agreement with counsel.

Nadolny suggested coming to terms so he could consult his council and agreement could be finalized tonight. Lombardo, Nett, & Kohler suggested that if agreement could not be finalized that Nadolny be suspended with pay pending final agreement. [REDACTED] Nadolny stepped out to consult his attorney.

x

[REDACTED]

[REDACTED]

The committee discussed specifics of payout for agreement. Kohler suggested reducing the salary portion by amount of sick time to be paid out to an equal amount at the last meeting before the committee knew about the requirement for sick payout. Nett suggested paying full salary at the end of year and all sick and vacation as long as Nadolny agrees to retire immediately and complete the agreement tonight.

Nadolny returned and explained what he discussed with his attorney. He said that agreement could be made as long as it includes payment for balance of contract, sick and vacation per contract, the indemnification clause from Grandchamp, and that no public comment would be made by either party after tonight's meeting.

[REDACTED]

The School Committee and Nadony agreed to terms.

Jess Drenga made a motion to return to open session which was seconded by Arlene Tolopko. A roll call vote was conducted. Jess Drenga, Carl Nett, Roger Kohler, Deb Fogel, Arlene Tolopko, Amanda Leavenworth, and Carol Lombardo voted in the affirmative. There were no votes in the negative.