

**Poultney Board of School Directors
Special Board Meeting
October 11, 2010
5:00pm
Poultney High School**

Official Minutes

The meeting was called to order at 4:55. Members present: Tracee Oakman Rupe, Jerry Keezer, Alicia Marcy, Mary Jo Teetor and Pat Davenport.

Motion made by Alicia Marcy; seconded by Jerry Keezer **to go into executive session for arbitration and legal matter carried 4-0; Mary Jo Teetor abstained.**

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **to come out of executive session at 5:09. Motion carried 5-0.**

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **to allow Tracee Oakman Rupe to sign the side letter and release agreement regarding arbitration #1. Motion carried 5-0.**

Motion made by Tracee Oakman Rupe, seconded by Jerry Keezer **to go into executive session at 5:10 for arbitration and legal matter. Motion carried 5-0.** Jerry Keezer took over as the acting chairman for the rest of the meeting, and John Zawistoski (board's legal counsel from Ryan, Smith, and Carbine) was present on the phone for part of the executive session.

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **to come out of executive session at 6:35. Motion carried 5-0.**

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **that the board find that the conflict of interest charge brought by Tracee Oakman Rupe is supported by evidence and that Pat Davenport should disqualify herself from voting or otherwise participating in the board deliberations or decisions related to the current pending arbitration matter.**

Discussion: Mary Jo asked for a roll call vote. Mary Jo Teetor-nay, Jerry Keezer-yes, Tracee Oakman Rupe-yes, Alicia Marcy-yes votes. Pat Davenport was not allowed to vote in accordance with the Conflict of Interest Policy. Alicia qualified her vote by stating that there was an appearance of a conflict of interest. Mary Jo Teetor stated that any conflict that may be or is being accused is not supported by evidence presented. Jerry Keezer stated that his decision was made by using the Conflict of Interest policy.

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **to go into executive session for arbitration at 6:48. Motion carried 5-0.**

Motion made by Tracee Oakman Rupe, seconded by Jerry Keezer **to come out of executive session at 7:00. Motion carried 5-0.**

Motion made by Alicia Marcy, seconded by Tracee Oakman Rupe **to invoke the conflict of interest policy regarding the conflict of interest charge brought by Alicia Marcy against Pat Davenport and Mary Jo Teetor.**

Discussion: Tracee stated that Pat has already been found by the board to have a conflict of interest.

Motion was amended and then withdrawn by Alicia Marcy.

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **to go into executive session for personnel and arbitration. Motion carried 5-0.**

Motion made by Tracee Oakman Rupe, seconded by Alicia Marcy **to come out of executive session at 7:18. Motion carried 5-0.**

Motion was made by Alicia Marcy, seconded by Tracee Oakman Rupe **that the board find that the conflict of interest charge brought by Alicia Marcy is supported by evidence and that Pat Davenport and Mary Jo Teetor should disqualify themselves from voting or otherwise participating in the board deliberations or decisions related to the current pending arbitration matter.**

Motion carried 3-0. Mary Jo Teetor and Pat Davenport were not allowed to vote. Roll call vote was called by Mary Jo Teetor. Tracee Oakman Rupe-yes, Alicia Marcy-yes, and Jerry Keezer-yes.

Motion made by Alicia Marcy, seconded by Tracee Oakman Rupe **to go into executive session at 7:30 for purposes of the current arbitration. Motion carried. Tracee recused herself and left the meeting.**

Motion made by Alicia Marcy, seconded by Jerry Keezer **to come out of executive session at 7:46. Motion carried 4-0.**

Tracee Oakman Rupe rejoined the meeting at 7:50PM.

Motion made by Alicia Marcy, seconded by Jerry Keezer **to not move forward with tomorrow's arbitration due to the cost to the PTSD.**

Discussion: Mary Jo Teetor stated that she was not going to recuse herself. Mary Jo Teetor read a prepared letter stating concerns about the current arbitration and the Conflict of Interest Policy (Policy B-3).

Jerry Keezer stated that his decision was based on the best interest of taxpayers; the gain is not worth the total bill of \$20,000 (+,-). Alicia Marcy stated that it was in the best interest to move forward on promoting a positive and healthy environment. Pat stated, although banned from voting, that the decision ties the hands of the administration and board to enforce policies.

Roll call vote taken: Alicia Marcy-yes, Jerry Keezer-yes, Pat Davenport-no, Mary Jo Teetor-no, Tracee Oakman Rupe abstained.

Call made to John Zawistoski, (board's legal counsel from Ryan, Smith, and Carbine) to clarify the voting on the dismissal of the arbitration. Discussion ensued regarding the conflict of interest policy and the votes. The attorney indicated that the policy was silent on whether or not Pat and Mary Jo could still vote. It was up to the acting Chair to decide whether or not to recognize their votes, regarding the arbitration. Discussion ensued with the attorney about options for settlement, the attorney advised we be at the hearing the next morning.

Motion made by Alicia Marcy, seconded by Jerry Keezer **to go into executive session at 8:21 for arbitration matter. Motion carried 4-0.** Tracee Oakman Rupe recused herself and left the meeting.

Motion made by Alicia Marcy, seconded by Mary Jo Teetor **to come out of executive session at 8:32. Motion carried 4-0.** Tracee Oakman Rupe rejoined the meeting.

Acting Board Chair Jerry Keezer determined, based on conflict of interest votes, that Pat Davenport's vote and Mary Jo Teetor's vote should not be counted in this matter (the continuation of the arbitration).

Motion made by Alicia Marcy, seconded by Jerry Keezer **to go into executive session at 8:40 for purposes of arbitration matter. Motion carried 4-0** (Tracee Oakman Rupe abstained).

Motion made by Alicia Marcy, seconded by Jerry Keezer **to come out of executive session at 8:44. Motion carried 4-0.** Tracee Oakman Rupe rejoined the meeting at 8:45.

Motion to rescind the previous vote regarding dropping the arbitration. Motion made by Alicia Marcy, seconded by Jerry Keezer. Motion carried 2-0. Roll call: Alicia Marcy-yes, Jerry Keezer-yes. Mary Jo Teetor-no, Pat Davenport-no, Tracee Oakman Rupe abstained.

Motion made by Jerry Keezer, seconded by Alicia Marcy **to proceed with arbitration with the stipulation that the letter and all documents be removed from the file and the loss of pay stands. Motion carried 2-0. Roll call: Jerry Keezer-yes, Alicia Marcy-yes; Mary Jo Teetor-no, Pat Davenport-no, Tracee Oakman Rupe abstained.**

Motion made by Jerry Keezer, seconded by Tracee Oakman Rupe **to adjourn at 9:00. Motion carried 5-0.**