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E-violation

By Melissa Russell / Correspondent

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DA says committee's e-mail breaks state law

School Committee members exchanging e-mail on the topic of Reading Community Television's proposal to amend its bylaws were in violation of the state's Open Meeting Law last spring, according to a letter from Assistant District Attorney Lillian Cheng.

Reading resident Thomas Ryan presented the letter to the committee Monday night. He received it in response to a complaint he filed last June with the District Attorney's office.

According to the letter, the committee "breached the quorum" last April when member John Carpenter e-mailed fellow board member Robert Spadafora on the RCTV issue, and sent copies of the message to additional people including Harvey "Pete" Dahl, the School Committee chairman. Neither Spadafora nor Dahl responded to the e-mail message.

Several weeks later, an individual who is not on the School Committee who had received Carpenter's message, e-mailed a response sharing information about a conversation he had with an RCTV official. Copies of this message were sent to Carpenter, Dahl and Spadafora. Again, neither Dahl nor Spadafora responded.

Carpenter, however, replied, sending copies to all including Town Manager Peter Heckenbleikner. In late July, former School Committee member John Russo received a fax of the e-mail messages from a Reading resident not included on the original e-mail list.

Hard copies of the communications in question were never made available to the public, violating the Open Meeting Law, Cheng said.

According to information provided by the Assistant District Attorney, the Open Meeting Law was enacted in 1978 to "eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based," and is intended to "advance democracy by providing broad access to governmental decision-making."

A meeting is defined as "any corporal convening and deliberation of a governmental body ... at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction, or advisory power is discussed or considered."

Deliberation is defined as "verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction."

Cheng acknowledged that Carpenter may not have intended to reach a quorum of the board members, but he did so. Although the chairman and other members did not respond, their "receipt and observation of the e-mail discussion constituted a participation in the deliberative process to which the Open Meeting Law applies."

She advised that e-mail messages be avoided except for "matters of purely housekeeping or administrative nature," in order to eliminate the risk of violating the law, even inadvertently.

Dahl responded that the School Committee was considering whether to appeal the ruling, stating that, in his opinion, no violation of the law took place.

"There may have been violations of guidelines, but not the law," he said.

"E-mail is a way of life these days, and we're not going back," Dahl said. "Maybe they want everyone in the commonwealth to stop using e-mail, but that is ridiculous."

In other business

The architecture firm of Flansburgh Associates made a presentation to the board detailing the color scheme for the interior of the new elementary school currently under construction on Sunset Rock Lane.

Intended to evoke a "school in the woods" feel, the facility will feature exposed birch-toned timber complemented by Navaho-white walls with yellow, blue and gray accents, in order to "create a nurturing, welcoming place," the architect said. Mechanical systems, he added, will be exposed in order to have people "in close association with the materials and building systems." The ductwork will be blue, the sprinkler pipes dark gray, and the electrical system will be yellow, according to the Flansburgh spokesman. Each classroom will have a different color accent on the doorway floor, he added.

Robert Spadafora commented, "I'm so happy that you see Reading having a New England flair, and that you're including it in the school."

Dahl added, "I think the school is spectacular, it will be a beautiful building."

The committee authorized the architects to revise the layout of the new school's gymnasium, changing it to a junior-high sized court with three rows of bleachers, in response to requests by residents for game seating. The original design will be shortened by six feet, and will meet the school's needs as well as those of community groups renting the space, the architects said.

Project Manager Scott Dunlop of Ai3 updated the board on the decommissioning of the high school fields during construction.

According to the schedule, the practice field will go offline this spring, becoming available for use again in summer of 2005. The freshman football field will be unusable from this summer until the spring of '05 and then again for the 2006-07 school year. The field house grounds will be a construction site from summer of 2005 until the fall, and then again during the summer of 2006. The game field and the track will not be useable during the summer of 2005. T

he Wood gym will be offline from summer '05 through the end of construction, as will the pool field, which will be used as the construction staging area from this spring until the summer of 2007.

Dahl said, "We need to know how the athletic director will schedule fields for all activities. When the band parents call, we want to have some pretty good answers."

Superintendent Patrick Schettini responded, "There will be inconveniences. We don't expect it will run smoothly, but we will do it a season at a time, and learn from our mistakes."

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