

**Medford Public Schools
Medford, Massachusetts**

Medford School Committee

**Committee of the Whole
March 9, 2016**

The Medford School Committee Committee of the Whole was called to order at 7:00 p.m. by Mayor Stephanie M. Burke in the library resource center at Medford High School.

All rose to salute the Flag. The following members were present: Ann Marie Cugno, Erin DiBenedetto, Kathy Kreatz, Mea Mustone, Robert E. Skerry Jr, Pauletter Van der Kloot and Mayor Stephanie M. Burke. (7 present 0 absent)

Also present: Superintendent Roy Belson, Deputy Superintendent Beverly Nelson, Assistant Superintendent Diane Caldwell, Athletic/Community Schools Director Robert Maloney, Head Baseball Coach Mike Nestor, Head Softball Coach Jack Dempsey, and Reds Assistant Director Orazio Azarella. There were many parents, citizens and student athletes present.

Mayor Burke stated the two purposes of the meeting:

1. To discuss the rentals related to the Medford High School batting cage and related matters.
2. To review the papers sent to the Committee of the Whole by Vice Chairperson Erin DiBenedetto.

“Be it resolved that the administration identify all school employees that sit on or are signers for the Friends of Medford Baseball, Friends of Medford Softball and the Friends of Medford Basketball. Further that it go to executive session if any employees are named.

Further, I am also requesting that that administration provide bank account records dating back 4 years for the groups named above, including account names, numbers and signer information. A complete list of all income and expenses with all details. A complete list of all donations made to all three of these groups including money, in kind donations as well as equipment donations.”

Mayor Burke recognized Member Cugno for a statement.

Ms. Cugno explained to the parents and students that at the March 7th meeting the School Committee tabled the resolutions by Ms. DiBenedetto and that according to Roberts

Rules of Order the resolutions were undebateable. She assured the students and their supporters that the Committee was not trying to be disrespectful but that the School Committee was bound by its rules. The matter would be discussed on March 9, 2016.

Mayor Burke then recognized Superintendent Belson for his report.

On March 15, 2012 the support services subcommittee of the Medford School Committee met to review the Community Schools Program by defining its purpose and setting up a sustainable and fair fee structure. The minutes were reported out at the subsequent School Committee meeting and placed on file. That report is attached to this document for your review.

While there was considerable interest in this issue, very little substantive action was taken to develop the identified areas of concern and to establish a responsive structure to guide operations.

Rentals of School Facilities through the Community Schools and related to our athletic program have been a staple of operations since the program's inception in the 1970's. Rentals have been made to both in-city and outside city groups. The purposes of these rentals are multifaceted but there are three main reasons:

- To provide access to quality facilities to Medford Community groups and residents.
- To generate revenue that offsets the costs of program operations to Medford Community Groups and activities.
- To Provide companion programs to supplement the educations programs of the Medford Public Schools.

There are several subsets for each of the three main reasons. Over the years programs have emerged, developed, grown and or been discontinued based upon interest and financial sustainability. The development and or acquisition of new facilities has added to the options of the community schools program.

The existence of "Booster Organizations" that support Medford Athletics and other school programs is a long standing Medford reality. These organizations over the years have helped to support the various programs. They are independent entities not under the management control of the Public Schools. They are generally operated by affiliated parents or community members. Virtually every sport and many activities have a "Booster" organization that raises funds and advocates for their interest.

It should be noted that there are several parks in the community that are available to groups through the permit system. These areas are not under the jurisdiction of the Medford Public Schools. The Medford Public Schools has access to some of the parks through joint working relations with the city park department and commissions. Three main examples are:

- Hormel Stadium
- Playstead Park
- Columbus Park

A recent inquiry has raised an issue regarding the rental of and shared use of Medford Public Schools facilities by the Middlesex Reds Baseball organization. Further, this inquiry has also sought to determine the relationship between the “Reds” and certain established Medford Booster organizations. This inquiry also is related to the recent construction of the “batting cages” in the balcony of the Medford High School Community Swimming pool. The Superintendent has been asked to review the above matters and present findings to the school committee. The following findings and documents are herein presented:

1. The Middlesex Reds Baseball organization is a Watertown based group that includes youth players from multiple area communities including Medford. The president of the organization is Joseph Chioda.
2. The Reds are an AAU team that provides baseball instruction and playing opportunities designed to develop the skills of interested youth. They have become popular, as other adolescent baseball programs in the area have declined.
3. No member of the Reds organization is a paid member of the Medford Public Schools. Orazio Azzarello is a paid staff coach of the Reds and a volunteer assistant coach of the Medford High School baseball team.
4. No paid Medford High School Coach received additional compensation from a local Booster Club.
5. In 2013 and 2014 the Middlesex Reds were not renters of Medford High School Facilities. They did make a contribution to the “Friends of Medford Baseball.” During 2014, they worked out for a six-week period with the Medford High School team as part of a sanctioned clinic under MIAA off-season workout rules. The MIAA prohibits High School teams from working out off-season unless 51% of the players working out are not from the same team. This “clinic” rule is widely used to enable players to gain skills and conditioning during the off-season.
6. The 2014 Reds were renters of the Medford High facilities. In lieu of a cash payment they donated \$2,354.98 worth of baseball equipment/installed to the school. (see attached inventory) Further, they provided \$2016.00 in ticket books for the Lowell Spinners. This enabled our Medford High Baseball team to play at the Lowell Spinners park in the annual Autism game. This arrangement was beneficial to our team. It was not properly approved in advance by the superintendent. (see attached)

7. In 2016 the Reds rented MHS space for a 10 week/80 hour period from January 14, 2016 through March 13, 2016 for \$4000. (see attached check copy)
8. The Middlesex Reds have been good renters of city facilities. Since 2013 the Reds have paid over \$12000 in park permits to the city.
9. While numbers may vary from year to year approximately 50% of the Reds come from Medford.
10. The Reds also had some limited access to Edgerly Field. (see AD's report)

Please see the report provided by Athletic/Community Schools Director Robert Maloney for additional details and documentation.

On March 1, 2016 it was brought to the attention of the Medford School Committee that the Reds had posted information regarding the new batting cages at MHS. They touted their access to the facilities. This was not approved and they were instructed to remove that information the very next day. It was removed. A letter of apology from the Reds president is included in your materials.

Later that week, the Reds were allowed to use the batting cages by softball Head Coach Jack Dempsey. He did so because of a safety concern regarding the number of participants who showed up that evening. He made a mistake in allowing this to happen. Upon notification by a school committee member the Superintendent returned to the high school and verbally instructed Mr. Dempsey.

It is important that we move forward and complete the task of structuring our community schools rental program, establish a clear fee schedule, And refine our rules and regulations regarding the interaction of booster organizations with our athletic and community schools programs.

To that end, the Superintendent proposes the following for your consideration:

1. A consistent fee structure be established for all renters of school facilities. That this schedule honor existing contracts, but that all future contracts adhere to the schedule. There can be some limited discounts for community-based groups based upon criteria approval by Medford School Committee.
2. All extended uses of the facility must be document in a written contract that is pre approved by the Superintendent consistent with the Medford School Community Policy.
3. All "Booster Organizations" that support Medford Public Schools programs must be registered with the office of the Superintendent. This will require the written submission of the organizations name, officers. Address and purpose.

4. All donations from a “Booster Organization” to a Medford Public Schools program, or an activity must be accepted formally by the Medford School Committee upon recommendation of the Superintendent. This include both financial and material donations. An inventory of in kind donations must be maintained.
5. The Medford School Committee will be provided with a quarterly list of renters.
6. No paid Medford Public Schools coach can receive any additional compensation from a renter for the same season in which that coach is an active employee of the Medford Public Schools.

Conclusion:

While all the procedures were not followed regarding the rental to the Middlesex Reds, my investigation of the matter does not conclude that there is any ethical wrongdoing or financial malfeasance.

However, the situation highlights our need to act on measures that will tighten up our procedure and practice regarding the rental program of the community schools and our relationship with our booster organizations.

In the meantime, it is important to recognize that our overall programs benefit from the dedication of parents and citizens who create and operate booster organizations. They clearly help to support our students and their opportunities.

Further it is important to recognize that our rentals help to substantially offset our capital debt and operational cost for school facilities that serve the needs of our students and community.

This evening as we discuss these issues we should suspend any hostile rhetoric and instead focus on how we can best improve our programs, procedures and practices

Ms. DiBenedetto then explained the evolution of her concern

- She saw that the Middlesex Reds advertised on their website about their planned use of our batting cages.
- She cited the School Committee vote to restrict the use of the new batting cages to M.H. S. teams
- The website advertisement was taken down
- She spoke with Reds President Joe Chioda who told her that the Reds had been renting the Medford facilities for the last four years.
- She detailed the payment made by the Reds
- She noted that the Reds made some payments to the Friends of Medford Baseball
- She visited the batting cages and found that Coach Dempsey had allowed the Reds to use the cages

- She notified the Superintendent who returned to the school to rectify the situation
- She was concerned about liability
- She visited the cages the next evening and there was no further use of the batting cages by the Reds
- She asked Reds Assistant Director Azarella if the Reds were a non-profit or a for profit operation.

Mr. Azarella said that the Reds were a for profit program.

Ms. DiBenedetto cited Chapter 71 section 71 and stated that the law did not allow us to rent to a for profit entity.

The Superintendent read the law out loud and noted that Chapter 71 did not contain a specific prohibition against renting to a for profit operation.

Ms. DiBenedetto indicated that she has used Somerville's regulations to arrive at her conclusion.

Ms. Cugno suggested that we let our legal counsel review the issue.

There were a significant number of Medford youth on the Reds. Fees range from \$1250 - \$1950 depending on age group.

Ms. DiBenedetto wanted to be sure that Medford was fairly compensated for its rental and that we had the right to rent to a for profit organization. "Lets put everything on the table."

The Superintendent stated that we would check out the issues raised with our legal counsel.

The discussion then moved to the first two years.

The Superintendent saw this as clinics under the 51% out of season workout rules.

Mr. Maloney confirmed that these were clinics under the 51% rule.

Ms. DiBenedetto asked the Superintendent to define the term "Booster Club" Also can a Booster Club be a for profit entity.

Superintendent responded that a booster club is typically made up of parents and community members who raise funds to supplement a program. It could be a for profit entity.

Athletic Director Robert Maloney addressed the Committee.

He explained that all sports run clinics.

It is important to have a full and accessible program to keep kids involved in good activities and off the streets.

Medford has not denied youth groups.

He felt that the inquires were accusatory and singled out three of twenty-four programs.

Ms. DiBenedetto said that we all want the best for the kids. She felt that Mr. Maloney had too much to do given the expansion of our facilities. She respected his work and dedication.

The AD explained that all of our sports have booster clubs. It is typical.

Ms. DiBenedetto said that it was her obligation to bring these matters forward and felt it should go to the Ethics Commission, City Council and City Attorney.

The Superintendent commented that the Ethics Commission would not be against fundraising by booster clubs. If there was a situation where money was taken inappropriately then it might be a criminal matter.

Ms. Van der Kloot asked if our students had to pay for a clinic. AD Maloney said no. Occasionally there might be a simple fee for a fundraiser activity of \$20-\$30.

Ms. Van der Kloot commented that we should avoid the appearance of impropriety with our rental fees. She advocated for all transactions to be channeled through our Finance Director Pat Velie.

The Superintendent agreed that the process needs to be more formal.

Ms, DiBenedetto advanced her motion seconded by Ms. Muston;

Voted:

Roll Call:

Yes: 2 - DiBenedetto, Mustone

No: 5 – Cugno, Kreatz, Skerry, Van der Kloot, Burke

Ms. Cugno moved that the matter be sent to our own legal counsel to interpret Chapter 71 law as it applies to our schools

Voted;

Roll Call:

Yes: 7 – Cugno, DiBendetto, Kreatz, Mustone, Skerry, Van der Kloot, Burke

No: 0

Ms. DiBenedetto suggested that she would file her motion because it was her right as a School Committee member.

Ms. Cugno felt it should pass through MASC.

The Superintendent clarified that an individual member had her right to file as a citizen but not on behalf of the School Committee.

Mr. Jack Dempsey, Head Coach of Girls Softball spoke to the Committee.

He felt that it was unfair to target three out of twenty-four programs. He touted the work of the Girls Softball team not only on the ball field but as charitable fundraisers. He commented that booster club fundraising was necessary because the athletics department budget was too tight. He explained all the items that the booster club had bought for the program that the budget could not support. He said that everyone should try and help not hurt the programs.

The Mayor introduced the ruling by Diane McLeod that will allow for the use of the pool balcony for high school teams as well as for overflow swim meet spectators:

Alternate Pool Viewing Accommodation Policy

The preferential accessible bleacher area on the deck of the MHS pool site must remain clear for site line viewing at all times during programs and events. This seating must be available to any individual with a disability who is unable, or not capable of climbing the stairs to the alternate viewing area. A minimum of two individuals, with responsibility for any pool events must be identified in advance for any person needing assistance with this enforcement.

The alternate viewing area is for overflow seating only and is for 'standing room' only. There are to be no seating areas and or bleachers in this location, until vertical access is provided.

Batting Cage Accommodation Policy

Upon review of the MHS upper batting cage area, I noted that there have been no major structural changes to this facility, just carpet and netted tunnels. The location itself is not accessible, so an accommodation policy for use is required, in the case of a coach and/or athlete that has a disability. I reviewed the alternate area in Cage 1, and this is an appropriate space that offers the same activity. There should be a minimum of two individuals who are aware of this policy and has the ability to modify the schedule. Their names and contact information should be made at the initial scheduling point for the cages. Any person booking these batting areas must be made aware at the booking that there is an alternate site for scheduling if an accommodation is required.

If a coach and/or a student have a disability, they may request the batting area in Cage 1, as an accommodation, when booking the batting facility. They will be given priority of use for the Cage 1 batting area.

Ms. Van der Kloot was very pleased with this ruling which would be favorable to supporters of our swim team.

Mayor hailed this as helpful to our handicapped citizens.

On the motion of Ms. Van der Kloot seconded by Ms. Cugno the committee voted 7-0 to retain an architect to draw plans in support of pool balcony area accessibility.

The Committee directed the Superintendent to present a fee structure for Community Schools in April for next year. This years contract and arrangement would be honored as they currently exist.

The Committee authorized Mr. Maloney to go ahead with rentals of cage one. Also all funds will go into a separate pool balcony account which is a subset of the 71E account. Further that deposits be broken out by vendor and that Director of Finance Pat Velie oversee the account.

Mayor Burke introduced the possibility of acquiring a Bubble that supports the use of our fields. It would be a turnkey operation. Did the School Committee want to consider it. The development of such a package would require negotiations must be done in executive session.

On the motion of Ms. Cugno seconded by Ms. Van der Kloot the committee entered executive session at 8:45 p.m.

The Committee returned to open session at 9:32 p.m.

Meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Robert E. Skerry Jr.
Secretary