

Ex-Rush-Henrietta official sues over removal

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Former Rush-Henrietta school board member Douglas Rivers has filed a lawsuit against the district and school board over his recent removal from office, arguing he was punished on trumped up charges after an illegal executive session.

The rest of the school board voted to oust Rivers in August, saying he had improperly divulged confidential information shared in executive session. In announcing the action it declined to share additional details but said only that they made the “difficult and painful decision ... following a formal hearing, and after carefully considering the evidence presented both for and against Mr. Rivers.”

Rivers’ lawsuit, filed Friday in state Supreme Court, provides greater detail. The alleged improper disclosure, his lawyer wrote, had to do with a request from the town of Henrietta to use school district facilities for a summer recreation program.

The school board met in executive session June 9 to discuss that issue. Superintendent Bo Wright said he brought the matter forth in executive session because it involved “a matter of potential liability and a potential personnel issue,” and because he “anticipated there would be some community push-back regarding my recommendation,” which was to reject the proposal for fear of health risks. He made both those statements in a later hearing on Rivers’ removal.

Rivers said the board voted informally to reject the proposal, then emerged from executive session and did not mention it in public.

State Open Meetings Law provides no exemption for “liability.” As for “personnel issues,” executive session is only permissible when the board is to discuss: “the medical, financial, credit or employment history of a particular person ... or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.”

no confidential details and believed the “no” vote in executive session would eventually be placed on the record.

When the school board and district realized Rivers had contacted Schultz, the board initiated a process to remove him from the board for “willful violation (and) neglect of duty.” It held a hearing July 21, then voted to remove him Aug. 11.

According to Rivers, while debating his removal in executive session, school board member Jennifer Laird said to him: “Stop talking about open meeting laws; we don’t care about open meeting laws.”

Rivers’ lawsuit suggests a possible alternate motive: his sister-in-law is married to a labor relations specialist with New York State United Teachers who sits across the negotiating table from the district.

The discord included not only the school board but Schultz as well. In the days after the June 9 meeting he and Wright exchanged testy emails, with Schultz accusing Wright of being “very disingenuous” and violating Open Meetings Law.

“I would rather not get on a call today because I am quite pissed right now and might say or do things that could ultimately hurt the working relationship we’ve put together over my two-and-a-half years in office,” Schultz wrote. “Although I will say this has put a sizeable dent in that relationship already.”

Schultz then posted about the issue on the town Facebook page and got into a lengthy exchange there with Anderson, who said he was “aghast” at Schultz’s public airing of the dispute.

Schultz said Monday the conflict hasn’t stopped him from collaborating with the district “on numerous fronts” since then, including attempting to negotiate PILOT agreements.

Rivers’ lawsuit seeks his reinstatement to the school board as well as attorney’s fees and a judicial declaration that the school board violated

The law also prohibits votes occurring in closed session without any public record. In a hearing on Rivers' dismissal, though, the district noted that the decision about building use was up to Wright, not the board, and therefore they had no question to vote on.

In a statement Monday, R-H spokesman Travis Anderson wrote: "The district maintains there was no vote in executive session, but rather a presentation by the superintendent on a topic that was appropriate for that venue. This concerned a request for use of district facilities with liability ramifications and individual personnel concerns."

After the meeting, Rivers said he called Henrietta Supervisor Steve Schultz and told him the proposal had been defeated.

He maintained in the lawsuit that he disclosed

Open Meetings Law. Rivers was elected to a three-year term on the school board in June.

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