

**TOWN OF EAST HAVEN, CT  
EAST HAVEN PUBLIC SCHOOLS  
BOARD OF EDUCATION  
REGULAR BOARD MEETING MINUTES  
35 WHEELBARROW LANE, EAST HAVEN, CT  
06513  
TUESDAY NOVEMBER 24, 2009  
7:00 P.M.**

**PRESENT:** MR. DENUZZO, MRS. DEPALMA, MR.  
HENNESSEY,  
MRS. KLUTH, MRS. MAISANO, MR.  
PALLADINO,  
MR. POMPANO, MR. SCALESE and MRS.  
VINEYARD

**ALSO PRESENT:** MR. ANTHONY SERIO, SUPERINTENDENT  
MR. FRANK MEOLI, ASSISTANT SUPT.  
MRS. ERICA FORTI, ASST. SUPT. OF  
CURRICULUM & INSTRUCTION  
MR. JOSEPH TRAVAGLINO, DIRECTOR OF  
BLDGS. & GROUNDS  
MRS. MARY ACQUARULO, DIRECTOR OF  
PUPIL SERVICES  
MR. JASON LATHROP, BUSINESS

**ADMINISTRATOR**

**1. CALL TO ORDER (by Superintendent)**

Mr. Anthony R. Serio, Superintendent of Schools, called the regular Board of Education meeting to order at 7:00 p.m. in the Boardroom at the High School. Mr. Serio asked for a roll call for attendance.

Mr. DeNuzzo – present  
Mrs. DePalma – present  
Mr. Hennessey – present

Mrs. Kluth – present  
Mrs. Maisano – present  
Mr. Palladino - present  
Mr. Pompano – present  
Mr. Scalesse – present  
Mrs. Vineyard – present

### **1.1 Election of Officers**

Mr. Meoli handed out ballots to the Board members. Mr. Serio requested nominations for the Chairman of the Board. Mr. Pompano made a motion for Nick Palladino as Chairman of the Board. There were no other nominations for this position. The Board members filled out their ballots and handed them forward to the Superintendent. Ballots were added. Vote was unanimous in favor of Nick Palladino as the new Chairman of the Board.

The meeting was then handed over to Mr. Palladino. Mr. Palladino thanked all of the Board members.

Mr. Palladino passed out the ballots for the position of Vice-Chair of the Board. Mr. Palladino asked for nominations for the position of Vice-Chair.

Mrs. Kluth made a motion to nominate Kristen Vineyard. Motion was seconded by Mr. Pompano. There were no other nominations for this position.

The Board members filled out their ballots and forwarded them to the Superintendent. Mr. Serio added the ballots. Vote was unanimous in favor of Kristen Vineyard as the Vice-Chair of the Board.

Mr. Palladino asked for nominations for Secretary of the Board.

Mrs. Vineyard made a motion to nominate Ray Pompano and it was seconded by Mrs. Kluth. There were no other nominations for Secretary of the Board.

The Board Members filled out their ballots and forwarded them to the Superintendent. Mr. Serio added the ballots. Vote was unanimous in favor of Ray Pompano as Secretary of the Board.

## **2. MINUTES**

Mr. Palladino asked for a motion for the approval of the minutes for the Special Board meeting of November 9, 2009.

Motion was made by Mrs. Vineyard and seconded by Mr. Pompano.

Any discussion on the motion? There was none.

There were no objections or abstentions made to the motion. Motion carries. The minutes were approved.

Mr. Palladino asked for a motion for the approval of the minutes for the Special Board meeting of November 17, 2009.

Motion was made by Mr. Pompano and seconded by Mrs. Vineyard.

Any discussion on the motion? There was none.

There were no objections or abstentions made to the motion. Motion carries. The minutes were approved.

## **3. CORRESPONDENCE**

- **Chairperson, Nicholas Palladino**

Mr. Palladino stated he had no correspondence.

- **Superintendent, Mr. Anthony Serio**

Mr. Serio stated he would forward any correspondence to Mr. Palladino in the future. He would save his comments for reports and communications.

#### 4. SUBCOMMITTEE REPORTS

Mr. Palladino asked if any of the previous Board members had any reports. There were none.

- Athletic Oversight
- Buildings and Grounds
- Curriculum & Instruction
- Finance
- Food Service
- Grants
- Legal/Negotiations
- Policies and Bylaws
- Personnel
- PTA/PTO Advisory Committee
- Special Education

#### 5. REPORTS/COMMUNICATION

- **Student Representative**

Albert DeCaprio and Gabby Caruso introduced themselves to the new Board Members and spoke about themselves and the activities/clubs that were taking place at the high school. The Board Members felt they were excellent leaders and set a good example. The Board stated they could come to them at any time. They were here for them and their education.

Both Albert and Gabby spoke in-depth about their activities and the importance of the clubs not only for college applications but for the students' overall development.

The Board thanked them and wished them well in their endeavors.

- **Superintendent and Central Office Administration**

Mr. Serio wanted to wish everyone a Happy Thanksgiving holiday. We try to think of these times as a joyous time for

everyone, but they were trying times for some families. He wanted to extend this on behalf of himself and Central Office.

**6. COMMUNICATION FROM PUBLIC**

**Marianne Ceasar, 8 Felicia Drive**, spoke about her years of coming to the Board meetings and she hoped with this new Board she did not see what she saw here a few weeks ago. She was humiliated as a parent and an employee. She wished them the best of luck. This should not be about politics but about the kids of this school system. That has to come first. Mr. Palladino stated this Board agreed with her wholeheartedly.

Any other comments? There were none.

**7. SPECIAL RECOGNITIONS/PRESENTATIONS – None.**

**8. OLD BUSINESS**

**8.1 Any questions or comments on the Board Briefs – None.**

**9. NEW BUSINESS**

**9.1 Ratification of Appointments**

- **Freshmen Girl’s Basketball Coach (New Hire)**

Mr. Serio requested the Board ratify the appointment of Cathy Celotto as the Freshmen Girl’s Basketball coach.

Motion was made by Mr. DeNuzzo and seconded by Mrs. Vineyard.

Any discussion on the motion?

There were questions and discussion on the position. The interview process was done by the Athletic Director for head coaches and usually the Athletic Director and the head coach for assistant positions. There was one

applicant for the position. The head coach usually selected the person he wanted for that position. Mr. Marone then approved it put it forward on the agenda. There were questions on the coaching permit and it not being filled out on the information sheet.

Mr. Marone explained they have a one-year temporary permit where they need first aid, CPR and a fingerprint card. That was done two weeks ago and it usually took four weeks to get the card. When the card came in, they send the whole application up to the State. As long as all of the paperwork was done there should be no problem. After one year of coaching they were required to get a five-year coaching permit and take a 45-clock hour course. Once this course was taken, you get a certificate of completion. We know they completed the class and sending things up to the State takes time, but they normally backdate the coaching certificate.

There was a question of who did the coaching modules. Mr. Marone explained that Fred Balsamo does it at CIAC, New Haven Phil Cantenella does it, and the SCC AD's put together a class last year for 40 of our coaches and that was held at Shelton high school. Eighty percent were done at CIAC.

This temporary permit was not unusual. Mr. Marone stated that most coaches start out with it. These positions were posted for 10 days and this one was posted for.

Mr. DeNuzzo stated he knew this individual because she was the captain of the girl's basketball team and graduated two years ago. He felt she would make a fine freshmen basketball coach.

Mr. Palladino requested a roll call vote.

Mr. DeNuzzo – yes  
Mrs. DePalma – yes  
Mr. Hennessey – yes

Mrs. Kluth – yes  
Mrs. Maisano – yes  
Mr. Pompano – yes  
Mr. Scalesse – yes  
Mrs. Vineyard – yes

Vote was unanimous in the affirmative. Motion carries.

- **High School Secretary II – Main Office & Discipline**

Mr. Serio requested the Board ratify the appointment of Kirstin Franzman as the high school secretary II for the main office and discipline position. This was a Civil Service position to start at the first step of the contract with a salary of \$29,317.07.

They had interviewed three candidates. Out of the three original resumes, one of the people had moved out of town. So they obtained an additional name and ultimately interviewed three candidates.

Motion was made by Mrs. Vineyard and seconded by Mr. Pompano.

Any discussion on the motion?

There was discussion and questions regarding this position. This was a replacement position and they did have the money to cover this position. This position was vacant since June and was filled with a temporary employee through the summer and fall. The person who was originally in this position resigned.

Mr. Pompano stated he now knew what Mr. Hennessey meant all these years about one piece of paper and receiving it only tonight.

Mr. Proto explained what the person's role was in this position as far as main office duties and discipline. This

person man's the front office of the high school and gets the subs that were needed in the morning. She answers all of the phones and directs students and subs where they need to go. She deals with parents and this person was a combination of secretary and dispatcher. This person also supports clerical work related to discipline. This was a 12-month position with shorter hours in the summer

There was discussion on the interview process and who was interviewed and how they arrived at the three they did interview. This list was requested from Civil Service and the test was given quite sometime ago. Civil Service checks to make sure people on list were still available or still interested. Mr. Lathrop believed they interviewed numbers 1, 3 and 8. The only criteria required was that someone had to have a passing score. A background check was contingent on their employment. This position had been open for a significant period of time and the resignation was given on June 16<sup>th</sup>. Mr. Lathrop stated he had followed the proper procedures given the union contract. As far as grievances, there would be no repercussions. There was currently one grievance but this would not affect this job at all.

There was discussion on the language in the contract and how specific it was to whom was placed on the recall list. Part-time people don't get to automatically bump up into a full-time position. Both people who were eliminated were offered the temporary position over the summer and both refused it. Mr. Lathrop was not involved in the interview process; the principal was involved in it. This person would begin on Monday, November 30<sup>th</sup> and would be on probation for 6 months. If they failed the background check, they could be let go without cause.

Any further discussion? There was none.

There were no abstentions or objections to the motion. Motion carries.

## **9.2 Request for Approval of the Payment of Invoices:**

- **Dated November 25, 2009 for Fiscal Year 2009-10 in the Amount of \$660,031.81**

Mr. Serio requested the Board approve the payment of invoices dated November 25, 2009 for Fiscal Year 2009-10 in the amount of \$660,031.81.

Motion was made by Mrs. Vineyard and seconded by Mr. Pompano.

Any discussion on the motion?

Mrs. Maisano asked for an explanation of unencumbered balance and the format of the spreadsheet. Mr. Lathrop explained how the spreadsheet was set up and what each column represented. She questioned the timeframe of how payments were made and Mr. Lathrop explained it was approximately 30 days. The invoice date was just when the batch went down. There was some discussion regarding discounts and whether some vendors would consider this. A couple of Board members thought that perhaps it was worth pursuing. Mrs. Maisano asked who had check signing authority and Mr. Lathrop replied that it was done by the Town once they were approved by the Board. There were two signatures. Besides those, there were smaller operational funds which were signed by Mr. Serio.

Unemployment in the amount of \$20,000 was discussed. There were a significant number of claims retroactive to July because of layoffs. Mrs. Maisano asked if that was taken into account when they did the budget. Mr. Lathrop

responded correct, they did. In December that number should drop off.

**Nicholas Colburn** in the amount of \$130. What was this for? **Mr. Lathrop stated he would be glad to get that information to them.**

The unencumbered balance was in the negative. Mr. Lathrop stated he would explain that in the Financial Report.

**Delta Com**, in the amount of \$758.75. Was that a service they used? Mr. Lathrop explained it was a vendor they used for phone moves and changes at the high school. Was this for equipment? ATT was for their base phone service and line service. Verizon had their cellular.

**Giuseppe Piscatelli**, in the amount of \$36,682.90. This was for the rental of Adult Ed and the Pathways Program. This was for one building. **There was a question regarding square footage and the years left on the leases. Mr. Lathrop stated he did not know the square footage off the top of his head. He would get that to them.** As far as the leases, there was one year left on one and two years on the other. One was due in 2011 and one in 2012. It was one building split into two sections.

Mrs. Maisano stated so they were spending \$440,000 on this building. Maybe in the next year, they could reallocate those programs somewhere else. Mr. Lathrop explained they could follow-up on additional things, but from a legal standpoint they were obligated at this point.

Mr. Hennessey asked if it was a complete package that included not just square footage but some utilities. Mr. Lathrop stated it was not a triple net lease. The custodial was not included and neither was the phone service. Mr. DeNuzzo asked if supplies were included and they were not. Mr. Lathrop explained that the Adult Education Program was funded 50% by the Board of Education and 50% by the State Grant. The Pathways Program was a complicated arrangement. We provide a significant amount of services

to that program and fifty percent (50%) of the kids were our own.

**Mr. Lathrop will provide the square footage amounts and how much space would be needed. Mr. Lathrop offered to get some market comparables as to whether it was fair market value. The Board members stated they would like that.**

Mrs. DePalma felt down the road to lease something for that much money, they had things they could certainly turn around and spend the money more efficiently and still have really good programs.

**O, R & L – Was this for cleaning?** This was for building services at the high school for an HVAC and electrician. Under Repairs and Maintenance, funds may have to be transferred to this in the near future.

**Curtain Motor Livery** – This was for special education transportation of a student. There was some discussion on the costs for special education transportation and how students were being transported. Mr. Lathrop stated the transportation contract itself would most likely be put out to bid in the month of December or possibly January. They had a one-year exercisable option with Durham Bus, but they should go out to bid to get a better rate. There was extended conversation on the cost of transporting special education students.

**Shipman & Goodwin - Was this on a retainer?** Mr. Lathrop explained they paid them on a monthly basis depending on what they do. This would be one month in arrears. Were they charged on an hourly rate? This depended on the lawyer that worked on the project. What was this hourly rate? Mr. Lathrop stated that was a good question. Mr. Lathrop explained that the bill was a flat amount, but he knew that partners usually bill out in the amount of \$250-\$350 per hour. **He thought there were**

**copies in their packets. Mr. DeNuzzo stated that once a month a copy of this would be in their packets.**

Mr. Serio stated that Shipman & Goodwin were very good to them in not charging them for a lot of their questions. They were not charged for every tick of the clock as they were in the past by some people. These bills were more within their budget range. Most of the fees in the past were due to litigation. Most of these were for negotiations. **Mrs. DePalma asked if they could get a copy of the bill as soon as possible.** Mr. Lathrop stated their legal budget was in the amount of \$200,000 this year. They were in negotiations with the cafeteria and had finished the administrators. There were three more upcoming contracts to negotiate which were the nurses, custodians and clerical contracts. Mrs. Maisano asked if they had already gone through \$87,000 so far. Mr. Lathrop stated that was for two firms.

Mr. Serio stated they currently work mostly with Shipman & Goodwin. The previous attorney they worked with to clear up previous issues was Don Houston. There was discussion on the firms they use and for what purpose.

**Mr. Lathrop stated the Board members could call him when they receive their packets or on the following Monday or Tuesday prior to the Board meeting with any questions they may have on the bills.**

Mr. Serio explained that Shipman & Goodwin have lawyers that specialize in most everything. Mr. Meoli added that when you call Shipman & Goodwin you get your answer right then and there. Some lawyers get back to you the next day and give you the answer in five minutes but they've charged you for three hours of research.

Mr. Palladino stated that perhaps during upcoming negotiations they could use fewer lawyers and use their own personnel to negotiate some contracts. He did not feel they always need lawyers to negotiate contracts. It would be a

great cost savings to the Board if our own personnel could do a lot of the negotiating.

Any further questions or discussion? There was none.

There were no abstentions or objections made to the motion. Motion carries. The bills were paid.

### **9.3 Financial Report – Jason Lathrop**

Mr. Lathrop handed out the monthly report. Mr. Serio explained that Mr. Lathrop had been putting this together since he had been with them. The bottom line number was a number that would vary from month to month. That figure has many dollars encumbered in many accounts. He spoke about transfers in the future and how the reports would reflect those changes. Mr. Serio also wanted to stress they had lost a grant they were supposed to get for \$100,000. The Governor had cut the Early Reading Success Grant which paid for reading consultants and instructional aides. The \$100,000 was reflected in that account because we had to absorb the \$100,000 into our Board of Education expenses. Mr. DeNuzzo asked if it was only for this year or for five years. Mr. Serio stated they had said one, but he thought it might be gone forever. Two other grants they thought were gone at the beginning of the year had been resurrected. There was less money in them, but there was some funding. One of them was the Young Parents Grant. This was used for daycare services in the Adult Education Program which was run by Joe Ferraiolo. This grant was usually in the amount of \$20,000, but this year it might be a range of \$20-40,000. The Early Reading Success Grant was one they had received for 10 years and it was a big hit to lose this. It was used for a remediation program in reading, instructional aides, and part of it to hire a reading consultant for Tuttle School. That person was still at Tuttle School but they had to absorb her salary in the Board of Education. A reading consultant had also been added to Momauguin School this year. Title I AARA money had been used to cover this.

- **Food Services**

Mr. Lathrop stated he would like to talk about the Food Service first and apologized for the lateness of getting this to them. **There was discussion on having Finance Subcommittee meetings either prior to their having the every other Tuesday Board meetings; it was more efficient. Mr. Serio agreed it would be a wise idea and another thing he would like to add was he would like to provide them with a timetable for budget preparation for 2010-11.**

Mr. Lathrop stated they were currently in a one-year contract that had four one-year renewals with Whitson's. They had in their contract a guarantee of break even. They don't have to provide a return from an operational standpoint. Their typical return was around \$30,000 which would offset any repairs or maintenance or capital improvement expenditures. This Board was responsible for payroll because they were self-operated from a line standpoint rather than a management standpoint. Whitson's provides one management employee and provides the operations.

Mrs. Maisano questioned why there was such a drastic increase in payroll from the period ending 9-30 and the period ending 10-31. They were two weeks in arrears from a payroll standpoint.

Mrs. Maisano asked what Revenues Governmental stood for. This was for reimbursements received from the State Government for the breakfast program and reimbursement for the National School Lunch Program.

Mrs. DePalma asked if they kept track of who received reduced and things like that. You could lose a lot of money. Mr. Lathrop stated currently they had a paper-pay system. For a district this size, it was kind of surprising. They looked forward to working with Whitson's on a Point of Sale terminal system. They were hoping for January but definitely by February 1<sup>st</sup>. Mr. Lathrop stated they would be audited this year in February. Mr. DeNuzzo asked didn't Whitson's offer us the POS and was this what they were talking about in February. Mr. Lathrop stated correct. Was this for all of our schools? Yes, all schools.

Mr. Lathrop went through the pages on the report and explained that the audit with the Town was ongoing. They were working very closely with Kostins & Ruffkus who were the auditors. Mr. Lathrop pointed out the Board of Education's statement of revenues and expenditures, period ending 6-30-09. There was a line called Excess Deficiency of Revenues over Expenditures for a loss of \$22,000. This was not a loss of Whitson's operation. Their guarantee return last year was \$28,000 and they returned \$39,000 to the district but the district chewed it up on repairs and maintenance. Those operations do not include benefits. If they included the actual cost of benefits for employees, it would give them an additional \$105-110,000 included there which puts the Board of Education in a tough position with zero budget increase this year.

Mrs. Maisano stated the audit was done by an outside group and the Board of Education was, according to our books -- why were they so far off. Mr. Lathrop stated it was two different years, and explained how sales were down due to the economy. He stated you could not hold Whitson's accountable for repairs and maintenance of facilities. This was a separate criterion.

Mr. DeNuzzo asked Mr. Lathrop's what his overall assessment of Whitson's was from a financial standpoint. Mr. Lathrop responded that Whitson's had delivered their contractual obligations. He worked with Whitson's for the last five years and they deliver on their promises even if they had to cough up dollars according to a guarantee. The problem aside from one month's or one year's operations has to do with their balance sheet and the amount of operating capital the food service fund has right now. Mr. Lathrop explained they pay their vendors generally in 30 days. Under the food service fund, which was a special revenue fund, it was self-operating. They currently keep Whitson's out at about 90 days from a payment standpoint which put them in violation of their contract terms and overall it was a bad business practice. Right now they use Whitson's as a bank because they provide a management staff person and also pay area food vendors on behalf of the Board of Education.

Mrs. DePalma suggested that Whitson's was probably not happy with them. Mr. Lathrop responded that they look forward to a strong operating relationship with the Board of Education. Right now the Board of Education was not holding up its side of the bargain and was in default of its contract to which there was no remedy for it. They would be putting cash into this account either from accounts payable or the payroll account this month to be able to come up to speed with Whitson's from a payment standpoint and they would be evaluating the cash flow from an operation's standpoint to see if that transfer was an operating transfer for the purposes of what they periodically do if they should be short cash flow either in their grant fund or special education fund. Most likely this would turn into an expense for the Board of Education at the end of the year. This was not added into our budget projections for the year. In order to fill their contractual obligations, they needed to be able to provide cash flow to this program. It could be considered an operating transfer, but ultimately the Town was that funding instrument and they would have to account for this by the end of the fiscal year as to whether it was an expense or not an expense.

Mr. Lathrop stated he highly doubted their operation would throw off the amount of money he would recommend they transfer into this account or approximately \$150,000. Mrs. Maisano asked that once that transfer comes through, could the Board assume they would get that money back at some point. Where would it come from? It would come from a transfer of funds from the accounts payable or payroll cash account. His feeling was this was going to turn into an expense for the Board of Education. Mrs. Maisano wanted to be clear that they were not taking anything away from the children. Mr. Lathrop responded that it was a different line item.

Mr. DeNuzzo asked on another positive note for Whitson's, what it would cost the Board for the POS that they were donating. Approximately \$42,000 and "donate" was probably the wrong term. They invest \$42,000 and it gets taken as depreciation as an expense in their state of operations. It was more like a loan.

Mr. Hennessey stated he never understood the Whitson's thing. He did not feel they could do all they do and make \$25,000. There was some further discussion on the POS and the efficiency of the program and whether or not everyone was paying as they went through the lines. Mr. DeNuzzo stated hopefully the POS would take care of this issue.

Mr. Palladino asked Mr. Lathrop whether he felt this was the most cost effective way to do it in his opinion. Mr. Lathrop wanted to reserve comment because they were currently in contract negotiations with the food service workers. **He would be glad to bring the Board up to speed, but it did not have to be tonight regarding the status of those negotiations.**

Mr. Pompano asked whether moving forward they may run into this again because this did not happen overnight. He thought Mr. Lathrop felt they were comfortable moving forward. Mr. Lathrop responded that between 2008-09 and 2009-10 the economy sprung upon them and negatively effected operations. Mrs. DePalma stated so they owed them that money right now.

Mr. Serio stated that before Whitson's came on board, they had to subsidize the food service account for \$184,000 because the company that was in prior to them ran in a deficit. To break even was a good thing. They had been fortunate up until recently to get by with it and not have to subsidize it. Cash flow and paying vendors on time was the number one reason they were looking for a transfer. He hoped very strongly that they were treating it more as a cash forward type of transaction and try to minimize that expense as much as possible between now and the end of the year. They thought this strategy would alleviate the problem that they currently have. He would like to see this monitored as closely as possible. He would like to get to a number as to where they were with that figure moving forward to the end of the year.

- **General Fund**

Mr. Lathrop spoke about the two-page document he handed out to the Board. They started off the year in a very good position with the September report with a negligible deficit of approximately \$49,000 to start the year. Subsequent to that, they lost their Early Reading Success Grant in the amount of \$100,000. Information from the State Department of Education told us the Special Education Excess Cost wouldn't be at 92% but it would be at 70%. The two accounts in deficit were salaries at \$86,000 and the purchase service account at negative \$241,000 represents a revision from \$800,000 in excess cost reimbursement down to an amount of \$600,000. These were the two factors that were driving our operation.

Mr. Lathrop stated he was wrong right now because it was very, very early to try and determine exactly where they were going to be. With a deficit of \$118,000, from a Board of Ed standpoint, now was not the time to be worried. Once they saw their heating expenses and electrical expenses, they would be able to determine where they were and have an ability to transfer from those accounts, etc. A school board could not operate on nothing for seven months. Mr. Lathrop spoke about other variables that might affect the budget later on in the year including revenues. Last year the Board of Education took in approximately \$3.8 million in revenues to offset the Board of Education expenses. The true number of checks they wrote was approximately \$47 million which was offset by the \$3.8 million. Mrs. Maisano asked what he had projected and he stated it was a number lower than that – probably around \$3.6 million.

There was discussion on the numbers regarding unemployment, Medicare, Social Security and FICA for certified and non-certified employees.

Mr. DeNuzzo asked about the heat/energy account encumbered in the amount of \$770,000 and projected at \$719,000. How did he get to this? Mr. Lathrop stated they had bid out their natural gas during the operating year. Would they save at the Academy going from oil to gas? All of their facilities were converted from oil to gas though he was not sure if that was completed or

not. They worked very closely with the Town when they went out to bid for natural gas when the rate per MBPU went down to about \$3.61. The Town did a good job helping them get down to this rate. Mr. DeNuzzo questioned the adjusted amount of \$90,000. How did he get this? This was based on the new rate negotiated by the Town on behalf of the Board of Education.

There was discussion on Buildings & Grounds and it was reflective of the revenues for building use. Was the Little Jackets Program included in this budget? Mr. Lathrop stated this was reported on the audit as a special revenue fund and there were no operating expenses within this budget. They didn't pay for the heat or electricity because they were co-located with the Early Learning Centers. Tuition rate being charged to the parents in that program was subsidized heavily by probably 20-30% from expenditures that were incurred by the Board of Education. This program was budgeted on an annual basis as a break-even program. Mrs. Maisano asked how the revenues and expenditures were tracked. Mr. Lathrop stated on a monthly basis by his office. Do they get a report on that at all?

**Mr. Lathrop offered to provide a monthly report to the Board. He stated he would like to bring the grant fund report next to the Board because he felt it was the next most important report to disclose to them.**

The Food Service Operation was about \$1 million per year; the grants were \$3 million per year; and they spend \$43 million on general fund and the Little Jackets Program had revenues just north of \$500,000. There was a question as to the Little Jackets being a self-sustaining program and the budget not paying anything towards that more than what they take in. Was that what he was saying?

Mr. Lathrop stated that was correct. The Hays/Overbrook electrical expenses were located in the \$43 million. Mrs. Maisano asked if they paid a rent at all. The answer to that was no. Mrs. DePalma asked if they were under the Board of Education's jurisdiction. Yes. The money they take in pays for the people that work there. Yes, correct. And for supplies? Yes. Mr. Palladino stated if it was profitable, they could use that to subsidize some other things.

Could they look into that program making it actually to the plus and not just break even? Could they take a program as successful as the Little Jackets and see if they can't tweak it somehow and show some revenue back to us. Was this something they could look into?

Mr. Lathrop stated he would defer to Mr. Serio, Mr. Meoli and Mrs. Finkle. His knowledge was relatively limited. But in order to break even, maybe figure it subsidizes some of the education light or heat expenses from their square footage in our Early Learning Centers, they were potentially talking about a 20% increase in the cost of tuition to the families. Perhaps this could be weighed in the Board's budgetary deliberations during the year. Mr. Serio stated that in the past they had used some of those funds to take care of some expenses in those two schools such as security cameras, monitors and alarm systems. If there was a significant amount of funding built up into the Little Jackets account, it was put back into the maintenance of the buildings. This also applied to their FRC Program at DC Moore to help repair the playgrounds and things of that nature.

Mrs. DePalma stated they needed to know all of the places that fell under the Board of Education. The Little Jackets was not on here. Eventually, they needed to get all of these things. The salaries were not included here, they were separate.

Mr. Pompano felt they were missing out on a ton of grants and federally funded things by running it the way it was being run. If they got in line with some of the State and Federal requirements, it was his understanding there was a lot of money sent down for some of the Early Learning programs. Had they looked into this at all? Mr. Serio responded they keep track of all funding coming in for early childhood education. These funds had actually diminished over the past three years. Mr. Pompano spoke about how it was done in New Haven. Mr. Serio had spent years working with early childhood and was part of setting up the early learning centers. One of the biggest problems for towns like East Haven, a good amount of funding was absorbed by the big cities.

There was discussion on grants and those who wrote them which included Mr. Serio, Mr. Meoli, Mrs. Forti and Mrs. Acquarulo depending on their job responsibilities. Mr. Serio spoke about the budget and the things that impact it. He stated they could not continue a second year with some of these gaps that have been created. He spoke about the upcoming NEASC Accreditation and the staffing areas they had not filled and the impact on the high school. **They had to put a letter together to NEASC reporting these changes prior to the self-evaluation. Mr. Serio stated he would share that letter with them when it was formulated.**

#### **9.4 Adoption of a Social Security Alternative Plan**

Mr. Lathrop spoke about the Social Security Alternative Plan and what it entailed. There were two vendors that provide these services and he would be recommending one of them either Pelion or Mid-America. He stated it was for any part-time or seasonal worker and the employee would put .07625 into their own retirement plan. The Board of Education would be matching the Medicare payments but not paying the employer's share of social security. The potential savings to the Board of Ed would be around \$12,000 per year. They would have an open enrollment plan and make it available to current employees as a choice and to new employees it would be mandatory. For someone working for the Board of Education and was retired and did not want to keep putting into Social Security, this was a good alternative. Also for part-time employees who could not reach their earning threshold quarters under Social Security or Medicare, it was a positive option.

Mr. Lathrop stated they were asking the motion be that the Board of Education requests the administration enter into an agreement for a Social Security Alternative Plan.

Motion was made by Mrs. Vineyard and seconded by Mr. Pompano.

Any discussion on the motion?

Mr. Hennessey asked for an example of a part-time or seasonal employee. Mr. Lathrop explained it was someone who worked under 20 hours a week. Special education aides fit into this category but not all of them. An employee who would only be filling in like a substitute over the summer because a position was seasonal in nature and would only be there for a certain period of time. That employee would have been eligible to go into that. An employee on a probationary period would have to pay into the Mid-America Plan before they were done with their probationary period.

**Mr. DeNuzzo asked whether stipends were included such as a coach who was not an employee. Mr. Lathrop stated it depended on whether it was an active employee or full-time they could not do that. He wanted to double-check on that with the Social Security administrator regarding that.**

Mr. Hennessey stated he had said it could save about \$12,000. Does this become a clerical nightmare by creating more than \$12,000 worth of work? Mr. Lathrop stated no, he was bringing a request to them for three payroll slots with the social security plan being one of the payroll slots. He did not expect it to be a problem.

Any further discussion? There was none.

There were no abstentions or objections made to the motion.  
Motion carries.

#### **9.5 Request for Approval of Payroll Slots for ING 457 Plan and AFLAC Disability Insurance**

Mr. Serio requested the Board approve the payroll slots for ING 457 Plan and AFLAC Disability Insurance. He stated that Mr. Lathrop could answer their questions and explain what their intent was for these plans.

Mr. Lathrop explained that these plans were currently offered by the Town and they were now able to offer that benefit to our current employees. There were two plans that would be

available for us to use as tools in their collective bargaining process as part of their negotiations going forward with certain individual unions or side letters of agreement. He wanted to try and get everyone on direct deposit. The upside of AFLAC was that it could positively affect their worker's compensation claims. If someone hurt themselves at home, they don't have to hurt themselves at work at the same time to collect from a disability standpoint. From a 457 Plan, it was an interesting option for employees' that want access to their funds prior to turning 59½ without penalty. It was an interesting option for teachers to take a look at and also for employees approaching retirement. School districts were unique in that they could have 403B and 457.

This was no cost to the district and under AFLAC the cost offered to the employee was level for term. **For the employee that was getting ready to retire, the max the employee could put in was \$16,500 annually. Mr. Lathrop would check regarding what it was for 2010.** The Board members thought this was a great deal and the employees would love it. Mr. Pompano asked when teachers retired, would they have an option of moving sick-day severance into this without getting it taxed. In the Administrators' Contract there was a 3-year deferral of severance that was part of that contract. Unless the Board of Education had a specific buyout as they did in the past, you would not see large severance amounts coming out of other unions.

Motion was made by Mrs. Vineyard and seconded by Mrs. Kluth.

There were no abstentions or objections made to the motion. Motion carries.

#### **9.6 Request for Approval of EHHS Field Trip to Six Flags, Agawam, MA on May 21, 2010**

Mr. Serio requested the Board's approval of the EHHS field trip to Six Flags, Agawam, MA on May 21, 2010.

Motion was made by Mr. DeNuzzo and seconded by Mr. Pompano.

Any discussion on the motion?

This field trip was for the high school chorus group.

There were no abstentions or objections made to the motion. Motion carries.

**9.7 Request for Approval of Board of Education Meeting Dates for Calendar Year 2010**

Mr. Serio requested the Board approve the Board of Education meeting dates for Calendar Year 2010. Mr. Serio explained that one date in April was left out because this was during a vacation week. Board members could hold a Special meeting anytime during any month if they so desired.

Motion was made by Mr. DeNuzzo and seconded by Mrs. DePalma.

Any discussion on the motion? There was none.

There were no abstentions or objections made to the motion. Motion carries.

**9.8 Request for New Appointment of Representative & Alternate to ACES Governing Board**

Mr. Serio requested the Board appoint one of the Board members as a representative and one as an alternate to the ACES Governing Board.

There was discussion on Board Member availability in order to attend this once a month lunch at ACES in Hamden. **Mr. Serio would check into whether a different Board member could attend each time. There was discussion on whether to table this item until information was brought back to them.**

Motion to table was made by Mrs. Vineyard and seconded by Mrs. Kluth.

Any discussion on the motion? There was none.

There were no abstentions or objections made to the motion. Motion carries. This item has been tabled.

Mrs. DePalma stated she wanted to add an item to the agenda this evening. She wanted to address the Board regarding the decision that was made at the last Board meeting on November 9, 2009 including the extension of the contracts and for the contract of the Assistant Superintendent. She would like to have discussion on this.

Motion to add 9.9 to the agenda was made by Mrs. DePalma and seconded by Mrs. Maisano.

Any discussion on the motion? There was none.

There were no abstentions or objections made to the motion. Motion carries. This item added to agenda as 9.9

### **9.9 Discussion Regarding Legal Opinion on Extension of Contracts and Formation of a New Position of Assistant Superintendent on November 9, 2009 Agenda**

Mrs. DePalma stated she would like to discuss the legal opinion she asked for and it was very disheartening knowing there would be a new Board and knowing that it would be not in the best interest of everyone to have made those decisions at this point in the game until they could be a part of that decision. She felt true protocol was not followed and the public did have a lot to say about this. She wanted to back up and review the prior action as far as Robert's Rules of Order. That's why they were bringing this to the table. They wanted to be part of

making those kinds of changes. Mrs. DePalma spoke about how the meeting had been changed from a public meeting to a special meeting the night before the meeting. It was done just so quickly.

Mrs. DePalma stated she had been on the other side of this table at that time. She did not feel they had followed Robert's Rules of Order. She asked Mr. Serio where Shipman & Goodwin had a place in this. He had stated they were waiting for a lawyer. She had waited almost until the end of the meeting and never saw a lawyer. Mr. Serio stated that he had been delayed in traffic. The meeting ended and he arrived and met just with us for few minutes. He missed the entire meeting.

Mr. Palladino asked when this appointment was made was the attorney from the company they had been using privy to this meeting. Did he know it had gone from a regular meeting to a special meeting? Did he advise you to do it that way? Do you know where that came from?

Mr. Serio stated they had advised the Board. As far as cancelling the regular meeting and have a special meeting, that was the request of the Board to do that. The Chairwoman wanted us to do that. In this case, they advised her after the decision was made as to procedure.

Mrs. DePalma stated the Chair made the decision to change the meeting. Mr. Palladino stated after reading this opinion, the problem he had was they had that orientation the other night. What that attorney told them contradicts what this attorney tells us. He felt they should have a legal subcommittee meeting with this attorney and the attorney who advised the previous Chairperson and maybe straighten it out. Was this done properly and done by the letter of the law? If it was, that was a great thing. If it wasn't, they needed to readdress it and do it all over again and make it what it was supposed to be. Legal opinions were legal opinions. They were usually pretty close. In his 27 years of law enforcement, legal opinions from prosecutors A, B, C, and D were usually very, very, very the

same. He couldn't understand how two attorneys could be so far off on this opinion.

Mrs. DePalma stated they did not know that they were. That's what they needed to ask the attorneys. It was very concerning to her because if they were going to stay with Shipman & Goodwin – that's why she asked the attorney, "Who hires the attorney?" He very clearly said the Board of Education hires the attorney. We are the attorneys for the Board of Education. My question then was if they knew about it, it was clearly not in the best interest of the Town and taxpayers to have done it this way, and she knew this was her opinion. They were now that Board. They now represent us and need to advise us. Again, we need to know the role that they play. If they were not clearly the attorneys for the Board, who truly working in the best interest of the children, she did not see how that decision last week was in the best interest of the children in this town and taxpayers.

Mr. Serio did not think you could call the situation that existed a typical situation. The circumstances that surrounded that meeting were unique in a lot of different ways. The attorney at the orientation was very clear that his role was to represent the needs of the Board, not the Superintendent, but the needs of the Board. He stated he would be glad to have that attorney contact the Board to review how the decisions were made and clarify any discrepancies you may still have hanging.

Mrs. DePalma stated the discrepancies with what he said the other night -- she wished she had asked him then. Mr. Hennessey stated he did not see any big discrepancies because one attorney was giving an opinion about the Board meeting as they saw it and the Board attorney was giving an opinion before the Board meeting occurred. The Board attorney instructed the Board on how to conduct things before the meeting happened. Mr. Hennessey said that the Chair said the two opinions were so different. The opinions were so different because they were opinions on two different things.

Mr. Palladino stated where he had a discrepancy with the attorney doing their orientation and this attorney, was when he asked that attorney could this Board, can they violate their own rules and regulations. He said there were no rules, you could do whatever you want. Talking to this attorney and another, they could vote to change their bylaws but they could not arbitrarily violate them at will which was what happened that particular night. That's where he was saying there was a difference of opinion. Both attorneys were not at the meeting. Mr. Hennessey stated the attorney had no involvement after the meeting. Mrs. DePalma stated you were saying he had no involvement before the meeting. They switched the meeting. Mr. Hennessey stated he was coming to the meeting because he was involved. Mrs. DePalma asked if he was coming to the meeting to talk to the Board, to talk to the people. Mr. Hennessey stated he was talking in his opinion. He was coming to the Board so they did things properly in his opinion. That's why he was coming. Legal advice.

Mr. Palladino felt they needed to speak to this attorney and the other attorney in a legal subcommittee meeting to find out where they were in that meeting and, if in fact, it was done right or proper and put it to bed. Mrs. Maisano stated the question was whether Shipman & Goodwin, had he been here that night, would he have thought that was "unethical" or in the best interest of the taxpayers. Was it done correctly in their bylaws and that was the question at hand?

Mrs. DePalma stated he was not here and they truly needed to address that. She did not understand the point of closing the meeting down and not everyone was informed on the Board as far as she knew. The meeting had been switched to Monday night and miraculously everyone shows up the day before. It left open, room for suspicion. Now this becomes a special meeting and now they have laws you cannot talk at special meetings. She would be proposing they change that in the future -- these people who were here all the time and not be able to speak and say something on a given situation. It was clearly the reason why it was switched from a Tuesday to a Monday. This was not right. She felt the public and the Board

belonged working together to make these changes. They can only lead and try to guide us to another place. Mrs. Kluth agreed that it should be changed.

Mr. Scalesse asked if her purpose was to change policy that was set forth right now or were they trying to rescind contracts and violate contractual issues -- given two legal opinions of two different attorneys. Where were they coming from?

Mr. Pompano stated taking personalities out of the equation and not putting people on the defense, there were significant facts here that dictate they violated bylaws. Mr. Scalesse felt that was truly a matter of opinion. Were contracts an issue or policy an issue for the future? Mrs. DePalma stated absolutely both. Was that the issue or was it a policy that arises to that contract? Mrs. DePalma said as far as the issue from November 9<sup>th</sup>, she wanted to review the action that was taken. Mr. Scalesse asked for the purpose of future policy or the decisions that were made or the withdrawal of contracts.

Mrs. DePalma felt it needed to go to the State level to be reviewed because she believed they need the lawyer back; they needed to have a negotiation. This was very underhanded. She asked that this not be taken personally, because she (Mrs. Forti) was a very reputable person, her reputation was she worked hard. This was a new position. Should it have been posted? It was not posted. She believed it should have been -- this had been done in a quick way and undermined everyone. No one had a chance to speak. Then the attorney never got here.

Mr. Hennessey stated he did get there but the meeting had adjourned.

Mrs. DePalma believed that the new Board should have made the decision. Mr. DeNuzzo stated that Shipman & Goodwin was probably the most renowned law firm in the State of Connecticut when it came to education and their top person was Tom Mooney. **He would suggest they have a Special Meeting and hear from Tom Mooney. He was Gary Brochu's supervisor. He was the guru in the State when it came to education and the laws of education. They should**

**set up a meeting with him. The Board agreed that this was a good idea. Mr. Serio would set up this meeting and get advice as to what type of meeting it should be.**

Mr. Hennessey felt they were getting lost here. He did not feel the issue was opinions of lawyers. The issue, in his opinion, was did they do the right thing that night, for the school system and the kids of this Town. He believed they did. He knew a lot of people didn't like the way it was done; he did not like the way it was done. There were a lot of bad emotions that night; it wasn't good. The bottom line was did they do the right thing for education. He stated he had been there six years; yeah, they did the right thing. Now, they were going to pay for attorneys to duke it out over legal opinions, that when you look at it, no matter whose legal opinion was correct, they still did the right thing. The other thing was everyone he heard on the Board, a lot of people referring to you and they. There was no you and they. It was the Board of Ed last month, and it would be the Board of Education in two years after the next election. It was a continuous Board of Education of nine people. There was no you and they.

Mrs. DePalma stated that was exactly why she wants the attorney here. He needs to clear this up. Mr. DeNuzzo stated that was emphasized by the attorney that they heard. Mrs. DePalma stated now they were that Board; it was now this Board. She believed her motion fell under these guidelines and it was not a waste of lawyer money. She felt she owed it to the people who voted for her to be sitting there.

Mr. DeNuzzo thought bringing the lawyer in, and he understood her point, but he thought they could spend the money better some other way. To her point, he knew she wanted to hear it out.

Mr. Hennessey's fear was that the lawyer comes in with an opinion and then another opinion that was different and then they duke it out. They duke it out over something that they did the right thing. Maybe it was not done the right way; but they

did the right thing. There were courthouses that were packed every day because of two different legal opinions.

Mrs. DePalma said you agreed it was not done the right way. Why did he let that happen then? Why not wait? (Everyone talking at this point.) Mr. Hennessey stated this Board had a chairwoman who made decisions at the time. Mr. Hennessey voted that night as to whether he wanted to promote Mrs. Forti and extend contracts for Assistant Superintendent and Superintendent. Yeah he did. He wanted to see Mrs. Forti in a different job and the contracts extended. They were not voting on how it was done.

**Mr. Palladino stated let's end this now and put this on the agenda for next month for continuation and try to put this to bed.** There was discussion on whether it would be in Executive Session or not.

Mr. DeNuzzo stated they needed a cooling off period and he liked the idea of an Executive Session to discuss a personnel matter. They should talk about the matter privately without any other people involved that happen to be hung out so to speak. If they were still not satisfied, then they could talk about spending money on lawyers. Mr. Palladino agreed. Mr. Hennessey stated it was not a personnel matter, it was the Board's policies and procedures, not people and it had to be done in open session.

There was discussion on whether to put a new motion on the table.

Mr. Palladino asked the secretary, Janice Ball, what he would have to do to get this on the next agenda. This just needed to be added to the next agenda for discussion.

## **10. INFORMATION ITEMS**

Mr. Palladino asked if there were any questions on the informational items. There were none.

**10.1 Correspondence**

**10.1.1 Resignations/Retirements - None**

**10.1.2 School Newsletters**

**10.1.3 School Enrollment – November 2009**

**10.1.4 School Calendar for December 2009**

**10.1.5 Athletic Department Checkbook – Regular Account – October 2009**

**11. EXECUTIVE SESSION – None.**

There was no Executive Session this evening.

**12. ESTABLISHMENT OF NEXT REGULAR MEETING**

**THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF EDUCATION – DECEMBER 8, 2009 – EAST HAVEN HIGH SCHOOL, 35 WHEELBARROW LANE, EAST HAVEN, CT 06513, at 7:00 p.m.**

**13. ADJOURNMENT OF REGULAR MEETING**

Mr. DeNuzzo made a motion to adjourn the regular meeting and Mrs. Vineyard seconded the motion.

There was no discussion on the motion, no objections, and no abstentions. Motion carries.

Meeting adjourned at 10:20 p.m.

**RESPECTFULLY SUBMITTED,**

**MR. NICHOLAS PALLADINO, CHAIRPERSON**

**EAST HAVEN BOARD OF EDUCATION**