

**TOWN OF EAST HAVEN, CT
EAST HAVEN PUBLIC SCHOOLS
BOARD OF EDUCATION
REGULAR BOARD MEETING MINUTES
35 WHEELBARROW LANE, EAST HAVEN, CT 06513
TUESDAY, JANUARY 12, 2010
7:00 P.M.**

PRESENT: MR. PALLADINO, MRS. DEPALMA, MR. HENNESSEY,
MRS. KLUTH, MRS. MAISANO, MR. POMPANO,
MR. SCALESSE and MRS. VINEYARD

ABSENT: MR. DENUZZO

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

Chairman Palladino called the regular Board of Education meeting to order at 7:00 p.m. in the Boardroom at the High School. (The Pledge of Allegiance was held.)

2. MINUTES

Mr. Palladino asked for a motion for the approval of the minutes for the Regular Board meeting of December 8, 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.

3. **CORRESPONDENCE**

- **Chairperson, Nicholas Palladino**

Mr. Palladino stated he had no correspondence.

- **Superintendent, Mr. Anthony Serio**

Mr. Serio asked Janice Ball, Board Clerk, to read into the minutes the “Conflict of Interest” memo from Paul Hongo. **The memo was then read into the minutes. (Copy attached to minutes.)**

4. **SUBCOMMITTEE REPORTS**

- **Athletic Oversight, Raymond Pompano, Chair**

- **Buildings & Grounds, Raymond Pompano, Chair**

Mr. Pompano reported that the School Building Committee would like to meet on the 4th Tuesday of every month to give a briefing to the Board of Education. Mr. Palladino asked that be put on the agenda for the second meeting of the month.

- **Curriculum & Instruction/Negotiations, Tia DePalma, Chair**

Mrs. DePalma reported that she had met with Mrs. Forti this evening to get some groundwork going and she was totally taken away. She thanked Mrs. Forti and they would wait until they had a meeting and set up an agenda to discuss curriculum items.

- **Finance/Grants, Christine Maisano, Chair**

Mrs. Maisano gave an update on the Finance Subcommittee meeting and what transpired during that meeting.

- **Legal/Ronald DeNuzzo, Chair**
- **Policies and Bylaws, Charles Scalesse, Chair**
- **Personnel, Laura Kluth, Chair**
- **Food Service & PTA/PTO Advisory Committee, Kristen Vineyard, Chair**

Mrs. Vineyard asked for a subcommittee to be held prior to the January 26th meeting. **Mr. Serio explained they would need a Legal Subcommittee meeting where the attorney could come and explain the case that was litigated just prior to Christmas. The update and timeline were very important. He did not think it could go beyond the 26th. Perhaps they could do both. Mrs. Vineyard stated she would wait until the February 9th meeting.**

5. REPORTS/COMMUNICATION

- **Student Representative**

Gabby Caruso did not attend this evening's meeting. Albert DeCaprio thanked the Board for their much appreciated gifts during the holiday season. It meant a lot to them. He then updated the Board on how the clubs were running, fundraisers and how the talent show had gone. Mr. Pompano asked Albert to give them some information regarding the open house that was held when he had come to 9th grade and if it had helped him in his decision to come here. Albert spoke about his experience and explained how the orientation/tour was instrumental in helping him to make his decision to come here.

- **Superintendent and Central Office Administration**

Mr. Serio spoke about the next Finance Subcommittee meeting on January 14th and how they would be receiving the 2010-11 Proposed Operating Budget this evening. This would give them an opportunity to look at the budget and be ready to work through the budget and make recommendations and suggestions then. The Race to the Top letter has been submitted and there were two presentations this evening.

6. COMMUNICATION FROM PUBLIC

Mr. Palladino asked if there was any communication from the public.

There was none.

7. SPECIAL RECOGNITIONS/PRESENTATIONS

7.1 Presentation of Security Proposal by Murphy Security – Martin Muzzy

Mr. Muzzy gave a presentation of their security system and some background information on what they had to offer as well as all of the different school systems and companies they currently serviced. There was discussion on student safety and having a student friendly environment. Mr. Muzzy stated that providing a safe and secure environment for students, staff and visitors was the most important thing. Some of the questions the Board asked were as follows:

Q. Working in so many places, did they contact the local police and correspond back and forth with them?

A. Absolutely. Before they work in any Town, they call the Chief of Police and let him as well as Dare Officers and Resource Officers know they are there.

Q. It was important for the kids to identify with these people. This is a learning facility, not a correctional facility. Do they take measures to make sure the kids feel a friendly bond?

A. Of course. A nurturing service was very key and important in dealing with the student population.

Q. Would they be allowed to be part of and observe their hiring/screening process?

A. Absolutely. If they wished they could have a Board member coordinate with him or a subcommittee. They were happy to cooperate.

Q. Take them through a typical day of what a lead security officer would do.

A. The leader would report to their contact at the school and receive information such as problems, schedules and the events of the day. The security officer reports here in the evenings, does a sweep through the facility to make sure everyone is safe. Check windows, doors, heating and ventilation. Security is eyes and ears.

At the end of the day make sure everything is secure and locked up as needed.

Q. Do all of the guards have identification cards?

A. Mr. Muzzy explained the process and how the guards in the State of CT have to be trained to a standard, they are tested, have background checks which are verified by the State and then they are issued identification cards. A fine is imposed if they are not carrying their cards.

Q. The Superintendent calls you and says we have a problem with the Guard Company XYZ. How long does it take you to swap them out and get us a new guard?

A. The security officer would not come to work that day.

Q. It is immediate?

A. Yes. The field supervisor takes the place of the security officer. It is very critical as far as age which was also part of the screening.

Q. Some of your references were contacted and they said you were extremely responsive to dealing with the issues.

A. Thank you.

Q. If someone is let go, they are immediately replaced?

A. Yes. They assign floaters which are their backup people. It was a requirement in the specs to assign for school systems a bio sheet of each person, the test and certifications.

Mr. Serio explained that this company would be here in the evenings and their own people were here in the day. This company would do all evening hours and weekends for the rest of this year.

Mr. Muzzy stated that one of the questions that might come up was their billing rate. They charged an hourly rate. They don't charge overtime or differentials, holidays or Sundays, or if a security officer had to stay on. If you needed someone for a fire watch they provide that as well at one rate. There was no hidden cost.

7.2 Presentation of East Haven Academy Student Selection Process – Marianne Johnson

Mr. Serio introduced Mrs. Marianne Johnson, principal at East Haven Academy, and explained that previously they had tested for students attending the Academy and now they were considering an option of going to a lottery process. Mrs. Johnson then gave an in-depth presentation of how the Academy works and what was expected of their student population. She felt that a lottery would offer greater diversity among their students. Having high academic standards was the only way to be successful and to meet students' needs through differentiation.

The lottery process was explained to the Board. There would be students selected only for one third grade class and one 4th grade class. Students would be chosen by percentage of students from each school by drawing numbers that were given to students. Parents were invited to attend when the lottery took place. Siblings were not given preference and were not in the past. They wanted to keep this as the policy. It would be placed on our website, in the newspaper and in the local Courier. They always have an information night where parents come to hear about the Academy. The application was very easy; you just applied and a date would be set for the lottery which was open to the public. Some staffing may have to change such as the need for part-time special education specialist, literacy aide or a math coach.

There were questions from the Board as follows:

- Q. You have been at the school since Day 1. Do you feel this would work?
- A. Absolutely. The original plan for this school was for "at risk kids". The Superintendent at that time changed it somewhat.

- Q. Class size won't change?
- A. It would be based upon the numbers of what the second grade average class would be for next year's third grade. There would be selection for one third grade class and one fourth grade class.

- Q. How would they handle a kid who moved out of district?
- A. They call the next person on the wait list. No academic information was needed to apply.

Q. Were they proposing to start this now?

A. Absolutely.

Q. What about all of the children in the school now?

A. No, this will not impact any of our current students. This process will be phased in.

Q. Were there any exit strategies for those students who did not meet the expectations of the Academy?

A. Once students are accepted to the Academy, it is their job as educators to make sure they meet the student's needs.

Some of the Board members were perplexed as to why they were just hearing about this now.

Mrs. Johnson explained that the testing had been placed on hold and it was something they had been thinking about for several years now.

There was discussion on the letter that had come from the Commissioner. Mrs. DePalma stated the letter had come in June and this Board never saw it until they got here. It was a bit of a shock. She was not against the lottery; the Academy does teach to the child.

Mrs. DePalma wanted to know what the Academy was listed as. Mrs. Johnson explained that they were listed as an Intradistrict Magnet School. There was discussion on the Talented and Gifted Program and how the process over the years became very clouded. Mrs. Johnson was confident this lottery process would work for all kids.

Q. What was the difference from the prior process to now?

A. Mrs. Johnson explained sometimes there was an Iowa Test, or a Cogat Test, or they would read a story and ask them to work in a group to solve a problem or to do a writing prompt. The process took hours and hours. The teachers did all of this after school for no extra pay.

Q. Would this require more hiring?

A. It would not require anymore classroom teachers. It would depend on the population. There may be a need for some literacy help or access to a math coach.

Q. There was concern about this because of the district being short-staffed already. Would this entail moving a couple of people around to do it?

A. They did not have a math coach but having access to one would be helpful.

Q. What about teachers? There was no need for more teachers. The numbers stay the same.

Q. How many applied last year?

A. Mrs. Johnson did not have the exact numbers. It was around 100-125 third graders and 75 fourth graders. Last year the fourth grade numbers were much lower.

Q. As far as open seats, would you have a lottery?

A. Everyone returning had been contacted and they are all returning.

Q. If someone in the higher grades left, how would she handle this?

A. The class sizes in 5, 7 & 8 were a little lower than the class average size in the district.

Mrs. DePalma stated she would like to hear if the other principals in the district had anything they would like to say because this was a full community effort here.

Q. How are you going to present this to the parents?

A. She would use the same presentation as last year and parents would make a choice as to whether this was a good fit for their child. She would talk about the process of the lottery.

Mr. Palladino stated they could do this at the next meeting. Mrs. Johnson explained that they were under a time crunch because the testing window had already passed. She hoped the Board would accept this proposal in the best interest of the district. It took hours of preparation if they were going to test.

Mrs. Maisano stated this was the first this Board was hearing of this and it was difficult to vote on something and approve it. She wished it was addressed months ago.

Mr. Serio said discussion of the lottery process goes back to when Dolores Butcher was here. This would take down the barrier of how they instruct at the Academy vs. the other schools. The letter was more of a backup and information for them. This would have occurred whether there was a letter from the Commissioner or not.

Mrs. DePalma felt they should make a motion to allow public comment. Mr. Pompano suggested they could always revisit it this and tweak it down the road. Mr. Hennessey agreed with Mr. Serio. He would like to see a true lottery where it was a random selection. This way they could see if the teaching methods at the Academy truly worked.

There was discussion on how this lottery approach would work and also that people in the audience should be allowed to say what they wanted to on this subject. Mr. Serio stated the end result on the lottery was the same.

Q. Was the curriculum different at the Academy?

A. They follow the same curriculum, methods, assessments and maybe different novels.

Mr. Serio felt this methodology had trickled down to all of their schools. He spoke about their ELL situation in the district. Erica Forti was working with the principals and coordinating curriculum with the inclusion of a lot of the best instructional procedures being infused in all of their schools and not just the Academy. They were making a lot of progress and he would prefer to see this happen. He wished this move had been made several years ago. He hoped the Board would accept this when it came to an action item under 9.5.

Q. The Chairman asked Mr. Meoli and Mrs. Forti for their opinions.

A. Mr. Meoli stated he supported the lottery option. Mrs. Forti stated she fully supported moving to the lottery and she appreciated Mrs. Johnson's transparency and the information she had provided for them.

Q. What was the class size at the Academy?

A. The 8th grade class was 23.

- Q. Chairman of the Board asked Mrs. Acquarulo for her opinion.
A. Mrs. Acquarulo stated she was in support of the lottery. It could work for the students.

There was discussion on holding off on voting on this issue later on in the meeting because of the need for public input. This would be discussed more later on in the agenda.

8. OLD BUSINESS

8.1 Any questions or comments on the Board Briefs (12-08-09)

There were no questions or comments on the Board Briefs.

9. NEW BUSINESS

9.1 Ratification of Appointments

- **Special Education Paraprofessional @ EHHS**
- **Special Education Paraprofessional @ D. C. Moore**

Mr. Serio requested the Board ratify the appointments of Angela Ruggiero, 15 hours per week @ \$13.39 an hour, for a new position at EHHS and Ashley Madonna, 27.5 hours per week at \$15.45 an hour as a replacement position.

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

Any discussion on the motion? 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 December 23, 2009 for Fiscal Year 2009-10 in the Amount of \$305,750.38**
- **Dated January 13, 2010 for Fiscal Year 2009-10 in the Amount of \$1,765,528.00**

Mr. Serio requested the Board approve the payment of invoices dated December 23, 2009 for Fiscal Year 2009-10 in the amount of \$305,750.38 and dated January 13, 2010 for Fiscal Year 2009-10 in the amount of \$1,765,528.

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

Any discussion on the motion?

Mrs. Maisano wanted to discuss the timing as to when they get everything. She did not feel it was enough time to actually get it all and digest it. Perhaps they could change the timeframe to get it a week before. **Mr. Serio spoke about the agenda not being finalized until late in the afternoon on Friday because of items being added to the agenda by the Board. Perhaps they could have a Policy & Bylaws Subcommittee at a later date to change it.** It was hard to come up with a procedure right then. He would like to think about it for a little bit. Sometimes in an emergency basis you need to add to the agenda later and it could be sent out earlier. As far as the bills were concerned, Mr. Serio referred this to Mr. Lathrop.

Mr. Lathrop stated they could work off a two-week timeline format. He would like to send these to the Board members electronically instead of hard copies.

Mrs. Maisano would also like if they could put what the account number is related to.

Mr. Lathrop spoke about the three bills that were held from the bills back in December. The first bill was for Durant Nichols from September; the next was for payment from the Athletic Official Operating Account. Mr. Lathrop explained how the checks were cut by Mrs. Nastri using Quick Books and how they spend approximately \$50,000 a year on athletics to pay officials. The account was supplemented by fees that come in from the games.

Mr. Pompano stated that East Haven was one out of four or five districts that actually pay officials on the spot. Most look at a two-week layover.

Mr. Lathrop spoke about the balance in the account and how it would help to take them through the non-revenue generating sports.

There was further discussion on how the finances were handled for athletics. Once they were to go through the fund balance, they could break up the payments on a monthly basis instead of a quarterly basis.

Mr. Lathrop mentioned the legal bills for Durant Nichols and Shipman & Goodwin and how he could not discuss these in public.

Mrs. Maisano stated that those should be okay.

Mr. Lathrop went through the bills dated January 13, 2010 and gave a basic overview of what was in their packets.

Some questions the Board had after Mr. Lathrop's overview were as follows:

Chef Equipment Emporium – This was for garbage disposal for this school.

Comp-U-Wise, LLC - Mrs. Maisano read his contract. Hourly rate for not over “x” number of hours. Mr. Meoli spoke about his hours/days of work.

East Haven School, LU - This was for catering for lunch.

Giuseppe Piscatelli – Mrs. Maisano asked about the year-to-date on the \$36,000 payment made to Pathways. One figure is for the money we pay Pathways for students we sent there and the other figure is for money from surrounding towns and then we pay Pathways directly. Mr. Lathrop explained the payment process to the Board.

Mrs. Maisano would like to see what they pay for rent on that, the year-to-date figure on it and the money they receive back from them. She would like to see the ins and outs of it all.

IMG Information Mktg. – This was for the upgrade of the software.

Reliable Detection Svcs. – This was for the upgrading of the fire alarm at the Middle School.

Strategic Energy – This was for the outgoing vendor for electrical bid for kilowatt hours of energy. This would most likely be seen only under the UI.

Yale University School of Medicine – This was for Special Ed tuition.

Poptops Co. – Uniforms for the hockey team.

Scoreboard Enterprise – This was an athletic expense. This was for digital clocks up here at the high school. There were five clocks at \$75 each. Game time clocks.

Any further questions? There were none.

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

9.3 Approval of the Appointment of School District Curriculum Committee

Mr. Serio requested the Board approve the appointment of the School District Curriculum with the following motion:

Move that in accordance with Connecticut General Statutes, Section 10-220(e), the Board appoints Erica Forti, Marilee Noonan, Marianne Johnson, Vin DeNuzzo, Jen Bauer and Lisa Veleas to act as the school district curriculum committee, and move further that the charge of this committee is to recommend, develop, review and approve all school district curricula, with the understanding that curricula approved by the committee shall be submitted to the Board for final review and approval.

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

Any discussion on the motion?

Mr. Palladino asked if there was a cost to this. There was no cost.

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

9.4 Possible Action on Murphy Security Proposal

Mr. Serio requested the Board's approval of the Murphy Security Proposal for the year moving forward as presented in their packets.

Motion was made by Mrs. Kluth and it was seconded by
Mr. Scalesse.

Any discussion on the motion?

Mr. Scalesse stated after checking a number of references that they all highly recommend them and he was in support of this.

Mr. Pompano stated after the presentation, he questioned the annual cost of \$20,000, which was the only "hiccup" he could see.

Mr. Lathrop stated they would be going out to bid again in the spring for this. The numbers they had were incremental to the current year budget.

There was discussion on the blue shirts vs. white shirts. A correction to the information was made. Blue shirts were our employees and white shirts were the evening and weekend security at the high school. Where it said white shirts, it should say blue shirts.

There was discussion on the times each group worked and the costs involved. Mr. Lathrop stated that after getting input from Mr. Meoli, Mrs. Reale, and Mr. Travaglino, he thought this was the step they should be taking. The more he spent on security, the less he would spend on replacement of equipment, windows, or on graffiti.

Mrs. Maisano asked where the money was going to come from. Mr. Lathrop explained that he thought this was a good use of taxpayer money. Mr. Serio explained that he had asked Jason Lathrop if they

would be able to fund it. This would not have been brought forward to the Board if they did not have the funds.

Any further discussion? There was none.

A roll call vote was requested.

Mr. DeNuzzo – absent

Mrs. DePalma – yes

Mr. Hennessey – yes

Mrs. Kluth – yes

Mrs. Maisano – yes, with reservation. Jason assuring them that the money is available.

Mr. Pompano – yes

Mr. Scalesse – yes

Mrs. Vineyard – yes

Vote was unanimous in the affirmative. Motion carries.

9.5 Possible Approval of EH Academy Student Selection Process

Mr. Serio recommended the Board approve the East Haven Academy selection process as presented by Mrs. Johnson this evening.

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

Any discussion on the motion?

Mrs. Kluth recommended they hold off on it to the next meeting because of the reasons in this letter and to give people the opportunity to talk about different issues and opportunities.

Mr. Serio was surprised that no one had gotten up under Communication from the Public since it was on the agenda. He did

want to stress the urgency that Mrs. Johnson had stressed. At some point in time, action needed to be taken.

Mrs. Vineyard said that it comes right from the school with the support of the teachers which speaks volumes.

There was further discussion on the public being able to speak on this matter. Mr. Serio stated it was up to the Chair if he would allow the principals and parents to speak and if this would expedite this.

Mr. Palladino asked if there were any administrators in attendance that would like to say anything about this. There were none.

Mr. Palladino asked if there were any other people from the public that would like to say something.

Heather Mazzucco, 2 Thomas Court, stated she had a daughter in the 4th grade at the Academy and a 2nd grade son in the system. She had hoped he would test, but she was embarrassed by the rude comments that were said to her in grocery stores and at the baseball field about “those Academy students”. She was in favor of the lottery system because of what her daughter went through and hoped they would put it through.

Pam Cofrancesco, Green Street, said her children did not go to the Academy. She felt they should integrate the methods used at the Academy into the other schools if it worked. She was in favor of the lottery; they never should have been tested.

Donna Palmer, had two children at the Academy. She was in favor of the lottery. If they were not going to take what the Academy does and put it into the other schools, she was in favor of the lottery.

Paul Cofrancesco, 32 Bennett Road, was not in favor of or against it. He felt the people did not have an opportunity to fully understand what was put on the agenda. What Laura Kluth said, the people should have some notification or explanation so they can come up here and speak.

Paul Hongo, said he was a big fan of democracy. He felt that Mrs. Kluth made a good point. People did not have an opportunity to make an educated thought process until the presentation was made. It

opens up the opportunity for more questions and ideas. There was nothing wrong with more discussion. They did have an opportunity to lay this on the table; the choice was theirs.

Marilyn Vitale, Forrest Street, suggested they should have moved their presentation up before public comment. Perhaps they should change their format and then it would give people an opportunity to ask questions. She cautioned that they should be careful because it may open a can of worms and get a political filibuster going. Sometimes public comment could be good and sometimes it could be treacherous.

Mrs. Johnson stressed that if they did not go to a lottery, they were under a time crunch for the testing process which was very time consuming. Parents want to know what is going on.

Mrs. DePalma asked if they could have a Special Meeting before the next two weeks and have public comment. Mr. Serio asked whether the concern of the Board was for the current parents of the Academy or the parents that may be interested in applying. The answer was both.

Mr. Scalesse suggested they meet with Commissioner and try and have a meeting. This had been done with two calls being placed and not returned.

Andrea DaCorte, 47 Leigh Drive, felt that every child should be treated equal. She did not know why any taxpayer would come here and argue against this. That was her personal opinion. Equality for every child; every child deserves the same choice as everyone else.

Mrs. Johnson spoke about the letter just being added to tonight's presentation and this presentation would have happened without the letter. She was not sure if the total parent population was aware of this.

Motion to table this was made by Mrs. Kluth and seconded by Mrs. DePalma.

A roll call vote was then taken.

Mr. DeNuzzo – absent

Mrs. DePalma – yes, but meet within a week

Mr. Hennessey – no
Mrs. Kluth – yes
Mrs. Maisano – yes, to give the public a chance to speak
Mr. Pompano – yes
Mr. Scalesse – no
Mrs. Vineyard – no

Vote was four (4) in the affirmative to table and three (3) opposed. Motion to table carries.

There was discussion about a Special Board Meeting which would be held next Tuesday, January 19th at 7 p.m.

9.6 Discussion of Proposed Operating Budget for 2010-11 (Draft)

Mr. Serio informed the Board members that this item was on the agenda to get them the budget and show them there were issues that they need to look at. This was not by any means the final number that this Board will be presenting when we present our budget to the Town. This was a work in progress. There were some shortfalls this Board was going to be facing one of which was grant funding. There would be \$800,000 less in grant funding and a 5.35% increase for the Teachers' Contract. This projects how we need to move forward in the next couple of weeks to finalize a budget to present to the Town.

Mr. Serio did not expect to go into a lot of detail tonight on the budget, but he would like them to take the book and try to review it as best they can before Thursday night, January 14th.

Mr. Lathrop informed the Board that this would be posted on the website for the public to look at. There was a presentation and in the back, there was a one-page summary. They had description by account. He would take them through the budget on Thursday regarding staffing and benefits. The following Tuesday, they would discuss everything else.

9.7 Elimination of Residency Coordinator Position and Approval of Board to Use the Town Investigator

Mr. Serio requested the Board's approval on the use of the Town Investigator in lieu of our current residency officer to investigate the residency of students.

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

Any discussion on the motion?

Mr. Serio stated that after speaking with the Chairman last week, he offered the service of the use of the Town Investigator, Mark Esposito, who is under retainer with the Town. They have offered his service for our residency investigations. He would like to see this approved this evening.

Mr. Hennessey asked if there was any cost to us.

Mr. Palladino asked Mr. Hongo to explain this. Mr. Hongo explained the Town had budgeted \$20,000 basically for Worker's Comp Fraud cases. To date, they had only used him once. He felt it was more efficient to use both our service and budgets. It was inefficient for the Board to expend the monies when the Town had it for them.

Mr. Hennessey stated that this was no expense for the Board. Mr. Hongo stated that was correct.

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

9.8 Discussion Regarding the Use of Maintenance Trucks

Mr. Palladino stated that currently the maintenance people take their vehicles home which was something that had gone on for years. It had never been in their contract. He thought it should be looked into for contract negotiations instead of something that was just being done. There should be rules and regulations and accountability on the vehicles.

Mr. Serio explained they had discussed this at length with the previous Board. Mr. Travaglino spoke about Article 13 in the contract and it

being prior practice. They should negotiate it since it was a past practice.

There was some discussion as to whether they would have to open up the current contract to negotiate. Mrs. DePalma could not see why it needed to be negotiated. Mr. Travaglino read Article 13 from the Custodian's Contract. Mrs. DePalma did not understand the legality of that and asked someone to explain it. She believed it was costing the Town and Board money for the trucks to be driven and used over the weekends.

Mrs. DePalma wanted to make a motion to park these trucks and give proper notification of it so there was time to make adjustments.

Mr. Serio respectfully disagreed. He did not care to make this recommendation to the Board in the middle of the snow season. It did not make sense because it would mean the difference between our schools being ready to open for a delay and expediency of our plows to get to the schools. There had been four delays this year all with different situations. He was not against those trucks being parked but some consideration needed to be given. At certain times of the year, it was important to have those trucks available in an expedient manner.

Mrs. DePalma asked if the Town workers take their trucks home. Mr. Hongo responded they needed to look into the history and whether they took their trucks home since Day 1. It has always been a caveat that employees were granted authorization to take their vehicles home. Mr. Travaglino stated that for as long as he has been there, 18 years, maintenance always took their trucks home. Mr. Hongo hoped that there was a written agreement or some documentation and history saying since Day 1 they had been granted authorization. Then yes, that was past practice and there should be a meeting saying they wanted to move in a different direction. They would have to provide good sound economical reasons as to why it would be in the best interest of everyone involved to change the practice. Management reserved the right to shift gears if it did happen in the past. Mr. Serio stated he could not remember beyond the 18 years, but for that long at least they had been allowed to take the trucks home.

Mr. Serio suggested they could proceed with discussion now and in June the contract was over.

9.9 Discussion Regarding Elementary Instructional Music

Mrs. Kluth stated that 4th graders had always been allowed to take music with instruments and it was given back to the Academy. What was the situation that none of them have it? Mrs. Johnson stated that the 4th graders did not have it. Mr. Serio stated the issue was a zero budget. The principals were asked to prioritize their needs and one of the things that was cut was instrumental music.

There was further discussion on this issue and Mrs. Kluth stated she would like to see it come back. Mr. Serio stated he would too.

9.10 Discussion and Possible Action on Legal Representation

Mr. Palladino stated he had gone over a lot of the bills and history and they were spending a ton of money on legal. He did have the opportunity to speak to another firm that made an offer at a substantially reduced rate. It was something they needed to look at to cut their expenses.

Mr. Scalesse asked if he was talking about Shipman & Goodwin and Mr. Palladino said and the other gentleman. Mr. Serio explained that Shipman & Goodwin was the major firm they used for educational issues and Houston's office served this district for 12 years and currently only had three cases pending. Mr. Serio talked about Shipman & Goodwin's qualities and performance. He stated that Central Office, which included Erica Forti, Mary Acquarulo and Frank Meoli, had worked with them and they would not like to lose this resource. If the Board desired to bring on an additional attorney to handle some of their legal issues, he would like to suggest that was an option for the Board.

Mr. Serio spoke about Shipman & Goodwin and the quick turnaround time for questions they asked them and how Mr. Meoli used them for

personnel issues on a regular basis. Tom Mooney was the most respected educational attorney in the State if not the nation. He hoped the Board would consider letting them continue to use Shipman & Goodwin and also use someone new.

Mr. Pompano spoke about the finances and how they were paying a significant price for the best and biggest. They were paying a lot of money for stuff that did not need to be handled by such an exclusive organization. A lot of districts were using smaller firms. He felt it was beneficial for them to go down somewhat of a different path. In light of the budget situation, maybe it was an opportunity for them to recoup some of this money for some of the things they were taking on.

Mr. Serio hoped the Board would consider the request of Central Office and the Superintendent to retain Shipman & Goodwin and use another attorney at our discretion to save on certain issues.

Mr. Palladino thought that they did not want to spend that much money on all of these firms. He wanted to find a firm to do what had to be done at a reasonable price and reasonable in that field. Overhead equaled billable hours.

Mr. Hennessey felt that the dollars spent on attorneys you can't relate that to the results you get. If you lose a case, it will dwarf his fees. He had been involved once with them and they were very thorough. Mr. Hennessey stated the results of those negotiations were the best they have had since he was here.

Mr. Scalesse did not know Shipman & Goodwin but he knew of Tom Mooney and how he was a much respected lawyer. He had also written the book "Practical Guide to Connecticut School Law" which most of the schools were using. The book was published by C.A.B.E. Mr. Scalesse also spoke about Gary Brochu and how he felt they should continue to retain Shipman & Goodwin at all costs.

Mr. Hennessey stated if they cut them back on using them and only use them when you need them, they won't consider us a priority or a big client. He agreed they did not need a heavy hitter law firm for all things, such as nonsense complaints that anyone can represent them on.

Mr. Meoli spoke about the 14 attorneys that did the education law and how their rates were as low as \$190 an hour. If they called Tom Mooney on something, he would refer them to one of the other attorneys if it was something they could handle. Every one of them was top shelf.

Mr. Hennessey brought to the Board's attention the fact that the Teachers' Contract was coming up in the fall and they would need Shipman & Goodwin with the million dollars and a 5.35% increase this coming year. They would not want to be in the same situation again.

Mr. Palladino asked if they always need an attorney for contract negotiations. Mr. Pompano spoke about the economic downturn and how there were a lot of things in their favor. Teachers don't have the right to strike so it would go to arbitration. They look at the Town's ability to pay and the arbitrator comes back with zero. That had happened more in the last year. They didn't need a \$350 attorney to negotiate that. Arbitrators were giving out hard zeros with no step, no increase.

The attorney they were contemplating bringing to the Board was Luzzi & Dolan. There was some discussion on the accolades of Luzzi & Dolan.

Mrs. Maisano asked how much money they had in the legal account. Mr. Lathrop responded they had \$170,000 and they had gone through approximately \$90,000. A little bit more than half in six months? Correct. Mr. Lathrop explained that there had been one major case that had almost come to a conclusion and they had shelled out \$30,000 in a two-month period. This case had been handled by Durant Nichols. Mr. Lathrop stated he knew Mike Dolan and he could bring to the table some educational decisions. Some negotiations were coming up in three weeks and they should be okay with that legal line in next year's budget of \$150,000 if we execute our MERA contracts.

Mr. Hennessey stated if they felt the attorney was no big deal, they should take it out to bid. They should get four or five different firms to do the best deal. Let's really save money -- at \$190 an hour, maybe they could get less. As long as they have the qualifications, it is simple.

Mrs. Acquarulo just wanted to say the Shipman & Goodwin firm had an expertise in Special Education law which was an animal all of its own. She needed someone who understands Special Ed and speaks up to procedures and laws regarding Special Education when the number one attorney in the State comes up against her.

Mr. Pompano stated they were not saying Shipman & Goodwin could not be used for Special Education matters.

Mrs. Acquarulo spoke about the relationship between the different departments in the firm and how Special Ed has its own life and intermingles with things in discipline and speaking with Special Ed kids. This firm can work that kind of path and she felt they should consider that piece too.

Mrs. Forti felt that Shipman & Goodwin with their insight, expertise and the template used in the Evaluation Plan were priceless. They had also assisted them on some evaluation cases with very, very sound advise that led to our desired outcome. It is very complex when you are dealing with tenured teachers.

Mr. Serio spoke about the different kind of pending cases that each law firm had been handling. They had reduced the overall fees significantly. Mr. Meoli informed the Board that he spoke with them on a daily basis on student discipline issues and gets an answer right then and there. He suggested that perhaps Shipman & Goodwin could handle their certified staff issues and someone else could handle the non-certified staff issues.

Mrs. Maisano asked how many cases Shipman & Goodwin had. They had no cases, just personnel issues that were being processed now and had been going on for months. There was nothing in the courts right now and they would like to keep it from getting to that point. Mrs. Acquarulo stated she also had two Special Ed issues with Shipman & Goodwin.

Mr. Pompano suggested they set up a subcommittee to get some presentations with some feelers on different prices and discuss some options. Mrs. Maisano stated it may be costlier. Mr. Palladino

stated they would put it to subcommittee. They would schedule these. There was no action on this item this evening.

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

- **Marisa Ceneri, Special Ed Paraprofessional @ JMMS**
- **Dana Proto, Special Ed Paraprofessional @ DC Moore School**

10.1.2 School Newsletters

10.1.3 School Enrollment – January 2010

10.1.4 Athletic Dept. Checkbook –Regular Account – November 2009

11. EXECUTIVE SESSION – None.

12. ESTABLISHMENT OF NEXT REGULAR MEETING

THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF EDUCATION – JANUARY 26, 2010 – EAST HAVEN HIGH SCHOOL, 35 WHEELBARROW LANE, EAST HAVEN, CT 06513 at 7:00 p.m.

13. ADJOURNMENT OF REGULAR MEETING

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

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

Meeting adjourned at 10:35 p.m.

RESPECTFULLY SUBMITTED,

**MR. NICHOLAS PALLADINO, CHAIRMAN
EAST HAVEN BOARD OF EDUCATION**