

***THESE MINUTES ARE SUBJECT TO BOARD APPROVAL AT THE NEXT  
REGIONAL SCHOOL DISTRICT NO. 4 Board of Education Regular Meeting  
John Winthrop Middle School Library  
January 8, 2019, 7:00pm,***

A regular meeting of the Regional School District No. 4 Board of Education was held on Tuesday, January 8, 2019 at 7:00pm in the John Winthrop Middle School Library, with the following Board members in attendance:

Trish Brookhart, Jane Cavanaugh, Mario Gioco, Lori Ann Clymas, Rick Daniels and Jennifer Clark as well as Senior Student Representatives Kate Farrell. Absent: Michelle Grow, Kate Sandmann, DG Fitton

Also in attendance:

Assistant Superintendent, Kristina Martineau  
Business Manager Kim Allen;  
Valley Regional Principal Mike Barile  
John Winthrop Interim Principal Charles Macunas  
Director of Facilities: Leigh Rankin  
Board Clerk Kelley Frazier (Substitute)

### **CALL TO ORDER**

Chair Clark called the meeting to order at 7:00 p.m.

### **CONSENT AGENDA**

On motion made by Jane Cavanaugh and seconded by Rick Daniels, the Board **VOTED** to approve the consent agenda consisting of the minutes of the Regular Meeting November 13, 2018, the Special Meeting of December 10, 2018 and the Accounts Payable Report. Abstentions: Jane Cavanaugh.

### **AUDIENCE OF CITIZENS**

Richard Strauss discussed the draft capital plan. He asked the Board to define capital expenditures. He noted that there are things such as carpet which could be paid for in the operating budget. He asked if when posting the agenda, the attachments could be included so the public understands what is being discussed.

Michael Hammond stated that there is a significant omission when submitting the agenda and minutes for the public. He noted that enclosures are never provided to the public. He is concerned that someone may need this information. He suggested that the public have this information so they may participate in a meaningful way during the meetings. He also suggested that if there is an Executive Session, it should state what the issue is that the Board is considering. This is an important governance issue. He asked that minutes from previous meetings should also be included when referenced in the meeting. He noted that two invoices discussed during the December meeting were not included in the enclosures. He stated that Board members should not ask attendees from the public as to why they are attending the meeting. Mr. Hammond submitted a statement to be included in the minutes.

Tracey Lemay suggests that the BOE consider live streaming their meetings so that the public who are unable to attend can watch the meetings.

### **OTHER ITEMS**

#### **Region 4 Student Representatives Report**

Ms. Farrell gave an update on the events happening this winter at the high school.

#### **JWMS Middle School Student Report**

Holden and Mason Soboleski gave the middle school update of events happening this winter.

## **PRINCIPAL UPDATES**

### **Valley Regional High School – Principal, Mike Barile**

#### **General Update – IB Video Presentation**

The video was not shown but an update on the I/B program was discussed. The video is available on the website and members are encouraged to view it. Mr. Barile distributed and discussed a letter from NEASC.

#### **Discussion and Possible VOTE to Accept and Approve Donation Agreement for \$12,995.00 from UTC Aerospace Systems to Regional School District No.4 to Provide for Virtual Reality Equipment and Classroom Content for STEM Focused Programs**

This will provide 4 virtual reality kits, headsets and related components. A Deep River Board of Education member has facilitated this effort. Dr. Clark will write a thank you note to the board member. Discussion ensued regarding having legal review the contract. It was also suggested that the Board approve this sort of application before submission. Dr. Clark noted that this has not been done for previous donations. Discussion continued. Mr. Daniels asked that it be noted in the minutes that he does not approve of the Superintendent's comments of his opinion.

Upon a motion made by Rick Daniels and seconded by Jane Cavanaugh the Region 4 Board of Education unanimously **VOTED** to accept and approve the donation agreement for \$12,995.00 from UTC Aerospace Systems to Regional School District No.4 to Provide for Virtual Reality Equipment and classroom content for STEM focused programs.

#### **Discussion and possible VOTE on Donation of Old Computers to Old Lyme Historical Society**

A previous Valley teacher has asked for a donation of old computers which could be used by the Historical Society of Old Lyme. All computers would be erased before donation. Ms. Cavanaugh asked if one of our three towns might want a similar donation. Mr. Barile will contact the three towns to see if there is interest.

Upon a motion made by Rick Daniels and seconded by Jane Cavanaugh the Region 4 Board of Education unanimously **VOTED** to approve the donation of two old computers to Old Lyme Historical Society.

### **John Winthrop Middle School – Interim Principal, Charlie Macunas**

#### **General Update**

Mr. Marcunas was welcomed as the interim principal. He discussed getting acclimated to the school and the events occurring.

#### **Region 4 Facilities Update – Region 4 Director of Facilities – Leigh Rankin**

Most projects will take place in the summer months. Capital items are defined as something affixed to the building. The terms and definition should be addressed. Ms. Rankin noted that this is a "living" document and will be modified with further discussion. Mr. Daniels recommends replacing the roof before 2024 and delaying paving. The Board will review and discuss this plan in the budget meetings. A prioritization of projects for this summer will be done.

#### **Discussion and Possible VOTE to Approve the 5 Year Capital Plan as recommended by the Region 4 Grounds and Buildings Maintenance and Oversight Committee to move forward to Budget Workshops.**

This was delayed.

## **REPORTS**

### **Financial Status Updates**

Business Manager Kim Allen reviewed the financial status report and cafeteria updates. There is a surplus expected at the end of the year. The bid for transportation, legal and insurance contracts are being worked on. Mr. Daniels requested a copy of the RFP and the bids. Ms. Clymas volunteered to be on the insurance committee. Bids should be submitted and reviewed before the public hearing occurs. Updates to the Board should be done monthly. Email Dr. Clark if interested in being on one of the bid committees.

Ms. Allen discussed the cafeteria financial reporting.

**Possible VOTED to approve request for transfer of funds.**

Ms. Allen discussed the transfers.

Upon a motion made by Rick Daniels and seconded by Jane Cavanaugh the Regional 4 Board of Education unanimously **VOTED** to approve the transfers as discussed by Ms. Allen.

**Discussion and Possible VOTE to Approve the 5 Year Capital Plan as recommended by the Region 4 Grounds and Buildings Maintenance and Oversight Committee to move forward to Budget Workshops.**

Previously discussed.

**Committee Reports**

Finance - Next Meeting is January 29<sup>th</sup>. Policies were approved at the last meeting and sent to the Policy Committee.

Curriculum – Next Meeting is January 29<sup>th</sup>. Math curriculum in 7<sup>th</sup> and 8<sup>th</sup> grade were discussed.

Policy – Next Meeting January 28<sup>th</sup>.

**OTHER COMMITTEE REPORTS**

**Supervision District Committee Update**

There were two budget workshops. An update of what was discussed was given by Dr. Clark. Billing with declining enrollment will be discussed in the Budget Workshop.

**Joint Ad Hoc School Security Advisory Committee**

All schools have been prioritized as to their security needs. Additional training will be done because philosophy is changing on what action to take.

**SUPERINTENDENT’S REPORT**

**District Update**

**Critical and Creative Problem Solving**

Budgets for all schools are being worked on. The finalized copy of the cohort graduation rate for last year was discussed. There was a 98%, 4 year graduation rate. Dr. Levy thanked the Board for their support and resources they have provided

**Information and Communication**

**Discussion Regarding Any Pending Policies – Standing Item**

Policies were discussed.

#5141.4 Students – Reporting Suspected Abuse

#5131.81 Students – Use of Private Technology

#3323 Business – Soliciting Prices

**Assistant Superintendent’s Report**

**General Update**

Ms. Martineau gave a brief update. K-12 standards are being reviewed in content areas.

**PUBLIC COMMENT**

Jim Carey discussed the litigation with the school he was involved in regarding FOI. The school never contacted him to discuss his concerns. Administration was not present at any of the hearings. He is glad that the legal contract is going out for bid. A discussion should be done with CABA as to what the law firm’s role is. He also thanked Ms. Rankin for developing a 5 year Capital Plan.

Ms. Clymas noted that a person may come to a Board of Education meeting if there is a FOI issue so that the Board is aware. The Board is open to the public and welcome their questions and comments.

Michael Hammond noted that CAFE provided him with a book giving guidance on FOI requests. He stated that transparency is important. He asked that the Board not lose the trust of the community. Be responsible so there is no room for misunderstanding.

Upon a motion made by Jane Cavanaugh and seconded by Lori Clymas, the Region 4 Board of Education unanimously **VOTED** to add an agenda item to discuss including enclosures with the agenda and minutes.  
Discussion ensued.

Upon a motion made by Jane Cavanaugh and seconded by Rick Daniels, the Region 4 Board of Education unanimously **VOTED** to include all enclosures for the agenda and minutes.

Phillip Schaller discussed the 5 Year plan. He said that there are so many items to be completed in five years that it some items may need to be delayed.

Richard Strauss discussed disposal of property of the district. The Finance Committee is reviewing this. He then discussed the capital plan. There are other ways to fund items. Capital expenditures may be placed in the operating budget. You can also fund from the capital reserve fund. It is important to inform the community. There are also state statutes which need to be followed. Prioritization of projects must happen. He feels there is still much work to be done. This proposal must be sold to the Board of Finance and Board of Selectmen. He addressed concern regarding process and schedule for the items going out for bid. The Administration should provide a schedule and an update needs to occur.

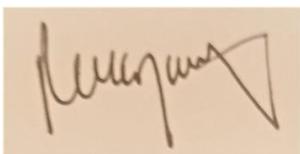
#### **FUTURE AGENDA ITEMS**

- Next Joint BOE meeting February 21, 2019 at 7:00pm
- Next Region 4 BOE Meeting is March 7, 2019
- Region 4 BOE Budget Workshops Jan 23<sup>rd</sup>, Feb 5, 2019 at 7:00pm in CO
- Vote on Non-Renewals(Mar)
- BOE and Community Input for 2019-20(on going)

#### **ADJOURNMENT**

On motion duly made and seconded the Board unanimously **VOTED** to adjourn at 8:59p.m.

Respectfully Submitted,

A handwritten signature in black ink on a light brown background. The signature is cursive and appears to read "Rick Daniels".

Rick Daniels, Secretary  
(Kelley Frazier, Substitute Clerk)

To: Region 4 Board of Education  
From: Michael Hammond, Essex, CT  
Date: January 8, 2018  
Re: Concerns about openness of R4 BOE administrative governance

Based on a review of the recent agendas and minutes of the Region 4 BOE (the “Board”), I am concerned that the Board’s administrative governance as currently practiced cuts this Board off from constructive input from members of the public and violates the spirit (if not also the letter of) Connecticut’s open government laws. The reasons for this are as follows:

1. Enclosures referred to in agendas and minutes not posted to the District’s website.
  - a. Published agendas generally do not provide members of the public with specific information about items to be considered or background information that will be discussed at Board meetings. This deprives members of the public of a meaningful voice on matters by not including all (or even any) of the enclosures/attachments in the posted agenda. For example, if as a member of the public, I have a perspective on one of the policies that you plan to consider tonight, I have no way to review in advance the policies that are being considered by this Board. Even if you hand them out contemporaneously with your discussion, that means that you will have voted on them without any possibility of comment from the public by the time the second audience of citizens is held.
  - b. In addition, members of the public are not adequately made aware of the actions of this Board because enclosures are also not included with the minutes either.
  - c. Beware: any action you take can potentially be set aside by the FOIC if a member of the public is aggrieved by a decision made without proper notice.
  
2. Agenda items for executive sessions must be stated specifically.
  - a. Under the FOIA, it is not enough to simply state “legal matter” or “litigation” or “personnel matter” or “student matter”. Although there is no requirement to list individuals by name, the Board must list the type of matter and role of the persons who are the subject of the executive session.
  - b. For example, the public would not learn from the Agenda of the Special Meeting Held on December 10, 2018 what was being considered under the topic: “Update –Student Matter”.
  - c. In addition, for your meeting on November 13, 2018, your agenda stated, without further explanation and without any indication that a vote would be taken. “5.2 Executive Session ...Legal Matter – update on pending claim. However, the Board’s minutes state that “On motion duly made and seconded, the Board VOTED (5 Yes / 2 No - M. Gioco, R. Daniels / 1 Abstain - T. Brookhart = MOTION PASSED) to proceed with the FOIA appeal and to contact CABA regarding their willingness to help fund the appeal.” The public might rightfully ask: What FOIA appeal? What is the

expense associated with this? What information is being disclosed or withheld from the public? Whose interests are being protected? Was the executive session held to evaluate written advice from counsel? Was this a valid executive session? Why does the Board need outside funding if this is a matter within the interest of the region? Is this a test case?

3. To go into executive session, there must be a specific statutory basis for conducting business outside the view of the public. It is not apparent from either of the foregoing examples that the Board relied on a sufficient statutory exception from the state's open meeting requirements.
4. The Board's minutes often do not state with sufficient specificity items covered at the meeting. Minutes do not need to be verbatim recitations of the discussions at meetings; however, minutes must state: (1) who was present at the meeting; (2) the text of all motions and resolutions voted on at the meeting and must state who voted and how they voted; (3) if there is executive session the reason for the executive session; (4) the names of persons present in executive session (including the names of staff) along with times that the agency (and those persons) entered into and exited executive session; (5) the time that meeting was convened and adjourned; (6) the location of the meeting and (7) a general description of the items from the agenda that were discussed at the meeting.
5. For transparency, the agendas and minutes of meetings of this Board convened within a meeting of the Joint BOE should be noted or cross-referenced on the Region 4 Board web page. This would be a great service to members of the public who may think that the Joint Board is a separate entity entirely.
  - a. This Board met on December 3, 2018 at the end of the Joint Board meeting. Unless the members of the public also read the Joint Board agendas and minutes or showed up at the meeting, they would not know that the Board voted to spend \$13,844.22 to monitor an underground storage tank, for instance, or that a transfer of funds between accounts.
  - b. If members of the public were interested in this topic, however, they would not know this because agenda item buried in the Joint BOE agenda only states that "Discussion and possible VOTE to approve payment from the capital reserve fund for invoices #2018201\_#2018214 received Nov. 15, 2018 from Advanced Environmental Interface, Inc. for work associated with mandated heating oil tank removal." Also the minutes make reference to an Encl. 8, which is attached to neither the agenda nor the minutes.
6. Board members may not ask members of the public why they are at a meeting or require that they identify themselves. At a recent meeting, I was asked by a member of a Board what my "interest" was in attending. While at the time I

treated this as an attempt at a social overture (or perhaps a “foot fault” under the FOI laws), the Board members should be mindful that members of the public have a right to attend meetings without having to justify their presence.

Openness is in the best interests of the school system when the Board and members of the public are fully informed, officials and personnel can be held accountable for their actions, and the public can engage in informed debate.