

**Regular Meeting Minutes  
Fairfield BoE, January 13, 2015**

**NOTICE: A full meeting recording can be obtained from Fairfield Public Schools. Please call 203-255-8371 for more information and/or see the FPS website (under Board Meeting Minutes) for a link to FAIRTV.**

*Call to Order of the Regular Meeting of the Board of Education and Roll Call*

Chairman Philip Dwyer called the Regular meeting to order at 7:35PM. Present were members Eileen Liu-McCormack, John Convertito, Donna Karnal, Jessica Gerber, Philip Dwyer, Paul Fattibene, Jennifer Maxon-Kennelly, John Llewellyn and Marc Patten (arrived 8:15PM). Others present were Superintendent David Title, members of the Central Office Leadership Team, student representatives Tyler Shuster (FWHS), Max Kutsch and Suzanne Finnerty (FLHS) as well as approximately 100 members of the public.

*Student Reports*

Mr. Kutsch and Ms. Finnerty reported for Fairfield Ludlowe High School: Prospective college students are receiving regular decisions, internship deadlines are approaching, mid-terms begin this week, Ms. Meyers' reindeer-themed door won the door decorating contest, the Cheerleaders won the State championship, the JV Fencing Team won a tournament, and the annual PE class round robin volleyball tournament is in the works.

Mr. Shuster reported for Fairfield Warde High School: Girls Basketball is undefeated, Wrestling won the recent Warde Invitational Tournament, 31 music students were selected to participate in the Western CT Music Festival, 3 choral students were selected to participate in the All-Eastern Choral Festival in Providence RI, Food Service students prepared an Operation Hope meal last week, information sessions are being held for incoming 9<sup>th</sup> graders and mid-terms begin this week.

Mr. Fattibene asked which colleges or universities seem to be the most popular this year. The students said UCONN, Madison, Fordham, Boston University, and University of Michigan.

Mr. Convertito asked for thoughts on the Food Services Program; the students said that there is an improvement in the variety offered.

*Public Comments*

Brian Haberly, Fairfield Resident: By-Law amendments.  
Ellen Jacob, RTM District 9: By-Law amendments.  
Trudy Durell, Fairfield resident (on behalf of daughter Stacy Durell): Holland Hill renovation.  
Jan Reber, Beaumont Street: By-Law amendments.  
Tricia Donovan, Fairfield resident: By-Law amendment and statutory requirements.  
Suzy Byrne, Fairfield resident: By-Law amendment and public petitions.  
Bob Smoler: By-Law amendment.  
Kelly Jacobson, Fairfield resident: By-Law amendments.  
Nancy Haberly, Fairfield resident: Room temperature at Riverfield.  
Lauren O'Brien, RTM district 5: Budget vote and Board responsibilities.  
Amy Mezoff, Fairfield resident: Public trust in elected Boards.  
Tom, Northwood Road: Board meetings.  
Christina Marson, Fairfield resident: Educational file consistency.  
Kelly McWhinnie, Fairfield resident: By-law amendments.  
Lisa Davy, District 8: Educational records, By-Law amendments.  
Dawn Llewellyn, Fairfield resident: By-Law amendments.  
Jen Jacobsen, Victoria Court: Educational records, data use.

Christine Vitale, Verna Hill Road: By-Law amendment.  
Suzanne Miska, Ryegate Road: Historical data on FPS website.

<i>Presentations</i>
----------------------

*Food Services – Whitsons*

Ms. Munsell welcomed members of Whitsons Food Services including Vice President John Gersbeck, District Manager Lisa Evitts-DePaolo, Director Luiza Emery and Executive Chef Joe Stango. An update was given on transitions, certification training, meals served, promotions, and the new breakfast program.

Mr. Patten was impressed with most of the numbers but asked about the declining trend in 2 middle schools. Ms. DePaolo stated that Tomlinson had a change in staff that could be affecting the numbers, and she hopes that the advisory board can help with ideas for Fairfield Woods Middle School.

Mr. Fattibene asked for clarification on the spreadsheet and was told a la carte does not count as a full meal.

Mrs. Liu-McCormack asked about soup offerings, recycling wasted fruit, and premium cost meals; Mr. Gersbeck said that the sodium content in soup has been an issue with regards to the Healthy Hunger-free Kids Act; Whitsons may not reuse food once it leaves the lunch line but some districts have a 'share table' for unwanted wrapped food items. Ms. Evitts-DePaolo explained that the elementary level has only one meal price, but the secondary schools have multiple deluxe options.

Mr. Llewellyn asked how food services will be worked in to the budget and also asked about catering. Ms. Munsell said Food Services still has its own separate fund, there is a guarantee of \$170,000 profit in the first year. The catering for the freshman picnic was funded out of the high school budget and the catering for the staff holiday lunch was funded by administrators.

Mrs. Maxon-Kennelly asked about the staff feedback; Whitsons receives daily feedback.

Mr. Convertito asked about the breakfast program and was told it is offered in Tomlinson, Holland Hill, and McKinley and Fairfield Warde; it will be offered next in Fairfield Ludlowe, Fairfield Woods and Roger Ludlowe.

Ms. Karnal asked if milk was mandatory and was told no.

Mr. Dwyer looks forward to sampling some food at a future meeting.

*Fairfield Ludlowe High School Building Committee Update*

Mr. Donald gave an update; additional funds will be requested for Phase 3 which includes window replacement and PCB remediation; bids will likely be returned by the end of February.

Mr. Llewellyn asked about remaining monies from Phases I and II. Mr. Donald said less than \$25,000 remains.

*Osborn Hill Building Committee Update*

Ms. Marshall gave an update; windows and doors at southern end of school and main floors were addressed this past summer with the balance to be completed this summer; it is anticipated that the gymnasium will be completed at the end of March but there have been unforeseen additional costs with abatement work for PCBs and asbestos and the HVAC unit location in the media center. A separate cost for the connecting corridor is an additional \$471,000. Additional funding will be requested of the Town Bodies.

Mr. Llewellyn asked about the increase in the final numbers on the handout. Ms. Marshall said the increase was due to the location of the mechanical unit in the media center.

Mr. Dwyer noted that it is the Board's intention to maintain the waterfall chart in order to better manage capital expenses.

*Presentation of the Superintendent's Proposed Budget*

Dr. Title presented the Superintendent's proposed budget for 2015-2016 at \$160,848,061, a difference of 3.29% from last year. Three budget categories account for the increase: Salaries, Benefits, and Operations/Maintenance/Transportation. The budget drivers are health insurance, salary increases, program

enhancements, gas/electric rate increases and contract increases. The overview included instructional program highlights, system enhancements, scores and trends, historical data, and budget priorities.

Mr. Dwyer outlined the budget hearing process.

Mrs. Maxon-Kennelly asked about the organization of the budget book and was told it is the same format; she also thanked the staff for the comprehensive work.

Mr. Patten asked about budget drivers, energy costs and transportation. Dr. Title said the Town's energy needs are in one group and the Purchasing Department locks in rates.

Mrs. Liu-McCormack asked about slide 5 of the presentation, iReady, and the Dyslexia Mandate. She also asked that pupil expenditures be compared with DRG B and DRG A, and would like to better understand teacher retirement information.

<i>Old Business</i>
---------------------

*Approval of BOE Capital Non-Recurring Projects 2015-2016*

Mrs. Gerber moved, Mr. Patten seconded the recommended motion that the Board of Education approve the BOE Capital Non-Recurring Projects for 2015-2016.

Dr. Title spoke to the security aspect of the projects and thanked Chief MacNamara. He also mentioned that some details cannot be discussed. Chief MacNamara mentioned the security infrastructure plan and said that personnel training and procedures were implemented last year.

Ms. Karnal asked if the turf needed to be replaced due to safety or wear and was told both.

Mrs. Gerber asked about the window film for security in all the buildings and Chief MacNamara said that any design going forward should incorporate window security.

Mr. Convertito asked about security mandates and whether all classroom doors can be locked from the inside. Mr. Cullen said all classroom doors can be locked from the inside.

Mr. Fattibene expressed concern regarding the visitor management system and the inconvenience it causes the public. Chief MacNamara responded that security is a balancing act in this regard.

Mrs. Liu-McCormack mentioned that Sandy Hook had a good security program in place, she advised against implementing security measures due to a knee-jerk reaction, and asked whether risks are mostly internal or external, Chief MacNamara said that improved responses can be achieved by studying past events; the FBI reports that school violence is on the uptick due to a combination of internal and external predators, depending on age group and other factors; there are steps that can be taken to make school safer.

Mr. Llewellyn asked about access to the visitor management system and was told this is confidential.

Mr. Dwyer said confidential security matters could be discussed in Executive Session.

*Public Comment:*

Suzanne Miska, Ryegate Road: Turf field and safe school climate.

Matt Hutzemann, Pansy Road: Parent access to school.

Mr. Fattibene expressed concern regarding the friendliness of schools; parents are entitled to be a part of the public school system. Dr. Title said this is an ongoing discussion with all levels including the PTA.

Mrs. Maxon-Kennelly mentioned the mental health component and internal risks.

Mrs. Liu-McCormack said she was not convinced that these security measures would stop bad events and advocated for early intervention methods instead.

**Motion Passed: 6-1-2**

Favor: Mr. Fattibene, Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten

Oppose: Ms. Karnal

Abstain: Mrs. Liu-McCormack, Mr. Llewellyn

<i>New Business</i>
---------------------

Mr. Llewellyn moved, Mrs. Liu-McCormack seconded, to move the approval of item 7C to in front of item 7A.

Mr. Llewellyn said the intent of the motion is to have item 7c apply to all By-Laws under consideration; he also questioned whether the agenda and the revised agenda had been forwarded to Board officers for review.

Mr. Dwyer reminded the Board that the 2/3 vote regarding By-Laws was presented last year; the agenda was forwarded to Board officers for review.

Mr. Patten disagreed with changing the order on the agenda and insisted that his proposed By-Law amendment remain third.

Mrs. Liu-McCormack said the order should be changed so as to keep the order of submission, from the previous year's submission; the intent is to prevent a small minority from controlling the By-Laws.

Mr. Convertito requested a point of order on the debate.

At 10:55PM, Mr. Convertito moved, Mrs. Gerber seconded to suspend the rules to extend the meeting.

**Motion Passed: 6-3**

Favor: Mr. Fattibene, Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten

Oppose: Mrs. Liu-McCormack, Ms. Karnal, Mr. Llewellyn

Mr. Fattibene said he was inclined to support the motion to ensure the Board would act in unity.

Mr. Llewellyn asked to move this forward.

Mr. Patten mentioned that several Board members who previously wanted a simple majority for their own proposed By-Law amendments now want the exact opposite.

Ms. Karnal questioned Roberts Rules regarding changing the order of an agenda item.

Mr. Fattibene said Roberts Rules requires 2/3 vote.

Mr. Dwyer confirmed, per Dickman's Traffic Lights of Parliamentary Procedure, that 2/3 vote is required to move an agenda item.

**Motion Failed: 4-5**

Favor: Mrs. Liu-McCormack, Mr. Fattibene, Ms. Karnal, Mr. Llewellyn

Oppose: Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten

*Approval of By-Law Amendment: Article 1, Section 2*

Mr. Convertito moved, Mrs. Maxon-Kennelly seconded the recommended motion that the Board of Education approve the By-Law amendment to Article I, Section 2, per Enclosure No. 2.

Mr. Convertito said staff is inundated with requests, and subsequently provides reports that the public never sees. Board members may still request readily available data; this motion will ensure the Board works as a team.

Mr. Llewellyn questioned limiting subjects and asked about the data request process.

Mr. Patten supports the motion with the exception of the last few words in #1. He also said that asking for consensus, without a formal vote, is very common.

Mrs. Liu-McCormack felt the motion sabotaged the code of ethics and asked whether it was a democracy if a majority can squash the minority.

Mr. Fattibene disagreed with the amendment and said it is important to have the ability to request information.

Mrs. Maxon-Kennelly supports the motion and said there is a lack of trust and agrees that there must be a lot of latitude; the public is unaware of past abuses; it is not the Board's job to do the district's staff job.

Ms. Karnal said Point #1 is vague and she might need to receive information differently due to her dyslexia and the motion may be discriminatory against her.

Mr. Convertito said the motion does not include anything that quantifies the type of data.

Mrs. Gerber said some Board members distrust Dr. Title and ask, and receive, a tremendous amount of information.

Taxpayers may not be aware of the amount of requests made by some members of the Board; it becomes problematic when the requests interfere with staff time and become burdensome.

Mr. Llewellyn suggested that 2 Board members should be enough to request data rather than the entire Board. He also mentioned an issue with searching and finding historical data on the new FPS website, and recommended the old website be reinstated. He said a standing monthly report to track progress was not in place last year.

Mr. Dwyer said a monthly financial update was given last year, including 3 Executive Sessions to discuss detail; any changes to the policy regarding quarterly reporting should be formally requested to the policy committee.

Dr. Title said that the new website was enhanced to provide more information, not less. Ms. Byrnes said the archived data on the BOE page goes back to 2009; initially some links were not working properly after the conversion, these have been repaired; she welcomes comments.

Mr. Convertito did not see a need for checks and balances with fellow team members. The mere suggestion by Mr. Llewellyn of an adversarial split between the Board and Superintendent is why this change is needed.

Mr. Patten made a friendly amendment to change B.1. to read "Request information and data gathered by District staff that helps the Board members make better-informed decisions." The Board accepted the amendment.

Mrs. Maxon-Kennelly felt the Board should work as a team; there has been tremendous abuse with Board requests. Staff should not be treated as personal research assistants to investigate information unrelated to student achievement.

Ms. Karnal said she was unclear how 'readily available' will be measured.

Mrs. Liu-McCormack said #2 does not provide any improved governance; #3 conflicts with the Code of Conduct; the minority voice should be heard; she sees very few requests and asked Board members to copy each other on all requests. The district is under no obligation to respond and there is no requirement to do so.

Mr. Dwyer supports the motion and supports the fundamental concept to operate as a Board.

Mrs. Gerber said the CAFE Code of Ethics enforces the chain of command for issues within a school; and the Board should be involved as a last resort if administrative solutions fail.

Mrs. Liu-McCormack agreed, but public has the right to address the Board if that does happen.

Mr. Llewellyn asked if Mr. Convertito would accept a data request if made by 3 Board members and was told no; he also asked for clarification on 'readily available'.

Mr. Convertito responded that readily available data can be assembled in a timely fashion without redirecting staff time. Dr. Title added that he and his staff do everything possible to respond in a timely manner to Board questions; but seemingly simple requests can be more complicated than they appear.

Mr. Dwyer said a unanimous consensus would be used to determine Board requests for information; Mr. Fattibene felt this compromises his rights.

Mr. Patten asked to move forward to public comment on the vote.

Mr. Dwyer said the public does not comment on administrative matters.

Mr. Fattibene moved, Mr. Llewellyn seconded to challenge the ruling of the Chair, and allow public comment to take place on all voting items.

Mr. Fattibene and Mr. Llewellyn said that administrative matters are not precluded from public comment.

Mr. Dwyer said past practice precluded administrative matters from public comment.

**Motion Passed: 5-4**

Favor: Mrs. Liu-McCormack, Mr. Fattibene, Ms. Karnal, Mr. Convertito, Mr. Llewellyn

Oppose: Mrs. Gerber, Mr. Dwyer, Mrs. Maxon-Kennelly, Mr. Patten

*Public Comment:*

Jan Reber, Beaumont Street: Opposes amendment.

Bud Morten, Sasco Hill Road: Cost of providing data.

**Motion as amended Passed: 5-4**

Favor: Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten

Oppose: Mrs. Liu-McCormack, Mr. Fattibene, Ms. Karnal, Mr. Llewellyn

*Approval of By-Law Amendment: Article V, Section 6*

Mr. Dwyer moved, Mr. Patten seconded the recommended motion that the Board of Education approve the By-Law amendment to Article V, Section 6, per Enclosure No. 3.

Mr. Dwyer asked Mr. Convertito to manage the conversation. This amendment addresses the fundamental concern of protecting the interest of the staff; 2 minutes is not enough time. After receiving a letter from the ACLU, a revised By-Law amendment was prepared.

Mr. Patten supports this amendment and stressed that this does not preclude the public from alerting the Board via email or other means.

Mrs. Liu-McCormack supports A1 but not A2.

Mrs. Liu-McCormack moved, Ms. Karnal seconded to amend Article V, Section 6 by striking A. 2 and inserting the new A.2, which will read "The agenda of Board meetings shall also include an item for public comments and petitions regarding any topic or issue germane to the operation of the School District."

Mr. Llewellyn confirmed that this is not in opposition to the first paragraph and supports the amendment.

Ms. Karnal felt district staff would get more emails as a result of the motion and supports the amendment.

Mr. Convertito explained that open public comment may not be restricted in any way; he supports the amendment despite past abuses. He also explained that petitions to the BOE can be delivered through proper channels.

Mrs. Liu-McCormack said that Open Public Comment does not solve the issue regarding comments re personnel; the public has the right to bring petitions before the Board and she recommended a warning policy to alleviate any concern regarding conduct.

Mr. Dwyer learned at the CABE conference that the Chair may not limit the content of any speaker during open public comment, but could control a limited forum public comment speaker when public comment is limited to agenda items.

Mr. Fattibene supports the amendment and feels the rights of the public are being eroded; and disagrees with the Chair in his interpretation of the first amendment and the suppression of public comment.

Mrs. Gerber said there is no obligation to have open public comment and it has been used in the past by some speakers to embarrass staff and give factually incorrect information.

Mrs. Maxon-Kennelly said open public comment has been used erroneously in the past; some speakers have made false and accusatory statements that the Board and staff could not respond to; the BOF and BOS and RTM do not have open public comment.

Mr. Patten agrees with Mrs. Maxon-Kennelly; he would rather see the amendment withdrawn and the motion re-written.

*Public Comment*

Kelly Jacobson, Southport Resident: Family school partnership.

Dawn Llewellyn, Fairfield Resident: Public comment.

Jan Reber, Beaumont Street: Free speech.  
Trudi Durell, Fairfield Resident: Public comment.  
Tricia Donovan, Fairfield Resident: Supports new language.

Mr. Patten requested the amendment be withdrawn. Unanimous consent was not given.  
Mr. Llewellyn said the benefit is the 3 minute rule.  
Mrs. Gerber said language regarding non-voting items is removed without #2.

**Motion Failed 4-5**

Favor: Mrs. Liu-McCormack, Mr. Fattibene, Ms. Karnal, Mr. Llewellyn  
Oppose: Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten

Mr. Fattibene moved, Mrs. Gerber seconded, to table the motion.

Mr. Convertito said a tabled motion expires at the end of the next business meeting.  
Mrs. Gerber withdrew her second.  
Ms. Karnal seconded the motion.

**Motion Failed 2-7**

Favor: Mr. Fattibene, Ms. Karnal  
Oppose: Mrs. Liu-McCormack, Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten, Mr. Llewellyn

**Main Motion Passed 5-4**

Favor: Mrs. Gerber, Mr. Dwyer, Mr. Convertito, Mrs. Maxon-Kennelly, Mr. Patten  
Oppose: Mrs. Liu-McCormack, Mr. Fattibene, Ms. Karnal, Mr. Llewellyn

<i>Adjournment</i>
--------------------

Mr. Llewellyn moved, Ms. Karnal seconded the recommended motion that this Regular Meeting of the Board of Education adjourn.

**Motion Passed 9-0**

Meeting adjourned at 1:50 AM.

*Respectfully Submitted by*  
*Jessica Gerber*  
*Fairfield Board of Education*  
*Secretary*