

The Regular Meeting of the Regional School District 14 Board of Education was held Monday, July 6, 2015 at Bethlehem Elementary School, 92 East Street, Bethlehem, Connecticut.

Present: Board members George Bauer, Carol Ann Brown, John Chapman, Charles Cosgriff, Michael Devine, Janet Morgan, Maryanne Van Aken, and Pamela Zmek; Superintendent Anna Cutaia-Leonard, Ed.D., Director of Finance and Operations Wayne McAllister, Director of Special Services Christina Fensore, Director of Teaching and Learning Michael Rafferty, Director of Human Resources Kimberly Culkin, Board Clerk Deb Carlton, one member of the press and three members of the community.

### **1. Call to Order**

Dr. Cutaia-Leonard called the meeting to order at 7:30 pm.

### **2. Pledge of Allegiance**

Dr. Cutaia-Leonard led the Pledge of Allegiance.

### **3. Election of Board Chairperson**

Dr. Cutaia-Leonard opened the floor for nominations for the office of Board Chairperson. Ms. Van Aken nominated Mr. Bauer and Ms. Morgan seconded the motion. Hearing no further nominations, Dr. Cutaia-Leonard closed the floor and put to a vote the election of Mr. Bauer to serve as Board Chairman. Vote: 8-0 in favor.

### **4. Election of Board Officers**

Mr. Bauer opened the floor for nominations for the office of Board Vice Chairperson. Mr. Chapman nominated Ms. Van Aken and Ms. Brown seconded the nomination. Hearing no further nominations, Mr. Bauer closed the floor and put to a vote the election of Ms. Van Aken to serve as Board Vice Chairperson. Vote: 8-0 in favor.

Mr. Bauer opened the floor for nominations for the office of Board Secretary. Mr. Bauer nominated Ms. Brown and Mr. Cosgriff seconded the nomination. Hearing no further nominations, Mr. Bauer closed the floor and put to a vote the election of Ms. Brown to serve as Board Secretary. Vote: 8-0 in favor.

Mr. Bauer opened the floor for nominations for the office of Board Treasurer. Mr. Cosgriff nominated Mr. Devine and Ms. Morgan seconded the nomination. Hearing no further nominations, Mr. Bauer closed the floor and put to a vote the election of Mr. Devine to serve as Board Treasurer. Vote: 8-0 in favor.

Mr. Bauer opened the floor for nominations for the office of Board Assistant Secretary/Treasurer. Ms. Van Aken nominated Mr. Cosgriff and Mr. Bauer seconded the nomination. Hearing no further nominations, Mr. Bauer closed the floor and put to a vote the election of Mr. Cosgriff to serve as Board Assistant Secretary/Treasurer. Vote: 8-0 in favor.

### **5. Board Appointments**

Mr. Bauer requested a *motion to appoint the law firm of Pullman and Comley, LLC as Board legal counsel*. Mr. Cosgriff entered the motion, seconded by Ms. Van Aken. Mr. Bauer recognized Bob Kolesnik for his interest in serving as Board counsel, said he respects his capabilities, and would use him personally. He also spoke of his experience working with Pullman and Comley, specifically with Attorneys Mark Sommaruga, Bill Connon, and Susan Scott. He has found their work to be outstanding. Pullman and Comley is one of the premier firms in educational law in the state, and he recommends staying with them.

Dr. Cutaia-Leonard also spoke of areas where Pullman and Comley has offered excellent service to the district. Their attorneys provide special opinions based on immediate issues faced by the administration, provide guidance in protecting the district from potential litigation, advise us on school safety and volunteers and service providers like DCF. The firm provides in-service education, legislative services by giving updates on state and federal laws affecting schools/districts, and updates on state BoE regulations. They are valuable in the area of staff/student relations, and provide guidance on topics such as teacher and administrator evaluation, employee rights, non-renewals and terminations, unions and collective bargaining, staff attendance and leaves, student discipline, and staff/student records. In the area of policy, the firm has assisted in the

development and revision of BoE policies, interpretation and implementation of policy, bid requirements, procedures and contracts, use of facilities, and Fol. There are plans to have them assist in the development of administrative regulations. She cited attributes of our current counsel: they are responsive and available, with good follow through; work well with the administration and are a "good fit;" ask multiple questions to best understand a problem as well as the administration's goal for resolving it; are good communicators; and provide options and realistic advice.

Dr. Cutaia-Leonard spoke of the firm's school law experience: eight of their attorneys represent the School Law practice, with the following areas of focus: school law, labor matters (negotiations, mediation, arbitration, litigation), regulatory claims, federal privacy laws, contractual and litigation issues with vendors, school construction, real estate litigation, union issues and health care issues. As for the firm's professional affiliations, all attorneys in the school law practice are members of the Connecticut Council of School Attorneys, and two members are past presidents of that organization. All attorneys are members of the NSBA Council of School Attorneys. All are members of the CBA's Education Law Committee, and one is the current Chairman of the Hartford County Bar Association Education Committee. She recommended continuing the current relationship with Pullman and Comley.

Mr. McAllister also reported on his nearly three decades of experience with the principals of the firm, during which he has found them to be nothing short of professional at all times. He provided figures on legal fees associated with the two lawsuits filed against the district. The total for both suits, through June 2015, is \$159,635.20 with the Litchfield declaratory judgment costing \$19,864.26 and the Waterbury case \$139,770.94. The 2014-15 total for Pullman and Comley's legal fees was \$109,572, but it was noted that \$52,122 of this number represents fees for defending the referendum challenge. For the same 2014-15 fiscal year, fees paid to Shipman and Goodwin, primarily for special education matters, was \$88,060 and to other special education attorneys, \$75,000.

Mr. Chapman reviewed how the Litchfield case came about, as a way to protect the district moving forward with the building project and subsequent state reimbursement.

Ms. Zmek said she would need more time to review the hand outs and updates on fees. She reminded the board that 5 years ago she said she felt the district's legal fees were too high. This year, there is the opportunity to look at a different kind of representation, to look locally. She suggested the board interview Mr. Kolesnik and wondered if board members had looked at his proposal, and/or called him with any questions. She believes legal counsel should have a relationship with the full board, and not just the chair.

Ms. Van Aken indicated she had read Mr. Kolesnik's proposal, but having worked with Bill Connon on negotiations, where he saved the district significant money, she wouldn't trade his firm for anything. She disagrees with the full board having contact with the attorneys, feeling that should be limited to the chair and the administration. She wants the district leadership to be comfortable with the attorneys they work with; if there is no problem, there is no reason to change. She said did not call Mr. Kolesnik because she didn't feel it was her place to do so.

Ms. Morgan notified the board she would be abstaining from voting because she has used Mr. Kolesnik personally. The board was asked whether anyone else had reason to recuse from voting on board legal counsel; no one did.

Mr. Cosgriff agreed that Pullman and Comley are valuable in the area of negotiations.

Ms. Brown noted that Mr. Kolesnik prevailed over Mr. Sommaruga in the reconfiguration lawsuit.

Mr. Chapman said that he felt it was odd that the board was being asked to consider an unsolicited proposal for services. If the opinion was that a change in legal counsel was needed, it would begin with the Superintendent and there would be a process to follow. No need has been presented, and he is not sure why the board is considering a change based on an unsolicited proposal and no evidence that we can do better. He also stressed we are awaiting a Supreme Court decision very soon. He commended Mr. Sommaruga and felt it reflected a level of respect for him as an attorney that he was able to accelerate the case to the high court. He concluded that legal services, too, are about the kids and feels we are getting good representation for them. He also felt the board should rely strongly on input from the administration on this topic.

Ms. Zmek responded that the last BoE did not listen to her 4 years ago; \$272,000 is not going to the kids; she didn't find the unsolicited proposal odd; she does believe legal counsel should have relationships with all board members – not phone conversations but should at least know who they are; and said it looks to her as though it will be inertia forever.

Mr. Devine said that his perception, based on business experience, is that there is a process followed for acquisition of services. This usually involves a request for qualifications (RFQ), a committee to filter applications, and bid notifications. It does not involve someone walking in and saying 'I want to work for you.' Also, the needs and requests of the administration are important. A compelling reason is needed. There has been no board discussion around any compelling reason or a

consensus of board members wanting to look at it. Pullman and Comley has no hold on us; however, there is no reason to think they couldn't stay with us for another 10 years. The situation has been confusing to him. He is comfortable with the current board counsel.

Ms. Zmek said she can think of 272,000 reasons to change counsel, and this has been the board's first discussion of it. Mr. Kolesnik had told her you know you have a good attorney if your fees are low.

Mr. Devine suggested this would be a good workshop topic – how to know we are getting good service – but doesn't feel good service is purely related to cost.

In response to the "other stuff" for which Ms. Zmek said we are charged for legal services, Mr. McAllister provided figures, excluding fees related to special education:

In 2010-2011 the district paid \$64,962 for general representation; in 2011-2012, we were charged \$43,350; in the fiscal year 2012-2013 the number was \$75,702 and this included teacher negotiations; in 2013-2014 fees totaled \$139,224 (\$107,513 for the 2 lawsuits and \$31,711 for general representation); and, in the 2014-2015 year, \$52,122 was spent on the 2 court cases and \$57,450 for general representation.

Dr. Cutaia-Leonard addressed the board, saying she is accountable for legal fees. She is here to help the district improve, not to sweep things under the rug. During her time here, she has made many calls to our attorneys, and yet our totals are still low. She will not turn a blind eye to naughty behavior. If board members feel the fees are too high, she would like them to discuss this with her.

**The motion** previously made, *to appoint the law firm of Pullman and Comley, LLC as Board legal counsel*, **carried 5-2-1**, with Mr. Bauer, Mr. Chapman, Mr. Cosgriff, Mr. Devine and Ms. Van Aken voting yes; Ms. Brown and Ms. Zmek voting no; and Ms. Morgan abstaining.

Mr. Bauer requested a *motion to appoint Debra Carlton to serve as Board Clerk*. Entered by Ms. Van Aken and seconded by Ms. Brown, **the motion carried 8-0**.

Mr. Bauer requested a *motion to appoint Andrea Needleman, MD, as Health Director and school physician for BES, MES and WMS; and Charles McNair, MD, school physician for NHS*. Entered by Ms. Van Aken and seconded by Mr. Cosgriff, **the motion carried 8-0**.

Mr. Bauer requested a *motion to appoint James Bauer, DMD, as School Dentist*. Entered by Ms. Van Aken and seconded by Mr. Cosgriff, **the motion carried 8-0**.

## **6. Review of Minutes**

Mr. Bauer requested a *motion to approve the regular meeting minutes of June 15, 2015*. Entered by Ms. Van Aken and seconded by Mr. Devine, **the motion carried 7-0-1** with Mr. Cosgriff abstaining.

## **7. Information and Proposals**

A. Committee reports – none.

B. Superintendent's Report

Dr. Cutaia-Leonard updated the Board on work that is being done this summer. She cited facilities work in the schools, curriculum work with Mr. Rafferty and the teachers, chrome book training, website revamping, smartboard installations, and extended school year at WMS, and interviews for MES principal this week, to name a few.

C. Board Chair's Comments

Mr. Bauer thanked his fellow board members for re-electing him, and asked that they send requests for committee assignments to him.

## **8. Privilege of the Floor**

Dave Butkus, Bethlehem, suggested the Board move privilege of the floor earlier in the meeting. There are a few instances with the Board's legal counsel that the Bethlehem Selectmen are not happy with, and he would have appreciated them allowing public comment before the decision was made. He had come to support Ms. Zmek, but having heard the points

made by Mr. Chapman, he had decided not to say anything on the subject. He also noted his son had an amazing Kindergarten year.

Bonnie Grzelak, Bethlehem, asked the Board to consider reinstating the practice of thanking teachers when they retire.

**9. Business Requiring Board Action**

None.

**10. Announcement of Future Meetings**

Mr. Bauer reviewed upcoming meetings:

Monday, August 17, 2015, BoE Regular Meeting, 7:30 pm, NHS LMC

Tuesday, September 8, 2015, BoE Regular Meeting, 7:30 pm, NHS LMC

Monday, September 21, 2015, BoE Regular Meeting, 7:30 pm, NHS LMC

He also noted the CABA Convention dates: November 20-21, 2015

**11. Adjournment**

Mr. Chapman entered a *motion to adjourn*, second by Ms. Van Aken. **Motion carried 8-0.** The meeting adjourned at 8:47 pm.

Respectfully Submitted,

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Carol Ann Brown, Secretary  
Regional School District #14 Board of Education

Recorded and filed subject to Board of Education approval by: Debra W. Carlton, Board Clerk, 7/20/2015