

WATERBURY BOARD OF EDUCATION

MINUTES ~ SPECIAL MEETING

Monday, February 25, 2008 at 8:00 p.m.

West Side Middle School, 483 Chase Parkway, Waterbury, Connecticut

PRESENT: Mayor Jarjura (8:19 p.m.), President Hayes, Commissioners D'Angelo, Flaherty-Merritt, Harvey, Laccone, Pinto, Stango, Sweeney, Theriault, and White.

ALSO PRESENT: Superintendent Snead, Assistant Superintendent Cullinan, Chief Operating Officer Paul Guidone, and Director of Personnel Ron Frost.

MEETING CALLED TO ORDER

President Hayes called the special meeting to order at 8:09 p.m. with a moment of silence and a prayer and Superintendent Snead led everyone in the Pledge of Allegiance to the Flag.

PUBLIC ADDRESSES THE BOARD:

Upon a motion by Commissioner D'Angelo and duly seconded by Commissioner Harvey, it was voted unanimously to suspend the regular order of business to allow the public to address the Board at 8:10 p.m.

HAYES: All in favor, opposed. Is there anyone here from the public to address the Board on the items on the Special Meeting agenda?

Upon a motion by Commissioner D'Angelo and duly seconded by Commissioner Harvey, it was voted unanimously to return to the regular order of business at 8:10 p.m.

REPORTS

1. COMMITTEE OF THE WHOLE

WHITE: The Committee of the Whole recommends the Mayor's veto of February 22, 2008 of the Board of Education's vote on February 19, 2008 regarding a position statement regarding the FirstLight Power Plant be overridden, **so moved.**

D'ANGELO: **Second.**

HAYES: Discussion.

D'ANGELO: Before I discuss, a yes vote is to override.

HAYES: Yes.

D'ANGELO: I just, I just find it ironic, I'll speak for myself I won't dare speak for anyone else, I just find it ironic that a Mayor that has chosen time and time again, had every opportunity not to get involved in any way, shape or form in our Board of Ed, hasn't been to a meeting that I can recall in years, certainly not since I've been on the Board. I think he was at our meeting last week but I think it was only because he was in the wrong room, he was supposed to be across the street. I would think a Mayor with bigger fish to fry; we have a City Hall building that's crumbling with nothing being done in years. He's going through a budget process right now. We have streets after snow storms that make us long for past administrations because they look like they looked the day of the storm.

HAYES: How does this...

D'ANGELO: The Mayor vetoed our legislation and the paper said we should have other things to worry about and my point was is I think it's ironic that he should have other things to worry about instead of worrying about this resolution. I'm going to be voting for that reason, to override.

HAYES: Any other comments?

SWEENEY: The Mayor's veto states "I hereby veto this matter in that it is outside the responsibility of the Board of Education". Our policy manual contains 50 some odd pages of policy related to health and safety. In addition to five pages related specifically to inside air quality. This most certainly is within the purview of this Board and within the charge of this Board and this is an issue we need to look at. We need to be very aware of the fact that should we do remediation at Duggan School that we are then responsible for follow-up soil and air quality tests and Duggan having been identified by FirstLight to the Siting Council per regulation for a school in the area of this plant we would then should they contaminate this in some way, shape or form either through the soil or through the air, we as a Board will be responsible for remediating that site again. So I caution that unless you are 100% sure that there is no chance that this plant will put any contamination in the air or in the soil on any of the schools within that area, that the way to go is to tell the Siting Council that we at this time do not support the siting at 725 Bank Street. And I think the Mayor got it wrong, I think it is our responsibility, I understand that he has his own opinion on this and he has a different outlook on it but this is mine; I voted it last week and I will vote it again today. Thank you.

WHITE: The power plant issue and its effects on the environment is an emotional issue to anyone who has dealt with asthma, emphysema, cancer, etc. My initial response was an emotional one due to the circumstances in my life. Upon further thinking at home in a neutral setting I reflected on the issue with more clarity. Our Board was the instrument that allowed this issue to be more publicized. We allowed our meeting to be

used as a public forum knowing that we lacked the authority to stop this plant from going forward. Other City boards may have this power but we do not. We acted responsibly and allowed both sides to speak. We listened, respectfully, to both sides of the issue. We allowed the public to give input. In my opinion we should put our trust in the safeguards that have been put in place by the State and Federal government. However, as responsible citizens we should make our views known to the proper authorities and hope for them to act appropriately. We may do this on an individual basis.

HAYES: Anyone else.

STANGO: Thank you Mr. President. I just want to add my little remark here at this point. Last week when we pretty much . . . this whole process I said that I answer to a higher calling, I answer to my oath of office as a Board of Education member. Had I not been a Board of Education member the plant sounds feasible but when I look at my duty towards the children, the students of the City of Waterbury, I have to say that why can't I at least make my doubts known to the Siting Council? So that's what I intend to do, I intend to vote to let my doubts be known to the Siting Council and then let them decide, after listening, where they want to go with it. Thank you.

(Note: Mayor Jarjura arrived at 8:19 p.m.)

THERIAULT: Recently one of my colleagues on the Board said to me you have such passion for this issue and wouldn't it be wonderful if we could all get some of that passion and go forward with some of the other issues with regard to the Board of Education. I have had this issue all along. I'll be, you want to let the Mayor speak?

MAYOR: I want to exercise my authority to participate in the discussion of the Board.

THERIAULT: That being said, I think we all have a passion for what we're doing. I think we all need to step forward to make a difference, that's why we ran for this office in the first place. But I do agree, we need to have passion, and we need to do the research, and we need to get involved. I too feel . . . the motto no guts, no glory. I hope that in this Board hypocrisy is not live and well. I hope hypocrisy is dead. I think, my own opinion, I think that FirstLight could be called "last breath". I think that FirstLight could be entering a slogan of rebuilding Waterbury one smoke stack at a time because there are proposals for four additional plants on the horizon. So once this gets by the obstacles there will be others. When we look at the location, I went by the site, when we look at the location of this plant in relation to our premium jewel school, Duggan, so close with those transmission lines. Remember when you were buying a house all the real estate people said, if you were buying a house near transmission lines and they would say it was okay. But if you weren't and you talked to all your neighbors they'd say "don't buy a house near those lines because of the possible magnetic fields that come off of those". So then we have the gas, natural gas in the ground at 247 psi that will be bolstered up to 1000's of psi at the plant. Keeping in mind that the psi for natural gas in your home is four to five pounds, not to mention the ammonia, not to mention the over 300,000 gallons, 55 oil trucks to fill the oil tank at that site. . . . sulfur fuel but it might be right, 213 feet, it's gonna put it right in my backyard, it's gonna put it right in everybody else's back yard. So I've done my share of saber rattling, with all due

respect to you Mr. Mayor, you've done your saber rattling too and for the Mayor to veto this seems to me to be killing a fly with a guided missile. But that being said if our vote as a whole means that much to the Mayor for him to step in and veto our authority I say to him, pick up the cudgel, pick up the challenge and attend more meetings and get more involved instead of saying we're a bunch of good guys and you can count on us. You can't count on all of us this time and if this were a vote of simple majority it might pass, but it may not pass because it needs a super majority. If this vote fails I will be empowered, I won't be saddened, I won't be deterred, I will be empowered. I will be empowered to try harder, I will go before the NAACP, I will go before anybody that will listen, and I will support this community of people of color. And I wonder what's happening down at the Board of Aldermen right now with the Hispanic community and the people of color, the poorest, the people that have lack of health care, the people that can suffer the most from this delirious, objectionable smoke stack. Well I suppose as they say in Roman government, you get the kind of government that you either vote or don't vote on. And with all due respect Mr. Mayor you have done an admirable job in a lot of areas, and I do respect all of your hard work. But on this particular issue I totally disagree. And although some people feel that the Board of Education should not be involved in this issue...

HAYES: Without cutting you off, the question before us is whether or not this is a responsibility of the Board of Education, not whether or not we're in favor of FirstLight.

THERIAULT: I'm getting right to that point as a matter of fact. So when we say whether or not the Board of Education should be involved in this issue I would say this, I would say the Mayor should not be involved in this issue with regard to the Board of Education because last week I gave you legislation and information from the State of Connecticut that had to do with air quality and I listed a number of reasons as to the dangers in this proposal and the last thing I have to say with all due respect to other Commissioners that spoke on this issue - safeguards, let's go back to EWR, Environmental Waste Removal. Let's go back to Phoenix Soil, all the guarantees we were going to have - no pollution, no problem, well take a look at the amount of pollution that's in the air, take a look at all the pollution that's coming down. And for the Republican-American to say its only one little bit more pollution, but did you ever see a camel with a load of straw on its back and you put one more load and he collapses and that's what I think about this pollution thing and that's what I think about this situation. Thank you Mr. Mayor for coming, I really appreciate it.

HAYES: Again the matter before this Board, the motion is to override the veto of the Mayor- "I hereby veto this matter which is outside the responsibility of the Board of Education". Just one comment that doesn't have to do with this but I feel compelled to respond to a couple of statements made by Commissioner D'Angelo and Commissioner Theriault.

THERIAULT: With all due respect, I'd like you to recuse yourself if you're gonna enter into debate. This is a meeting, not a Workshop.

HAYES: I'm not getting into debate, I'm responding to the fact that two Commissioners said that our Mayor has been behind and not working with us when in fact he has been in support of us every time we needed his support especially with the North End school.

THERIAULT: I think you're out of order. I'd like an interpretation from Mrs. Merritt over there. What do you think? Turn it over to Mary then.

HAYES: I can turn it over to Commissioner White but I have nothing more to say, what I was doing was not responding to the issue but since we have a couple of people that decide they want to go outside the issue and make statements that maybe could be quotable or whatever I thought that as a leader of this Board I should make it clear the relationship ...

THERIAULT: The point is you can't get involved in the debate

WHITE: There should be no back and forth.

HAYES: We do have the Mayor here if no one has anything further.

MAYOR: I don't think Mr. President they can object under the Charter of the City of Waterbury I have full authority to participate in a discussion . . . break a tie vote and I don't expect that to occur here tonight. Thank you Mr. President, thank you honorable members of the Board. I want to apologize for being late; I did have the Board of Aldermen meeting which was going on concurrently. I do have some pressing matters before the Board of Aldermen tonight. You know I did wrestle with whether or not I should come but I did want to show due respect because I think in my seven years as Mayor I've only exercised my veto authority with this Board only twice. And to tell you the truth I tried to remember today what the previous time I did but I couldn't remember...

: Holy Cross.

MAYOR: There you go. And I will readily admit I am not a regular attendee of the Board meetings and I often struggled with that issue because on many times on one hand I do want to participate and I do want to be involved in the policy decisions of the education and on the other hand I think there could be a legitimate criticism that I'm using my heavy hand and quite frankly I've always felt comfortable that we had 10 elected Board of Education members who when it came to the education of our nearly 18,000 students have done a great job and continue to do a good job and so I thought it was important, you were owed the attendance of myself tonight because it is not often that I take the extraordinary action and let me tell you why I did. As I looked at the resolution, the resolution said that this plant would represent a danger to the health, safety, and well being of the children and the citizens of the City of Waterbury. Now I know you had two 18 to 20 minute presentations with very little participation. I can tell you that I was, as every elected official, got notice, now maybe this Board didn't but it was well publicized in the newspaper, that the Siting Council had days and days of hearings, there were reams of scientific environmental data presented at these hearings. The hearings would equate to almost being a trial and there was a Board, Connecticut Siting Council and on one side you had a ream of lawyers and people representing proponent and on the other side you had lawyers and people representing the opposition of environmental justice groups and so on. This continued over many days for many, many hours so I just felt that we could not have a board, a duly elected

board of the City of Waterbury after about an hour's worth of testimony make such a an enfactic statement. Now whether it's a threat to public health or safety or not, I don't know that, never proclaimed that I did, but I do know this, I know that there's the Siting Council. I know that there is the DEP next, Division of Air Quality Standards and they have an incredible hearing process and so I do know that these people who have jurisdiction and have expertise are going to look at all these questions and all these issues. A matter of fact there were several Aldermen and people who have submitted testimony and I'm not saying, all of you should feel free to submit testimony but for a duly elected Board to make such a statement I felt was reckless and irresponsible because we did not take the . . . an hour in which to get the expert testimony to put on the record nor do I think we really should because it would almost be quadruple; what if the Board of Aldermen votes the same way tonight, they want to have all of this testimony and hearings which is their right, which is your right. How many times are we gonna have the proponent of the proposal presenting the same evidence? Isn't it better to have the tribunals who have the jurisdiction to do that? One thing I will say is that the State of Connecticut because many of us for many years and many policy makers have buried their heads in the sand, we are facing an energy crisis. We may not want to believe it today but there is a serious energy crisis knocking on our door and part of that we've allowed it to happen over the last 20 years. If we have our main generating facilities, outside of the nuclear plants, are known as the sooty six, if you can believe it today they are still burning number six diesel fuel which is the most pollutant of all fossil fuels and all of this air is going into the State of Connecticut. That's why the State of Connecticut is under watch by the Federal government, by the EPA, by a lot of people about the air quality. This facility as I understand it, now of course they did put in a permit to operate 365 days a year, I think the testimony by Dr. Mitchell was based on whether or not they operate 365 days a year using a backup which is the high sulfur diesel fuel which is much better quite frankly then number six diesel fuel. But my understanding is the economics is that this is going to operate during peak time to relieve the stress that is on the grid system. And if you think we have problems today imagine if the grid faults during the time when we have our most demand. Whether or not this facility is the right facility or the wrong facility for the City of Waterbury, that's a question I think we can all debate, the health, and environmental aspects I leave to the experts to decide. I don't have the qualifications to make that decision. I will say this; it is a 120 million dollar investment in the grand list of the City of Waterbury. When we built the Brass Center Mall, after the State and Federal government paid for the cleanup, there was about 40 million dollars of environmental contamination, . . . General Growth Properties invested 180 million dollars. It is the single largest taxpayer in the City of Waterbury, the mall. This 120 million dollar facility won't be far off. Now a lot of people say well they're going to get an abatement, would I have preferred no abatements, of course, but many, many years ago a Board of Aldermen and City administration decided that we were going to have an enterprise zone in an area of the City that had been decimated, economically and every which way and that was designed to attract in industry and investment. That enterprise zone has not been changed, now there has been a movement by the Board of Aldermen to actually expand the enterprise zone and I have asked them, I have . . . an opposition to an expansion of the enterprise zone. And I told them if you expand the enterprise zone, there's been a proposal to expand the enterprise zone to the whole City. I said why do we need that when we have say a Lowe's and Kohl's and a Target, or Target, whatever they call it, all voluntarily moving in and they don't want a tax abatement. Home Depot didn't want a

tax abatement. So I said be careful about expanding because once it's in place the City has no discretion but to give those abatements over a number of years. But even with the abatements . . . represent over a number of years a significant generator of revenue to the City. So that why I took that extraordinary action. No disrespect, there's all sides of this matter. As a matter of fact we heard from a lot of people who on one hand some people are claiming about the environmental health issues. On the other . . . some speakers are speaking that it's the location or the land size is not appropriate. All of these issues are being decided by tribunals with the expertise and jurisdiction. One thing I will say and I'm sorry I didn't have the benefit of the discussion earlier, and this is no disrespect, but one thing I'm particularly saddened by and offended by is this sort of, I hear there's a little bit of a race hustle going on. And I heard it tonight at the Board of Aldermen, I heard it a little bit today, you know that somehow we are imposing upon a disenfranchised group. You know Hispanic citizens live in the entire City of Waterbury. They're in the East End, they're in the North End, they're in the West End, they're in the South End. There are people of means in every segment of the City. So I hope it doesn't denigrate into a discussion of race hustling, I think this may have emanated from this Dr. Mitchell's report because quite frankly couple of years ago the City of Waterbury invested a lot of money in a comprehensive plan on . . . this area had been and continues to be zoned high industrial. So I don't know . . . Zoning Board is already going for high industrial. The schools, schools have been in place long ago where there were many smoke stacks in the City of Waterbury. So there's always going to be a school near something. Until I see evidence and until I see a ruling by the DEP that says this in some way is gonna compromise the public health, safety, and well being, I'm not willing to make that decision today, that's why I left it to those experts and that's why I took that extraordinary action. All of you may feel you have the expertise to make that decision; I don't know if we have a record in place in which to base our decisions, I don't think we do. I don't think, given all the we need to be working on, and I'll be the first to admit, I work through Central Office, I work through Dr. Snead, I work through Mr. Guidone. If they have an issue that they want the Mayor's involvement, fine. If the Board of Education wants to hear, fine, but my main function is to run the business and financial affairs of this City. So if you need me to attend the Board meeting I will do that, I don't know what more I can add to your 10 members who have expertise in the education of our young people from pre-k through high school. When you asked me we needed to go up to the legislature to build three new schools, I was right there with you, we were fighting together arm in arm. These are the things I believe the Mayor should be working on but when it comes to curriculum, when it comes to these things, I don't necessarily have any more expertise; I think that the Board of Education should have the expertise working with their Central Office staff. The criticism I accept but I believe when it comes to this issue we have gone far off field. Now I hear about this statute about we have to be concerned about the environmental quality. I believe those statutes relate to the air quality within your buildings. If we're gonna have the Board of Education rule on the air quality of the City of Waterbury or the State of Connecticut then we're really going to need some expertise. I believe those statutes speak about the environmental quality in having a safe, healthy environment for all of our children in the buildings. Because when they're in the buildings they're our responsibility, when they get off that bus they belong to their caregivers, their guardians, and their parents. Thank you Mr. President.

HAYES: Why don't we do a roll call vote. A yes vote is to override. A no vote is to sustain the override.

ROLL CALL VOTE:

Yeas: Commissioners D'Angelo, Flaherty-Merritt, Harvey, Stango, Sweeney, and Theriault - 6
Nays: Commissioner Laccone, White, and President Hayes – 3
Abstentions: Commissioner Pinto – 1

HAYES: Six in favor, three against, one abstention.

LACCONE: An abstention is a no vote.

HAYES: We needed seven votes to pass this we've got six so the motion fails.

Upon a motion by Commissioner White and duly seconded by Commissioner Flaherty-Merritt, it was voted unanimously to remove item 1.1 from the agenda, a position statement regarding FirstLight power plant.

HAYES: Any discussion? All in favor, opposed.

ADJOURNMENT

Upon a motion by Commissioner Laccone and duly seconded by Commissioner D'Angelo, it was voted unanimously to adjourn at 8:42 p.m.

ATTEST: _____
Carrie A. Swain, Clerk
Board of Education

Resolutions signed by Mayor Michael J. Jarjura on February 28, 2008