

**Regular Meeting Minutes  
Fairfield BoE, June 21, 2016**

**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 7:37PM. Present were members Donna Karnal, Jessica Gerber, Philip Dwyer, Anthony Calabrese, Trisha Pytko, Jennifer Maxon-Kennelly and John Llewellyn. Eileen Liu-McCormack and Marc Patten were not present. Others present were Superintendent Dr. David Title, members of the central office leadership team, and approximately 10 members of the public.

Mr. Dwyer took a moment of personal privilege to thank Mr. Rodrigues, the Central Office custodian, and wish him well in his new assignment. Mr. Calabrese and Mrs. Gerber echoed the sentiment. Mr. Rodrigues responded that it has been a pleasure working at Central Office.

*Old Business*

*Adoption of the following policies:*

Adoption of Policy 3170 – Business/Non-Instructional Operations/Budget/Education Budget Implementation ([Combined Policies 3120 and 3120.2 and re-codified](#))

Adoption of Policy 3542.33 – Business/Non-Instructional Operations/Food Sales Other Than National School Lunch Program ([Policy 3712 re-codified](#))

Adoption of Policy 4111.1 –Personnel/Certified/Permanent Personnel/Non-Discrimination, Affirmative Action: Equal Opportunity ([Policy 4111 re-codified](#))

Adoption of Policy 4112.5, 4212.5 – Personnel/Certified, Non-Certified/Appointment and Conditions of Employment/Security Check, Fingerprinting ([Policy 4124 re-codified](#))

Mrs. Maxon-Kennelly moved/Mrs. Gerber seconded the recommended motion “that the Board of Education adopt policies 3170, 3542.33, 4111.1, 4112.5 and 4212.5.”

Mrs. Maxon-Kennelly said this is all clean-up, and the policy committee did not delve into the language.

**Motion Passed: 7-0**

*New Business*

*Approval of the Fairfield Ludlowe High School Education Specifications Revision*

Mrs. Gerber moved, Mr. Calabrese seconded that the Board of Education approve the changes to the educational specifications for Fairfield Ludlowe High School High School Project 051-0127 EA/EC/RR.

Mr. Donald referenced the amendment on page 4 regarding encapsulation, highlighted in yellow, which will result in significant cost savings.

Mr. Dwyer confirmed that the referenced amendment is the only change being made to the Ed-Specs.

Mrs. Gerber mentioned that the language is the same for the Holland Hill Ed-Specs. The EPA is comfortable with some encapsulation.

Mr. Dwyer said the Board’s role is to approve the Ed-Specs, the Town bodies manage it thereafter.

Mr. Llewellyn asked:

- What is the cost difference of encapsulate vs. abate, and will some be abated? Mr. Donald said he was not sure of the cost, but the removal and disposing of bricks is more expensive. Mr. Morabito added that removal will happen in

areas where a person might come in contact with the material, encapsulation will take place on the upper floor on the outside. Ease of access and header issues were considered.

- What is the current estimate? Mr. Morabito said \$3.9 million which includes escalation and \$550K of contingency.
- Has the EPA signed off on this? Mr. Morabito said yes, back in December the abatement plan was approved.
- Why was this not acceptable a few years ago? Mr. Morabito said asbestos was at one time encapsulated, which was not to the benefit of the district. The EPA interpretation of regulations has somewhat eased. Other districts use encapsulation. Bids have been received and we are waiting for funding approval. Gilbane does the hiring of contractors experienced with PCB encapsulation.

*Public Comment:*

Christine Vitale, Verna Hill Road: Supports moving forward if EPA signs off.

**Motion Passed: 7-0**

Mrs. Gerber said the building committee will appear before the RTM next Monday.

*Financial Report and Approval of Budget Transfers for the 2015-2016 Fiscal Year*

Mrs. Maxon-Kennelly moved, Mrs. Gerber seconded that the Board of Education approve the line item transfers for the 2015-2016 fiscal year as detailed in the Financial Statement per Enclosure no. 2.

Mrs. Munsell reviewed the financial report and the proposed budget transfers for the 2015-2016 fiscal year; projected balances are still estimates and subject to change until the end of July when the year is officially closed. Dr. Title added that actual requests can be seen in column 3.

Mr. Dwyer said the pension and 401(a) has been highlighted for several quarters.

Mr. Llewellyn asked for detail behind the 401(a) as previously requested. Mrs. Munsell said she would provide that.

- On page 1 of 2 – why are 303, 307 and 329 over budget? Mrs. Munsell said Pupil Personnel expenses are the result of specific needs of students; we are mandated to provide these services and they are difficult to predict and include OT/PT; Other Services are the professional consultants and expenses; tuition is the outplacements.
- Are there no legal expenses in 303 or 307? Ms. Munsell said no.
- Please be more specific on why 303 is so far over? Ms. Leonardi said these accounts are historically underfunded and contain some items that are unknown in October and cover OT/PT, outplacements, foster care placements for students already in outplacements, and settlement agreements for a portion of tuition. There is a dramatic increase in the need for psychiatric evaluation of students at \$3000-\$5000 per student. Neurological evaluations can range from \$4000-\$10,000. The ESS program is directly attributable to the impact of the tuition line; Dr. Title added that this is one of the better years for the tuition line.
- Has there been any cost overrun for ESS? Ms. Leonardi said no, it came in at \$597K. There are consultations for other things such as autism, psychiatrists, medical centers, augmentative communication specialists for non-verbal students, and assistive technology specialists.
- The \$300K at the bottom of the budget transfer page is for unbooked charges that are expected to be incurred? Mrs. Munsell said yes - that's what it was at that time.
- Page 2 of 2, line 305 under Maintenance – why over budget? Ms. Munsell said that includes the redistricting study by Milone and MacBroom Consultants and the hot water issue at Warde.
- What was forgone in maintenance? Mr. Cullen said the FWHS library HVC unit, based on bids coming in and the size and reach of the crane required, the lowest bid was \$187K and \$127K was budgeted. He still has to do this project and plans to request a short-term bond.

Ms. Karnal asked about the legal fees. Ms. Munsell referred her to page 2, line 305. A breakdown of legal fees were recently provided in the 3<sup>rd</sup> quarter financial report.

- Can they be provided at the year-end? Dr. Title yes, and noted that legal fees are within budget this year.
- Can the PPE expenses be budgeted so that we are not so off-target? Dr. Title said these costs are volatile, but there was an effort to do this by increasing funding in all 3 of those accounts in next year's budget. Ms. Leonardi added that we must meet a student's federal entitlement.
- Has the ESS program helped to mitigate some of the costs? Ms. Leonardi said the positive impact is that students are remaining with us, there may be savings in areas like transportation. Students and parents are expressing positive feedback.
- Who negotiates the OT/PT contracts? Ms. Leonardi said that she does – Fairfield Public Schools has the best rates in Fairfield County, due to volume discount.

Ms. Pytko asked whether 303 includes speech. Ms. Leonardi said a small amount as related to homebound. We use our own speech pathologists for our students.

### **Motion Passed: 7-0**

#### *Approval of Walter Fitzgerald Campus Tuition Program*

Mr. Calabrese moved, Mrs. Gerber seconded that the Board of Education approve the Walter Fitzgerald Campus Tuition Program as detailed in Enclosure No. 3.

Mr. Calabrese moved, Ms. Pytko seconded to amend the motion to read: "that the Board of Education ***make an exception to Policy 3230 and*** approve the Walter Fitzgerald Campus Tuition Program as detailed in Enclosure No. 3" (new language in bold italics).

Mr. Llewellyn asked Mr. Calabrese why the policy wouldn't first be changed, rather than have an exception – it is not the best practice to do it this way; he asked if Mr. Calabrese had received any projections.

Mr. Calabrese said this is best way to move this forward and the policy can be changed at any time, and this helps with extra revenue.

Mr. Dwyer referenced an email and asked Mr. Calabrese if he had any feedback from CAFE - Mr. Calabrese said yes.

Mr. Llewellyn asked Mr. Calabrese to read the email and said he found it interesting that CAFE would recommend moving forward with a program through an exception and was disturbed this wasn't shared with the Board.

Mr. Calabrese, reading from the email, said CAFE attorney, Rebecca Adams, recommended the motion as he stated. The Board can make the motion and discuss; the policy committee can address this in the fall.

Dr. Title added that he spoke to Rebecca Adams and confirmed that this was her recommendation.

Mr. Llewellyn asked for clarification regarding the email; Dr. Title said the referenced email was from him and contained a summary of his conversation with Rebecca Adams.

Mr. Calabrese said he mis-spoke, the email he referenced was from Dr. Title – and it referenced all of CAFE's language.

Mr. Llewellyn took issue with the way this was presented and said the correct way to handle this is to correct the policy.

Ms. Karnal felt the Board should have been notified that the email was from Dr. Title and she requested an explanation of comments about the email. Mr. Dwyer said he may have added to the confusion by referencing an email. Mr. Calabrese has corrected himself.

Mrs. Maxon-Kennelly stated the confusion could also be due to several people having phone conversations and she had asked for Dr. Title's direction on this. She had been in favor of this, but wanted to follow a proper process.

Ms. Karnal asked for the tape to be read back for clarification.

Mr. Dwyer acknowledged her request, moved forward with the meeting, and said Mr. Calabrese had corrected his previous comment.

Mr. Llewellyn took issue with the email exchange reference and representation and will vote against the motion.

**Motion Passed: 4-3**

Favor: Mr. Dwyer, Mr. Calabrese, Ms. Pytko, Mrs. Maxon-Kennelly

Oppose: Ms. Karnal, Mrs. Gerber, Mr. Llewellyn

Mr. Llewellyn would like to understand the economics, there is not enough concrete information to make an informed decision, there are no checks and balances.

Dr. Title said the tuition for the base program would be \$57,892 as stated in the memo; right now the program can handle an additional five students. The only additional expense would be for the ESS program, if needed, at an estimate of \$10K per student. Net income for a full year per student requiring ESS services would be \$47K.

Mr. Llewellyn felt it unfair to Fairfield taxpayer dollars to not charge the incremental ESS \$10K fee for tuition students. Dr. Title clarified that ESS offers a range of services; even if the district needed to put out \$10K for a tuition student, the district would still receive close to \$50K. Not every tuition student will require ESS.

Mrs. Maxon-Kennelly said we have contracted with ESS to service a certain number of students, so if we have more Fairfield students that need the service, that would come out of our budget. Ms. Leonardi said not all WFC students require ESS services, and not all tuition students will require ESS or other services such as OT/PT. If tuition students do require other services, that would be charged a-la-carte. She added that the state has encouraged districts to work collaboratively and no additional licensing is required.

Ms. Pytko confirmed that legal and transportation costs will be borne by the sending district.

Ms. Karnal asked if this was a special education program. What will it be called? Which school would these students graduate from? Would more staff members be needed? Ms. Leonardi said the students would have a special need; the program is the Walter Fitzgerald Campus. The students are counted in the home high school, but once at WFC, they are not separated; the tuition students would most likely return to their district to graduate. The length of day is shorter due to less passing time, but it is 182 school days. This wouldn't impact the need for more staff; WFC teachers have the same contracts as other teachers in the district. While this is opening the door, there is no guarantee to get any tuition students. All special education teachers have a case manager function; one of the WFC teachers focuses on math/science and the other on the humanities. WFC could serve 40-50 students per year

Mrs. Gerber clarified with Ms. Leonardi that this is different from the therapeutic day program that was brought up a few years ago. Ms. Leonardi confirmed that.

Mr. Llewellyn asked about the number of students that receive OT/PT types of services, and questioned the ESS caseload. He requested that the Board be provided information on tracking program expenses. Ms. Leonardi said there are 1200 students with disabilities that receive special education services. The ESS contract currently supports 18 students at each high school and 9 at the WFC. Revenue would be best reported quarterly.

Mrs. Maxon Kennelly said sharing this data would be limited due to a student's IEP. Ms. Leonardi said total tuition could be shared, but not the specifics, and is not unlike discussion on the excess cost provision.

Mr. Llewellyn asked if hourly services could be reported on? Dr. Title said related services, leaving ESS out of it, would be paid by the sending district. ESS is the big attraction and is considered a base part of the package. Ms. Leonardi said the basics of ESS includes group and group family therapy, whereas OT/PT is an individual setting. Mr. Llewellyn concluded that the Board could expect \$50K - \$55K per student, and \$250K revenue for the year. Ms. Leonardi said that would be the maximum but we may not get the 5 students and/or we may get a student that doesn't complete the year. Dr. Title said there is no incremental FTE costs associated with these 5 students.

Ms. Karnal asked about insurance and legal fees for the tuition students. Dr. Title said insurance is not impacted. Ms. Leonardi said the sending district is the district of legal record; the typical legal dispute would involve the sending district; however, the WFC staff may have to testify in such cases.

**Public Comment:**

Christine Vitale, Verna Hill Road: Supports the motion and urged the Board to pass it.

Mr. Llewellyn said it is an interesting idea that he is inclined to support, but he hopes that the policy comes before the Board at the next meeting. If the Board wants to do this correctly, rules should be followed and the vote should be deferred to August – particularly since the program has rolling admissions. He questioned the timing of the CAFE call and Dr. Title said he spoke to CAFE after the agenda went out; the intent of the policy was to not have individual parents pay tuition to come here.

Mr. Dwyer voiced his support of the program and felt it was timely.

Ms. Karnal didn't like the process and asked why this was not brought up to the Policy Committee; she felt disrespected and that she should have been copied on the CAFE communication. She had additional questions about the timing of the CAFE phone call.

Mrs. Maxon-Kennelly said the earliest policy committee action would have been at last night's meeting which still wouldn't have allowed time for a First Read today. It is not an improper process; she was more comfortable with the process that unfolded, rather than acting hastily and pushing a policy through for a vote. No disrespect was intended; there was a full discussion at the last meeting and now at this meeting; this motion enables a full discussion and is considered proper process; lingering policy questions can be addressed in the new school year. She did not want to deviate from what is done normally.

Mr. Llewellyn moved, Ms. Karnal seconded to postpone the item to a date until the Board has reviewed and changed Policy 3230 to allow for tuition students.

**Motion Failed: 2-5**

Favor: Ms. Karnal, Mr. Llewellyn

Oppose: Mrs. Gerber, Mr. Dwyer, Mr. Calabrese, Ms. Pytko, Mrs. Maxon-Kennelly

The original motion, as amended: "that the Board of Education make an exception to Policy 3230 and approve the Walter Fitzgerald Campus Tuition Program as detailed in Enclosure No. 3"

**Motion Passed: 5-2**

Favor: Ms. Karnal, Mr. Dwyer, Mr. Calabrese, Ms. Pytko, Mrs. Maxon-Kennelly

Oppose: Mrs. Gerber, Mr. Llewellyn

<i>Approval of Minutes</i>
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*Approval of the Minutes of the June 7, 2016 Special Meeting*

Mrs. Gerber moved, Ms. Pytko seconded that the Board of Education approve the Minutes of the Special Meeting of June 7, 2016.

**Motion Passed: 7-0**

*Approval of the Minutes of the June 9, 2016 Special Meeting*

Mrs. Gerber moved, Mrs. Maxon-Kennelly seconded that the Board of Education approve the Minutes of the Special Meeting of June 9, 2016.

**Motion Passed: 7-0**

*Superintendent Report*

Mrs. Maxon-Kennelly asked Dr. Title if he enjoyed his last graduation. Dr. Title said he had the privilege of attending the FLHS graduation - it was fabulous, all the speakers were very thoughtful. Mr. Hatzis also gave an interesting account of all the natural disasters endured by the senior class.

*Community/Liaison Reports*

Mrs. Maxon-Kennelly reported that former BOE member John Convertito will serve as PTAC president next year.

*Open Board Comment*

Mr. Dwyer invited Board members to comment on Dr. Title's retirement. He added that the state did approve the appointment of the Interim Superintendent.

Mrs. Maxon-Kennelly said it had been a privilege to work alongside Dr. Title, and his are tough shoes to fill. She added that she would like the Board to hold a long-overdue Town Hall meeting in the fall.

Ms. Karnal wished Dr. Title good luck in his next endeavor.

Mrs. Gerber mentioned that Mrs. Maxon-Kennelly was a recipient of a PTAC award which she richly deserved; Leonora Campbell and Mary Hogue were also recipients. She added that she met Dr. Title first as a concerned parent and found him thoughtful and empathetic. He is accessible, helpful, and enthusiastic – and has done a tremendous amount for this district and will be missed – she wished him the best.

*Adjournment*

Mrs. Gerber moved, Mrs. Maxon-Kennelly seconded that this Regular Meeting of the Board of Education adjourn.

**Motion Passed: 7-0**

Meeting adjourned at 9:35PM

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